

PRIVACY & EQUALITY AT WORK
(Online Asynchronous)
(Spring 2025)

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SMLR

Course #37:575:316 (3 Credits)

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Virtual (or Actual) Office Hours: By appointment

**(Please note that this is an abbreviated version of the course syllabus.
More detailed information can be found on the Canvas course site.)**

Course Delivery Format: This course runs from January 21 through May 4, 2025. It is delivered entirely online through the Learning Management System, Canvas. There will be no in-person classroom sessions.

The course is delivered in **asynchronous mode**, meaning that the learning activities and communication takes place outside of real time. You do not have to log in at any specific time; you may do so at your convenience.

Note: Even though you do not need to log in at any specific time, **you are required to adhere to all course work due dates.**

Schedule: Each week of the course begins on Monday and ends on Sunday evening at 11:59 PM (aside from Week 1, which begins on a Tuesday due to observance of the MLK holiday). You often will have assignments due on Wednesday and/or Sunday evening. The schedule and assignments are subject to change, upon prior notice.

Course Description: This course explores the legal and ethical aspects of privacy and equality in the workplace. Topics include social media use, drug testing, workplace searches, off-duty monitoring, and other privacy legal issues. The course also addresses the rights of employees to be free from discrimination, harassment, and retaliation. Through case readings and discussions, students will gain a foundational understanding of the balance between employer policies and employee rights in maintaining a fair and equitable work environment.

Learning Objectives: At the end of the class, students will be able to:

School of Management & Labor Relations:

-Demonstrate an understanding of how to apply knowledge necessary for effective work performance. (Goal VI)

Labor Studies & Employment Relations Department:

-Apply employment relations legal concepts, and substantive institutional knowledge, to understanding contemporary developments related to work. (Goal 2)

Additional Course Objectives from the Instructor:

-Demonstrate basic knowledge of employment privacy concepts, discrimination laws, and related policies.

-Demonstrate ability to comprehend court decisions on employment privacy and discrimination law issues.

-Apply privacy and employment discrimination law concepts to a given fact pattern.

Course Materials: There is no textbook. Course learning materials are found on the Canvas course website, and include court opinions, law review articles, videos, and other materials. I reserve the right to supplement, substitute, and/or modify the listed learning selections.

Grading Components & Weight:

- (1) Personal Introduction (5%)
- (2) Academic Integrity/Syllabus Quiz (5%)
- (3) 3 Quizzes at 10% each (30%)
 - Quiz 1: Weeks 1-5
 - Quiz 2: Weeks 6-9
 - Quiz 3: Weeks 10-14
- (4) 4 Forum Discussions at 10% each (40%)
 - Forum 1 – Week 4: Obesity as Protected Disability
 - Forum 2 – Week 7: Hair/Tattoo Discrimination
 - Forum 3 – Week 10: Employee Monitoring
 - Forum 4 – Week 12: Social Media
- (5) 4 Annotations (Text and/or Video) at 5% each (20%)
 - Week 3: Passage of Title VII
 - Week 6: Pregnancy Discrimination
 - Week 8: Forced Arbitration
 - Week 11: Workplace Searches

Grading Scale:

90-100 = A

86-89 = B+

80-85 = B

70-79 = C+

60-69 = C

50-59 = D

0-49 = F

Academic Integrity: The Rutgers University Academic Integrity Policy governs the conduct of all students. See Canvas course website for more details. Students will take a quiz to ascertain their knowledge of the Policy as well as Syllabus content.

Use of “AI” Strictly Prohibited: The use of Artificial Intelligence (“AI”) such as ChatGPT, is not permitted in any stages of the writing process on any assignment. GPTZero and similar tools may be utilized to detect student use of AI. **Further, using AI for legal-related issues is often a recipe for disaster and can lead to *hallucinations!* (see Canvas site for link to research)**

No Individual “Extra Credit”:

I do **not** offer extra credit to individual students upon their request, since this is unfair to other students who do not receive the same opportunity. However, I sometimes will offer an extra credit opportunity to the class as a whole, since that is fair to all students.

Students With Disabilities: Rutgers University welcomes students with disabilities into all of the University’s educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation. See Canvas course website for more details.

COURSE TOPICS & SCHEDULE:

WEEK 1: Jan. 21-26

Topic:

Welcome Week

Learning Materials:

Watch: Instructor's weekly video message (Welcome to Class)

Read: Course syllabus and Canvas site

Assignment:

Post your Personal Introduction (5%)

WEEK 2: Jan. 27-Feb. 2

Topic:

Academic Integrity

Legal System Basics

Learning Materials:

Watch: Instructor's weekly video message

Read: Rutgers University Academic Integrity Policy

Read: "Reading/Briefing Legal Cases"

Read: "Court Role & Structure"

Read/watch: "Anatomy of an Employment Lawsuit" (video)

Read/watch: "Remedies" (video)

Assignment:

Take the Syllabus & Academic Integrity Quiz (5%)

WEEK 3: Feb. 3-9

Topic:

Sources of Employment Discrimination Law

Learning Materials:

Watch: Instructor's weekly video message

Watch: "Passage of Civil Rights Act of 1964" (PBS American Experience - video)

Watch: "The Surprising Reason Why Women Were Included in the 1964 Civil Rights Act" (PBS American Experience - video)

Read: "Federal Laws Prohibiting Job Discrimination" (EEOC)

Assignment:

Complete Annotation Activity #1 (5%): Passage of Title VII

WEEK 4: Feb. 10-16

Topics:

Disability Discrimination

Learning Materials:

Watch: Instructor's weekly video message

Watch: "The Americans with Disabilities Act" (LinkedIn Learning video)

Read: *Gibbs v. City of Pittsburgh*

Read: *Viscik v. Fowler Equipment Co.*

Assignment:

Participate in Forum Discussion #1 (10%): Obesity: Protected Disability?

WEEK 5: Feb. 17-23

Topics:

Race Discrimination

DEI Issues

Learning Materials:

Watch: Instructor's weekly video message

Read: "Facts About Race/Color Discrimination" (EEOC)

Read: *Chaney v. Plainfield Healthcare Center*

Read: *Herrera v. New York City Dept. of Education*

Assignment:

Take Quiz #1 (10%)

WEEK 6: Feb. 24-March 2

Topics:

Sex Discrimination

Pregnancy Discrimination

Learning Materials:

Watch: Instructor's weekly video message

Read: *Jespersen v. Harrah's Operating Co., Inc.*

Read: *International Unions v. Johnson Controls, Inc.*

Assignment:

Complete Annotation Activity #2 (5%): Pregnancy Discrimination

WEEK 7: March 3-9

Topics:

Hair Discrimination (CROWN Act)

Tattoos

Learning Materials:

Watch: Instructor's weekly video message

Read: "*The CROWN Act*"

Read: *EEOC v. Catastrophe Mgmt.*

Read: "*Rejecting the Tattooed Applicant*"

Assignment:

Participate in Forum Discussion #2 (10%): Hair/Tattoo Discrimination

WEEK 8: March 10-16

Topics:

Waiver of Rights

Forced Arbitration

Learning Materials:

Watch: Instructor's weekly video message

Watch: "Forced Arbitration" What You Need to Know (Center for American Progress)

Read: "New Law Limits Mandatory Arbitration in Cases Involving Sexual Assault or Sexual Harassment" (American Bar Association)

Read: *Rodriguez v. Raymours Furniture Co., Inc.*

Read: *14 Penn Plaza LLC v. Pyett*

Assignment:

Complete Annotation Activity #3 (5%): Forced Arbitration

March 17-23: OFF (Spring Break)

WEEK 9: March 24-30

Topics:

Sources of Privacy Rights
Invasion of Privacy Claims

Learning Materials:

Watch: Instructor's weekly video message
Read: *Hennessey v. Coastal Eagle Point Oil Company*
Read: *Phillips v. Smalley Maintenance Services*
Read: *Sanders v. ABC*

Assignment:

Take Quiz #2 (10%)

WEEK 10: March 31-April 6

Topic:

Employee Monitoring

Learning Materials:

Watch: Instructor's weekly video message
Read: "The Rise of the Worker Productivity Score"
Read: "Woman Fired After Disabling GPS on Work Phone"
Read: "To Increase Productivity, UPS Monitors Drivers' Every Move"
Read: *Deal v. Spears*
Read: *McLaren v. Microsoft*

Assignment:

Participate in Forum Discussion #3 (10%): Employee Monitoring

WEEK 11: April 7-13

Topics:

Workplace Searches
Unreasonable Disclosure of Private Facts

Learning Materials:

Watch: Instructor's weekly video message
Read: *O'Connor v. Ortega*
Read: *Leventhal v. Knapek*
Read: *Borquez v. Ozer*

Assignment:

Complete Reading Activity #3 (5%): Workplace Searches

WEEK 12: April 14-20

Topics:

Social Media

Learning Materials:

Watch: Instructor's weekly video message

Watch: "How Social Media Can Cost Someone Their Job" (CBS Texas)

Read: *McVey v. AtlantaCare Med. System*

Read: *Matter of Chirichello*

Assignment:

Participate in Discussion Forum #4 (10%): Social Media

WEEK 13: April 21-27

Topics:

Free Speech

Learning Materials:

Watch: Instructor's weekly video message

Listen: "Can Bosses Do That? As it Turns Out, Yes They Can" (NPR)

Read: *Rankin v. McPherson*

Topics:

Complete Annotation Activity #4 (5%): Free Speech at Workplace

WEEK 14: April 28-May 4

Topics:

Study for Quiz #3

Course Wrap-Up

Learning Materials:

Watch: Instructor's weekly video message

Assignment:

Take Quiz #3 (10%)

Participate in Wrap-Up Forum

(Dated: 01/22/2025)