



**SCHOOL OF MANAGEMENT AND LABOR RELATIONS  
DEPARTMENT OF LABOR STUDIES & EMPLOYMENT RELATIONS**

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**EMPLOYMENT DISCRIMINATION LAW**

**PROFESSOR VIKRANT KISHIN ADVANI**

**FALL 2017**

**COURSE NUMBER: 37:575:316:02**

**SECTION NUMBER: 02, INDEX #: 10021**

**DOUGLASS/COOK CAMPUS**

**Cook Food Science Bldg. - AUDITORIUM**

**MONDAYS - 7:15 PM TO 10:05 PM**

**EMAIL: VADVANI@SMLR.RUTGERS.EDU**

**Office Hours: Before & after Class or by Appointment**

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**COURSE OBJECTIVES**

- To familiarize students with the structure of the federal and state court systems, and judicial legal process and reasoning;
- To study, in depth, the various state and federal laws and constitutions that protect workers from discrimination based on protected categories including race, color, sex, religion, national origin, age, and disability;
- To introduce students to various forums and procedures for litigating employment discrimination claims.
- To introduce students to alternative dispute resolution mechanisms that were often utilized to resolve employment discrimination claims.

**SCHOOL AND DEPARTMENT LEARNING OBJECTIVES**

***Labor Studies and Employment Relations Department: The student will be able to:***

- Demonstrate an understanding of discrimination law as it intersects with the perspectives, theories and concepts in the field of labor and employment relations. (Goal 1).
- Apply those concepts, and substantive institutional knowledge, to understanding contemporary developments related to work. (Goal II).

*School of Management and Labor Relations: The student will be able to:*

- Demonstrate an understanding of relevant theories and apply them given the background context of a particular work situation. (Goal IV)
- Demonstrate an understanding of how to apply knowledge necessary for effective work performance. (Goal VI)

## **COURSE REQUIREMENTS**

- This is an introductory undergraduate course in business law. However, it emphasizes student participation and group discussion. Students will be held responsible for reading and understanding all assigned materials, as well as participating fully in all class discussions. Attendance is a must, and failure to attend class will result in a poor “Class Attendance & Participation” grade.

## **GRADE CRITERION**

Class Attendance and Participation (15%)  
In Class First Exam (40%)  
In Class Second Exam (45%)

## **ATTENDANCE CRITERION**

- **Attendance is a must**, and failure to attend class will result in a poor “Class Attendance & Participation” grade and potentially a failing or incomplete grade. **To be clear**, if you have more than 2 unexcused absences you will receive a full grade deduction (or a B); If you have more than 3 unexcused absences you will receive a full 2 grade deduction (or a C); **VERY IMPORTANT**: If you have more than 4 unexcused absences you will receive a full 3 grade deduction (or a D), **and I will most likely assess you an incomplete grade in my class regardless of performance on exams.**
- **Coming Late and Leaving Class Early**: I have noticed that students like to arrive late and leave class early just to sign and generally establish that they were in class – This is unacceptable. If you leave class early and you have not been cleared to do so, you will be subject to the above deduction rules. If you come to class late, you must approach the TA after class and advise when you entered class and I will decide whether you will credit for attendance on said date.
- **Attendance Policy is Not Negotiable**: While I am generally lenient with students facing family or work related concerns and emergencies, I am no longer going to negotiate the attendance policy with students on an individual basis. Every student

must be held accountable to the same standard. If my attendance policy is too onerous to your lifestyle, feel free to choose another class that better fits same.

## **ACADEMIC INTEGRITY POLICY**

The conduct of all students is governed by the Rutgers University Academic Integrity Policy:  
[http://academicintegrity.rutgers.edu/files/documents/AI\\_Policy\\_9\\_01\\_2011.pdf](http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf)

**Please be so advised.**

## **COURSE MATERIALS**

**Textbook:** *Understanding Employment Discrimination*, Thomas Haggard, 2<sup>nd</sup> Edition, ISBN # 978-1-4224-7358-0. This textbook can be purchased online by searching for the ISBN#. The first few text readings shall be posted on *Sakai* online to allow the class time to purchase the book.

In addition, course reading materials are found in the Sakai Resources section. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

## **CLASS SCHEDULE:**

**CLASS 1:** Course Overview – discussion of syllabus and resources.

### **NO READINGS**

**CLASS 2:**

A Discussion of Federal & State Court Systems & Employment Discrimination Overview

### **READINGS:**

Chapter 1: Overview of Employment Discrimination, Pg. 3-10.

*Handout: New Jersey Court System*

*Handout: U.S. Court System*

**CLASS 3:**

Constitutional Restrictions to Employment Discrimination

### **READINGS**

Chapter 2: Constitutional Prohibitions to Employment Discrimination, Pg. 11-28.

**Discussions of the following case/s by the instructor – no readings necessary**

*Saint Francis College v. Al-Khazraji*  
*Patterson v. McLean Credit Union*  
*Robinson v. City of Pittsburgh*

**CLASS 4:** Title VII of the Civil Rights Act of 1964, Theories

**READINGS**

Chapter 4: The Civil Rights Act – An Overview, Pg. 39-56.  
Chapter 5: Individual Disparate Treatment, Pg. 57-89

**Discussions of the following case/s by the instructor – no readings necessary**

*St. Mary v. Hicks*  
*Price Waterhouse v. Hopkins*  
*Desert Palace v. Costa*

**CLASS 5:** Title VII, Theories Continued

**READINGS:**

Chapter 6: Systemic Disparate Treatment, Pg. 91-94  
Chapter 7: Disparate Impact, Pg. 95-111

**CLASS 6:** Title VII, Race and Sex Discrimination & Harassment

**READINGS:**

Chapter 8: Special Problems w/ Race Discrimination, Pg. 113-116  
Chapter 9: Special Problems w/ Sex Discrimination, Pg. 117-137

**Discussions of the following case/s by the instructor – no readings necessary**

*Jespersen v. Harrab's Operating Co., Inc.*  
*Meritor Savings Bank v. Vinson*  
*Lehmann v. Toys R Us*

**CLASS 7:** **IN CLASS EXAM 1 – CLOSED BOOK/NOTES, COVERING CLASSES 1-6**

**CLASS 8:** Title VII, National Origin & Religious Discrimination

**READINGS:**

Chapter 10: Special Problems w/ Nat'l. Origin Disc., Pg. 139-142  
Chapter 11: Special Problems w/ Religious Discrim., Pg. 143-158

**Discussions of the following case/s by the instructor – no readings necessary**

*Chaney v. Plainfield Healthcare Center*  
*EEOC v. Sephora USA, LLC.*  
*Espinoza v. Farah Mfg. Co.*  
*TWA v. Hardison*

**CLASS 9:** The Rehabilitation Act of 1973 and the ADA

**READINGS:**

Chapter 30: Overview, Pg. 301-303  
Chapter 31: The Protected Disabled Class, Pg. 305-318  
Chapter 32: Prohibited Conduct under ADA, Pg. 319-328  
Chapter 33: Proof & Defenses under ADA, Pg. 329-332

**Discussions of the following case/s by the instructor – no readings necessary**

*Arline v. School Board*  
*Chevron v. Echaazabal*  
*Viscik v. Fowler Equipment Co.*

**CLASS 10:** The Age Discrimination in Employment Act

**READINGS:**

Chapter 19: Coverage & Jurisdiction, Pg. 227-229  
Chapter 20: Types of Violations & Their Proof, Pg. 231-242

**Discussions of the following case/s by the instructor – no readings necessary**

*O'Connor v. Consolidated Coin Caterers Corp.*

**CLASS 11:** Title VII Procedure, EEOC & Mandatory Arbitration of Claims

**READINGS:**

Chapter 15: Title VII Procedure – An Overview, Pg. 81-184  
Chapter 16: Filing & Processing Charges, Pg. 185-198  
Chapter 17: Litigation, Pg. 199-209  
Chapter 18: Remedies, Pg. 211-223.

**Discussions of the following case/s by the instructor – no readings necessary**

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

*14 Penn Plaza LLC v. Pyett*

**CLASS 12:** The Equal Pay Act & Executive Order 112461

**READINGS:**

Chapter 25: Introduction to Equal Pay Act, Pg. 271-274

Chapter 26: Elements of the claim, Pg. 275-280

Chapter 27: Defenses: Pg. 281-286

Chapter 28: Enforcement of the Equal Pay Act, Pg. 287-290.

Chapter 29: Executive Order 112461, Pg. 293-298

**Discussions of the following case/s by the instructor – no readings necessary**

*Ledbetter v. Goodyear*

**CLASS 13:** Sections 1981, 1983 and 1985  
NJLAD

**READINGS:**

Chapter 22: Section 1981, Pg. 249-253

Chapter 23: Section 1983, Pg. 255-264

Chapter 24: Section 1985, Pg. 265-268

*NJLAD Handout.*

**Discussions of the following case/s by the instructor – no readings necessary**

*Dotbard v. Rawlinson*

*El v. Southeastern PA Transit*

**CLASS 14:** **IN CLASS EXAM 2 – CLOSED BOOK/NOTES, COVERING CLASSES 8-13**