



LAW 635: Employment Discrimination Law

Units: 2

Term—Day—Time: Spring 2025 – Wednesdays – 7:30 p.m. to 9:10 p.m.

Location: Room 211, Musica Law Building (LAW)

Instructor: Jibit Cinar, Esq.

Office: Via Zoom or by Phone

Office Hours: By Appointment

Contact Info: Jcinar@law.usc.edu; (818) 395-0778 (direct)

Welcome to LAW 635: Employment Discrimination Law! USC is making a change in our online learning platform, and we are now using Brightspace.

How to Log In

To access Brightspace today, follow these steps:

1. Go to <https://Brightspace.usc.edu/d2l/login> to login. You can also find Brightspace on myUSC.
2. Enter your USC Net ID to access
3. Begin navigating through Brightspace

I also encourage you to download the mobile app, Brightspace Pulse, available in both the [Apple App Store](#) and [Google Play](#).

What to Expect

Brightspace provides an enhanced learning experience with detailed class progress reports. With Brightspace, you can easily see all assignment due dates in one place. Upon opening Brightspace, you will find the following:

- **The Employment Discrimination Course:** We will use this course to complete work for this course throughout the semester.

Support Resources

Do you want to learn more about Brightspace? Check out training and resources in the [Brightspace Student Tutorials](#). Find technical support information below:

- **Student Guides:** [Brightspace Student Guides](#)
- **Brightspace Technical Support Line:** 888-895-2812
- **Brightspace Email Support:** usc@d2l.com

Course Description

Employment Discrimination Law will examine employment discrimination under both federal (Title VII) and California laws (FEHA). Primary attention will be paid to issues of race, sex, age, and disability discrimination and potential causes of action that an employee may have, including harassment, retaliation, and wrongful termination. The course will provide students a comprehensive overview of the legal doctrines developed to address workplace discrimination, and will offer a comparison of federal and state doctrines. It will address issues of statutory interpretation, litigation strategy, and problems of proof by looking at real case studies. It will also situate this body of law within a set of sociological and theoretical frameworks aimed to enrich students' understandings of the law's foundations and purposes.

Learning Outcomes

1. Gain proficiency over the substantive laws of employment discrimination under both federal and California laws by reading and interpreting relevant statutes and case law;
2. Become familiar with the elements necessary to establish each type of employment discrimination claim under both federal and California laws;
3. Spot potential employment discrimination claims in real-life fact patterns;
4. Apply the elements and substantive law to real-life fact patterns to determine if "prima facie" employment discrimination claim exists;
5. Discuss theories and policies to build legal arguments supporting the employment discrimination claim;
6. Analyze the opposing side and notice weaknesses in facts;
6. Engage in critical assessment of one's own and other's arguments;
7. Determine the need for, and a plan to carry out, a factual investigation – either to support the claim, or dispute it.

Required Materials

There is no required textbook for this course. The instructor will upload copies of case law and statutes on Brightspace ahead of assignments. You can also find a link to the readings in the weekly course schedule below.

Description and Assessment of Assignments

Students will have 2 written assignments prior to the final exam. There will also be weekly reading assignments that students are expected to have read prior to attending

class. These cases and statutes will offer a deeper understanding of the legal doctrines we will be learning each week.

Students are encouraged and expected to actively participate in discussion during each class. Because participation and weekly dialogue is crucial to this class, poor class attendance can cause your grade to be lower than expected. Please contact me as soon as you reasonably can in advance of missing a class so that I am aware and can assess if it should be excused or not. A student whose attendance is not regular and punctual without communicating with me may be withdrawn from enrollment at the discretion of the Dean of Students and myself. Consistent tardiness will affect your participation grade.

Grading Breakdown

Take-home assignments (30%)	These assignments include looking at real-life fact patterns and identifying potential employment discrimination claims, the elements necessary to establish a “prima facie” case, any weaknesses, defenses, and strategy. They will greatly help in preparing for the final exam.
Participation and Attendance (10%)	Participation includes involvement in discussions, being on time and on task, not causing a hindrance to other students’ learning, and being respectful to everyone and their thoughts/opinions.
Final Exam (60%)	The final exam will cover content from the entire semester. A study guide will be provided.

Master of Studies in Law (MSL) Grading Policy

The grading system for the MSL program at USC Gould uses both numbers and letters, ranging from 1.9 or 4.1, with letter-grade equivalents ranging from F to A+. “CR” is assigned as the satisfactory passing grade in courses that are not graded numerically or when a student has elected to take a numerically grade courses on a CR/D/F basis.

Percentage/Course Total	Numerical Grade	Letter Grade
100	4.1	A+
99-95	4.0	A
94-90	3.7	A-
89-87	3.3	B+
86-83	3.0	B
82-77	2.8	B-
76-73	2.6	C+
72-62	2.4	C

61-53	2.2	C-
52-47	2.0	D
46 and below	1.9	F

Grading Timeline

I will do my best to return assignments to you with 2 weeks of when they were due, and I will designate time during class to go over written assignments and answer any questions students may have. Students are encouraged to make appointments to go over written assignments, before turning them and/or after turning them in.

Late Assignment Policy

Late work is highly discouraged. Assignments are considered late if they are not posted by either the stated time for any given assignment or by 11:55 p.m. Pacific Time (PT) on the day they are due. Late assignments receive a 10 percent deduction for each day they are late, with no credit given for work submitted after 72 hours (three days) from the original due date.

Students must submit discussion board postings or complete quizzes/exams during the time frame indicated in Brightspace, since both are considered time sensitive. Discussion board and exam submissions will not be accepted for credit after the deadline.

Technical issues are not considered acceptable excuses for late work. Be sure to back up your work and have a plan for completing your coursework even in the case of computer problems or lost Internet access. Students are expected to contact the Help Desk immediately for assistance if technical issues are present within Brightspace. If, for whatever reason, students are unable to submit their work by the stated deadline due to technical issues, they should email their professor a copy of the submission (preferably by or before 11:55 p.m. Pacific Time) and continue to work with the Help Desk to resolve any technical issues.

Instructors have discretion over accepting late work without prior arrangement in the case of extenuating circumstances (such as hospitalization, childbirth, major accident, injury or bereavement). Students who experience such a circumstance must notify the instructor as soon as possible of the extenuating circumstance that prevented them from submitting work on time and determine a deadline with the instructor for submitting the work. A doctor's note may be requested. In these instances, the instructor may waive the late penalty listed above. However, students who do not meet the deadline arranged with the instructor will receive a grade of zero on the assignment. Students experiencing life circumstances that disrupt their studies for more than two weeks should consult with their Student Advisor about their grading and enrollment options.

Coursework submitted after the last day of the semester will not be accepted.

This Late Assignment Policy may be revised at any time and for any reason during the course of the semester. If a student has questions about the policy, they should contact their professor immediately.

Course-specific Policies

- Cell phones should never ring during class; please put them on vibrate; check them only when class ends.
- Always help to maintain a respectful atmosphere by being considerate of your peers and instructor.
- Should you need to leave class for any given reason, please quietly do so, without letting the door slam. Be sure not to disrupt the class upon return.
- Regular and punctual attendance is an important part of the learning process and is necessary to satisfy class hours requirements. However, I understand that life happens. I ask that you please contact me as soon as you reasonably can in advance of missing a class so that I am aware and can assess if it should be excused or not. A student whose attendance is not regular and punctual may be withdrawn from enrollment at the discretion of the Dean of Students and myself. Consistent tardiness will affect your participation grade.
- This is an in-person class. However, in the case that any student tests positive for Covid-19 and cannot attend class in-person, a Zoom link will be provided to them so that they may log in during class.
- All classes are audio-recorded. However, a recorded class will only be provided to students, upon request, and only if there is a valid, excused reason for the student missing class.
- Please refer to Brightspace for weekly content, including readings and lecture presentations.

Academic Integrity

The University of Southern California is foremost a learning community committed to fostering successful scholars and researchers dedicated to the pursuit of knowledge and the transmission of ideas. Academic misconduct is in contrast to the university's mission to educate students through a broad array of first-rank academic, professional, and extracurricular programs and includes any act of dishonesty in the submission of academic work (either in draft or final form).

This course will follow the expectations for academic integrity as stated in the USC Student Handbook. All students are expected to submit assignments that are original work and prepared specifically for the course/section in this academic term. You may not submit work written by others or "recycle" work prepared for other courses without obtaining written permission from the instructor(s). Students suspected of engaging in academic misconduct will be reported to the Office of Academic Integrity.

Other violations of academic misconduct include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

Academic dishonesty has a far-reaching impact and is considered a serious offense against the university. Violations will result in a grade penalty, such as a failing grade on

the assignment or in the course, and disciplinary action from the university itself, such as suspension or even expulsion.

For more information about academic integrity see the Gould student handbook or the Office of Academic Integrity's website, and university policies on Research and Scholarship Misconduct.

Please ask your instructor if you are unsure what constitutes unauthorized assistance on an exam or assignment or what information requires citation and/or attribution.

Use of AI in this Course

Except where expressly permitted by the instructor, all work submitted for this course, including exams and papers, must be completed by you, personally. Use of artificial intelligence (AI) tools to generate text as part of preparing your work is strictly prohibited. Submission or presentation of material generated by AI, including summarizing, paraphrasing, or editing such material, will be considered a violation of Academic Integrity. For additional information, please refer to the Academic Integrity and Plagiarism portions of the Gould Student Handbook and the USC Student Handbook.

Course Evaluations

At the end of the course, you will have an opportunity to complete a course evaluation. I would greatly appreciate each student completing an evaluation because I value your feedback and will use the feedback to improve the course. Time will be given during the last class session for you to complete the course evaluation.

Course Schedule: A Weekly Breakdown

	Topics/Daily Activities	Readings and Homework	Assignment Dates
Week 1- 1/15/25	An introduction into the world of employment discrimination – sources of law prohibiting discrimination and an overview of the categories of employment discrimination	Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 USCA §2000e-2(a)(1) California Constitution (Cal. Const. Art. I, §8) FEHA (Government Code §12940)	
Week 2- 1/22/25	“Direct” evidence vs. “indirect” evidence The <i>McDonnell Douglas</i> burden-shifting test EEOC vs. DFEH Coverage analysis	<i>McDonnell Douglas Corp. v. Green</i> (1973) 411 US 792	

<p>Week 3- 1/29/25</p>	<p>Age Discrimination in Employment Act (“ADEA”); proving unlawful age discrimination; disparate treatment vs. disparate impact</p> <p>Comparing the ADEA with age discrimination under FEHA</p> <p>“Mixed motive” liability.</p>	<p>29 USC §§621-634</p> <p>FEHA (Government Code §§12940, 12941, and 12942)</p>	
<p>Week 4- 2/5/25</p>	<p>Disability Discrimination under both the American Disabilities Act (“ADA”) and FEHA</p> <p>Looking into reasonable accommodations, an employer’s affirmative duty, and the interactive process</p>	<p>42 U.S.C.A. §§12101, 12111, 12112</p> <p>Government Code §12940</p>	
<p>Week 5- 2/12/25</p>	<p>Discrimination based on Race, Color, and National origin or ancestry</p>	<p>42 U.S.C §1981</p> <p><i>Walker v. Secretary of Treasure, I.R.S</i> (1989) 713 F.Supp.403 (N.D. Ga. 1989)</p> <p><i>Saint Francis Coll. v. Al-Khazraji</i> (1987) 481 U.S. 604</p> <p><i>Chaney v. Plainfield healthcare Ctr.</i> (7th Cir. 2010) 612 F 3d 908</p> <p><i>Manatt v. Bank of America</i> (9th Cir. 2003) 339 F3d 792</p>	<p>Take home assignment - Due Week 7, by start of class</p>

<p>Week 6- 2/19/25</p>	<p>Discrimination based on religion, failure to accommodate religious preference</p>	<p>42 U.S.C. §2000e-2(a)(1), 2000 e (j)</p> <p>Government Code §12940 (a)-(d)</p> <p><i>Friedman v. Southern Calif. Permanente Med. Group</i> (2002) 102 CA4th 39</p> <p><i>Fallon v. Mercy Catholic Med. Ctr. Of Southeastern Penn</i> (3rd Cir. 2017) 877 F3d 487</p>	
<p>Week 7- 2/26/25</p>	<p>Discrimination based on sex and gender; application; gender subgroups; sexual orientation</p> <p>Exploring how pregnancy discrimination can be both gender and disability discrimination</p>	<p><i>Price Waterhouse v. Hopkins</i> (1989) 490 US 228</p> <p><i>Bauer v. Lynch</i> (4th Cir. 2016) 812 F3d 340</p> <p><i>Jespersen v. Harrah's Operating Co.</i> (9th Cir. 2006) 444 F3d 1104</p> <p><i>Frank v. United Airlines, Inc.</i> (9th Cir. 2000) 216 F3d 845</p>	
<p>Week 8- 3/5/25</p>	<p>The world of harassment and how it constitutes employment discrimination</p> <p>A particular look into sexual harassment: quid pro quo vs. hostile work environment (severe and pervasive conduct changing working conditions)</p>	<p><i>Holly D. v. California Institute of Technology and Stephen Wiggins</i> (2003) 339 F.3d 1158</p> <p><i>Andrea Anderson v. Family Dollar Stores of Arkansas, Inc.</i> (2009) 579 F.3d 858</p>	

<p>Week 9-3/12/25</p>	<p>Review of Assignment No. 1</p> <p>Harassment continued: harassment based on religion, disability, or age</p>	<p><i>Woodland v. Joseph T. Ryerson Son, Inc.</i> 302 F.3d 839 (8th Cir. 2002)</p> <p><i>Ross v. Douglas Cty., Neb.</i> 234 F.3d (8th Cir. 2000)</p> <p><i>Rehmani v. Superior Court (Ericsson, Inc.)</i> (2012) 204 Cal.App.4th 945, 959</p> <p><i>Equal Emp. v. Sunbelt</i> 521 F. 3d 306 (4th Cir. 2008)</p> <p><i>Caldera v. Department of Corrections and Rehabilitation (2018)</i> 25 Cal.App.5th 31</p>	
<p>Week 10-3/26/25</p>	<p>California laws prohibiting discrimination on various other grounds: engaging in protected activity, salary discrimination, injured workers, child-related activities</p>	<p>Labor Code §§98.6, 432.3, 1197.5, 132a, 230.8</p> <p><i>Tameny v. Atlantic Richfield Co.</i> (1980) 27 C3d. 167</p>	<p>Take home assignment - Due Week 12, by start of class</p>
<p>Week 11-4/2/25</p>	<p>Who is liable for employment discrimination?</p> <p>Supervisor liability, individual liability, vicarious liability to employer; the <i>Ellerth/Faragher</i> defense</p>	<p><i>Reno v. Baird</i> (1998) 18 Cal.4th 640</p> <p><i>Sheffield v. Los Angeles County Department of Social Services</i> (2003) 109 CA4th 153</p> <p><i>EEOC v. Sage Realty Corp.</i> (SD NY 1981) 507 F Supp. 599</p>	

<p>Week 12- 4/9/25</p>	<p>Employment tort actions resulting from employment discrimination: wrongful termination, constructive discharge, and retaliation</p>	<p><i>Lawler v. Montblanc North America, LLC</i> (9th Cir. 2013) 704 F3d 1235</p> <p><i>Gould v. Maryland Sound Indus., Inc.</i> (1995) 31 CA4th 1137</p> <p><i>Ortiz v. Los Angeles Police Relief Ass'n</i> (2002) 98 CA4th 1288</p>	
<p>Week 13- 4/16/25</p>	<p>Remedies available for injured employees as a result of discrimination</p>		
<p>Week 14- 4/23/25</p>	<p>Review Assignment No. 2</p>		

Statement on University Academic and Support Systems

Students and Disability Accommodations:

USC welcomes students with disabilities into all of the University's educational programs. [The Office of Student Accessibility Services](#) (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at osas.usc.edu. You may contact OSAS at (213) 740-0776 or via email at osasfrontdesk@usc.edu.

Student Financial Aid and Satisfactory Academic Progress:

To be eligible for certain kinds of financial aid, students are required to maintain Satisfactory Academic Progress (SAP) toward their degree objectives. Visit the [Financial Aid Office webpage](#) for [undergraduate](#)- and [graduate-level](#) SAP eligibility requirements and the appeals process.

Support Systems:

[Counseling and Mental Health](#) - (213) 740-9355 – 24/7 on call

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

[988 Suicide and Crisis Lifeline](#) - 988 for both calls and text messages – 24/7 on call

The 988 Suicide and Crisis Lifeline (formerly known as the National Suicide Prevention Lifeline) provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline consists of a national network of over 200 local crisis centers, combining custom local care and resources with national standards and best practices. The new, shorter phone number makes it easier for people to remember and access mental health crisis services (though the previous 1 (800) 273-8255 number will continue to function indefinitely) and represents a continued commitment to those in crisis.

[Relationship and Sexual Violence Prevention Services \(RSVP\)](#) - (213) 740-9355(WELL) – 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender- and power-based harm (including sexual assault, intimate partner violence, and stalking).

[Office for Equity, Equal Opportunity, and Title IX \(EEO-TIX\)](#) - (213) 740-5086

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

[Reporting Incidents of Bias or Harassment](#) - (213) 740-2500

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office for Equity, Equal Opportunity, and Title for appropriate investigation, supportive measures, and response.

[The Office of Student Accessibility Services \(OSAS\)](#) - (213) 740-0776

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

[USC Campus Support and Intervention](#) - (213) 740-0411

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

[Diversity, Equity and Inclusion](#) - (213) 740-2101

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

[USC Emergency](#) - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

[USC Department of Public Safety](#) - UPC: (213) 740-6000, HSC: (323) 442-1200 – 24/7 on call

Non-emergency assistance or information.

[Office of the Ombuds](#) - (213) 821-9556 (UPC) / (323-442-0382 (HSC)

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

[Occupational Therapy Faculty Practice](#) - (323) 442-2850 or otfp@med.usc.edu

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.