

REVISED SYLLABUS

Fall, 2003

**Book:** Sex-Based Discrimination, 5th ed., Kay and West (2002).

TOPIC	ASSIGNMENT	CLASS
I. History II. Equal Protection and Due Process A. Traditional Equal Protection Review	1-23;  <u>REA v. NY</u> , 336 U.S. 106, (read in library, on computer, in constitutional law book).	1
B. Modern Equal Protection Analysis Applied to Gender <u>Reed v. Reed</u>  C. Reaching "Midtier Scrutiny" <u>Frontiero v. Richardson</u> ; <u>Craig v. Boren</u> .	23-30.	2
C. Reaching "Midtier Scrutiny" <u>Frontiero v. Richardson</u> ; <u>Craig v. Boren</u> .	30-58.	3
C. Heightened Scrutiny <u>United States v. Virginia</u>	58-90.	4
D. Social Security <u>Califano v. Goldfarb</u> .	90-106.	5
E. Family Law <u>Orr v. Orr</u> ; <u>Kirchberg v. Feenstra</u> ;	227-244; 331-332 (nn. 1 & 2); 259-293.	6
F. Pregnancy <u>Cleveland Bd. of Ed. v. LeFleur</u> (due process); <u>Geduldig v. Aiello</u> (equal protection);	679 (n. 2); 535-539 (n. e); 1236; 1091-1107.	7

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<u>Bray v. Alexandria Women's Health Clinic</u> (§1985 (3)); <u>Michael M. v. Superior Court</u> (equal protection).		
G. Children and Unmarried Parents <u>Lehr v. Robertson</u> ; <u>Guard v. Jackson</u> .	402-424; 209-217; 437-439. 1109-1110 (nn. 1-4).	8
H. Citizenship <u>Tuan Anh Nguyen v. I.N.S</u>	106-126..	9
I. Military <u>United States v. St. Clair</u> (repeated); <u>Rostker v. Goldberg</u> .	21-23; 126-152.	10
Equal Protection Review.	Problem 1 (handout)	11
III. Equal Pay Act A. Prima Facie Case Section 206 <u>Shultz v. Wheaton Glass Co.</u> ; <u>EEOC v. Madison Comm. Unit School District No. 12</u> .	1236-1237; 873-890.	12
B. Defenses <u>Hodgson v. Robert Hall Clothes, Inc.</u> <u>EEOC v. Madison Comm. Unit School District No. 12</u> (again);	890-899.	13
IV. Title VII A. Scope and Defenses Scope generally §2000e (a-d)(f-j) §2000e-1, §2000e-2 (a-g); B. Remedies §2000e-5 (g, k) §1981A C. Facial Discrimination When an employer discriminates on the basis of sex by specifying one gender for an employee, are there any defenses? §2000e-2(e); <u>Dothard v. Rawlinson</u> .	1227-1244; 541-542;  handout; 1234-1235; 883-887;  1243-1244; 710-723.	14

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D. Non-Facial Disparate Treatment <u>McDonnell Douglas Corp. v. Green</u> ; <u>Texas Dept. of Comm. Affairs v. Burdine</u> ; <u>TBA</u>	560-579; TBA	15
E. Mixed Motives <u>Price Waterhouse v. Hopkins</u> ; §2000e-2(m)	608-641; 1233.	16
F. Upper Level Employment <u>Brown v. Trustees of Boston Univ.</u>	793-815; 826-840	17
G. Title VII Disparate Impact Analysis Compared with Constitutional Disparate Impact Analysis <u>Griggs v. Duke Power Co.</u> ; (more <u>Dothard v. Rawlinson</u> ); §2000e(m) and 2000e-2(k) <u>Personnel Adm'r. of Mass. v. Feeney</u> .	542-560; 1229; 1232-1233; 167-182.	18
H. What is discrimination based on sex? <u>Phillips v. Martin Marietta Corp.</u> ; <u>Willingham v. Macon Tel. Pub. Co.</u> ; <u>Newport News Shipbuilding &amp; Dry Dock Co. v. EEOC</u> .	657-691.	19
§2000e(k) <u>California Federal Savings &amp; Loan Assoc. v. Guerra</u>	1229; 681-709.	20
<u>International Union, UAW v. Johnson Controls, Inc.</u>	722-740.	21
I. Sexual Harassment <u>Meritor Savings Bank v. Vinson</u> ; <u>Harris v. Forklift Systems, Inc.</u>	741-770 (employer liability, 770- 793, omitted, read if interested)	22
J. Wage Discrimination §2000e-2(h) <u>County of Washington v. Gunther</u> ; <u>American Nurses Assn. v. Illinois</u>	1244; 899-913	23
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VI. Constitutional Analysis of Education compared with Title IX <u>Clark v. Arizona Inter-Scholastic Assn;</u> <u>Lantz by Lantz v. Ambach.</u> Education Amendments of 1972; Civil Rights Restoration Act of 1987; <u>Gebser v. Lago Vista Independent School</u> <u>District.</u>	975-985; 1237-1239 986-1002.	26
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