Employment Discrimination

Spring 2014 Course

Meets: T, W 10:30am - 12:00pm

Professor Elizabeth Bartholet
3 classroom credits

This course addresses developments in civil rights law in the important context of the workplace. We will look at the growing body of law designed to protect against discrimination based on race, gender, age, or disability. We will examine the ongoing debate in the Supreme Court, Congress, and the nation as to the appropriate meaning of the anti-discrimination norm, a debate that involves questions as to intent as compared to impact theories, individual as compared to group theories, affirmative action, and mandatory arbitration. At issue in this debate is the future of much of the law governing discrimination developed in the 1960s - 70s.

We will compare race discrimination to problems involving gender, age and disability, and also touch on national origin and religious discrimination. We will consider work/family conflict, sexual harassment, reasonable accommodation doctrine, and other issues of current controversy and significance. Throughout, we will assess and compare discrimination theories developed in different areas and eras.

Laptops cannot be used in class. Grades will be based on one-day take-home exam, with consideration given to class performance if class size is less than fifty.