

## EMPLOYMENT DISCRIMINATION LAW

**Ronald Turner**

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**Office Hours: By Appointment**

**I. *Course Description:*** This course focuses on employment discrimination law and policy with major emphasis on Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, 42 U.S.C. § 1981, and other statutes.

**II. *Required Text:*** Sullivan & Zimmer, *Cases and Materials on Employment Discrimination* (Wolters Kluwer, 9<sup>th</sup> edition 2017).

**III. *Method of Instruction:*** The primary method of instruction and review of assigned materials will be discussion by and between the professor and class participants, and students will be called on and asked questions concerning the readings. Each student must be prepared for each and every class and student participation is expected. Students are responsible for all of the assigned readings, including parts of assignments that are not specifically discussed in class. Students will be asked to demonstrate an understanding of the substantive law and procedural aspects of the statutes mentioned in Part I and to consider policy considerations related to the judicial interpretation of employment discrimination laws.

**IV. *Use of Computers and Electronics.*** The use of laptop computers during class sessions is permitted. Computers may be used for note-taking purposes only and this rule must be followed without exception. I reserve the right to disallow the use of laptops in the classroom at any time throughout the semester. The use of other electronics, including recording devices, is prohibited during class time. Please be sure that all noise-making devices, including cell phones, are in silent mode or powered off.

**V. *Attendance:*** The Law Center's attendance policy applies and any student violating that policy by failing to attend at least eighty (80) percent of class sessions will be dropped from the course. A class roll will be circulated each day and each student must initial the appropriate square next to his or her name for the particular date of attendance. Initialing the roll indicates that the student will be in attendance for the entire, and not part, of the class session. Each student is responsible for initialing the roll sheet at each class meeting. If the sheet is not initialed before the professor leaves the classroom at the end of a session, students who have not initialed the roll for that class will be considered and counted absent. Students will not be allowed to argue at a later time that they were actually present on days in which the class roll was not initialed.

As late entrances to class are disruptive, students should arrive at and be seated in the designated classroom before class begins. Habitual tardiness will result in the lowering of a student's final grade. And, with the exceptions of emergencies, students should not leave and re-

enter the classroom during a class session.

**VI. *Preferred Name And Pronoun.*** I will gladly honor your request to address you in a manner that corresponds to your identity. Please feel free to advise me of your preferred name and pronoun—including non-binary ones such as they/them/their—and reach out to me at any time if you have concerns about how I or your classmates address you.

**VII. *Grading:*** The final grade in this class will be based on an open-book examination to be given at a time and location scheduled by the Law Center. Students may use their casebooks, notes, and any outlines prepared for this course; no commercially prepared materials may be used during the examination. The examination will be discussed in greater detail later in the semester and is subject to the official University of Houston Law Center grade curve. A student's final grade may be adjusted upward in recognition of exceptional classroom contributions (with an emphasis on quality and not quantity) and may be adjusted downward for lack of preparedness.

**VIII. *Assignments:*** Specific assignments will be posted on my homepage. These assignments may be altered based upon the amount of material covered in class, and any such alteration will be announced.

**IX. *Accommodating Students With Disabilities:*** The Americans with Disabilities Act (ADA) requires that the University of Houston make reasonable accommodations to persons with disabilities as defined by and within the meaning of the statute. Students who have questions about or feel that they need assistance under the ADA should contact Student Services.

**X. *Counseling And Psychological Services:*** The University of Houston's Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad or hopeless. You can reach CAPS at [www.uh.edu/caps](http://www.uh.edu/caps) and by calling 713-743-5454 during and after business hours for routine appointments or if you know someone who is in crisis. No appointment is necessary for the "Let's Talk" program ([http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html)), a drop-in consultation service at convenient locations and hours around campus.

**XI. *Confidential Reporting Of Discrimination And Sexual Misconduct.*** The University of Houston is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

[http://www.uhsystem.edu/compliance-ethics/\\_docs/sam/01/1d7.pdf](http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf) (antidiscrimination)

[http://www.uhsystem.edu/compliance-ethics/\\_docs/sam/01/1d8.pdf](http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf) (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the

policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

**EMPLOYMENT DISCRIMINATION READING ASSIGNMENTS**  
**Spring 2020**

1. Pp. 1-10 (*Slack v. Havens*)
2. Pp. 10-35 (*Hazen Paper, McDonnell Douglas, Reeves*)
3. Pp. 36-56 (*McDonald, Patterson, Tyson Foods, Staub*)
4. Pp. 56-92 (*Minor, Price Waterhouse, Desert Palace, Gross*)
5. Pp. 93-118 (*Manhart, Teamsters, Hazelwood, Wal-Mart*)
6. Pp. 131-51 (*Feeney, Sears, Johnson Controls*)
7. Pp. 151-82 (*Johnson, Griggs, Wards Cove*)
8. Pp. 182-215 (*Watson, Teal, Dothard, El*)
9. Pp. 215-34 (*Jones, Albermarle, Baylie*)
10. Pp. 234-62 (*Dial Corporation, Ricci*)
11. Pp. 263-99 (*Lerohl, Oncale, Hively*)
12. Pp. 299-324 (*Jespersen, Young, EEOC v. Catastrophe Management* (posted on homepage))
13. Pp. 324-45 (*Meritor Savings Bank, Harris, Ellerth*)
14. Pp. 345-68 (*Vance, Management Hospitality*)
15. Pp. 368-96 (*Abercrombie & Fitch, Hosanna-Tabor*)
16. Pp. 396-416 (*Thompson, Clark County*)
17. Pp. 416-440 (*Laughlin, Burlington Northern, Nassar*)
18. Pp. 441-74 (*Sutton, Alexander, Rehms, The Picture People*)
19. Pp. 474-98 (*Barnett, Vande Zande, Gambini*)
20. Pp. 498-524 (*Echazabal, Albertson's*)
21. Pp. 524-42 (*Almond*)
22. Pp. 542-64 (*Dukes, Albemarle*)
23. Pp. 564-81 (*Teamsters, Ford Motor Co., McKennon*)
24. Pp. 582-609 (*Turic, Kolstad, Christianburg Garmet Co., Oubre*)
25. Pp. 609-32 (*14 Penn Plaza, Hergenreder*)