I. INTRODUCTION

1. Wed., Jan. 21 – What is Discrimination?
   • Zimmer et al., pp. 1-16:
     o Slack v. Havens
     o The Extent of Workplace Discrimination
     o Cognitive Bias
     o Hazen Paper Co. v. Biggins

II. INDIVIDUAL DISPARATE TREATMENT

2. Mon., Jan. 26 – Proving Discrimination
   • Zimmer et al., pp. 16-37:
     o McDonnell Douglas Corp. v. Green
     o Reeves v. Sanderson Plumbing Products, Inc.
     o McDonald v. Santa Fe Trail Transportation Co.

   • Zimmer et al., pp. 39-59 (through note 2):
     o Everyone Is Protected by Title VII
     o McDonald v. Santa Fe Trail Transportation Co.
     o “Reverse” Discrimination
     o Preferences for Older Workers
     o The Scope of Surrebuttal to Prove Pretext
     o Patterson v. McLean Credit Union
     o Ash v. Tyson Foods, Inc.
     o For Whose Actions Is the Employer Liable?
     o Staub v. Proctor Hospital

   • Zimmer et al., pp. 68-89 (through note 16):
     o Price Waterhouse v. Hopkins
     o Desert Palace, Inc. v. Costa
   - **TBD.** Readings assigned by the guest speaker will be posted on the course website at least one week in advance of the class.

### III. SYSTEMIC DISPARATE TREATMENT

   - **Zimmer et al., pp. 91-103; 107-13 (through note 6):**
     - Wrap-up: Linking Bias to the Adverse Employment Action
     - *Gross v. FBL Financial Services, Inc.*
     - Introduction to Systemic Disparate Treatment Discrimination
     - Formal Policies of Discrimination
     - *Los Angeles Department of Water & Power v. Manhart*
   - **Problem 1.1, p. 103** (come prepared to discuss in class)

7. Wed., Feb. 11 – Pattern and Practice Theories [Panel D]
   - **Zimmer et al., pp. 114-32:**
     - Patterns and Practices of Discrimination
     - *Teamsters v. United States*
     - *Hazelwood School District v. United States*
     - *Wal-Mart Stores, Inc. v. Dukes*

8. Mon., Feb. 16 – Defenses to Disparate Treatment Cases [Panel A]
   - **Zimmer et al., pp. 146-66:**
     - Rebutting the Inference of Discriminatory Intent
     - *Personnel Administrator v. Feeney*
     - *EEOC v. Sears, Roebuck & Co.*
     - Nature Versus Nature
     - Bona Fide Occupational Qualifications
   - **Problem 2.1, p. 157** (come prepared to discuss in class)

   - **Zimmer et al., pp. 169-84; 185-89:**
     - *Johnson v. Transportation Agency of Santa Clara County*
     - Affirmative Action and the Constitution
     - International and Comparative Antidiscrimination Law
IV. DISPARATE IMPACT THEORY

   - Zimmer et al., pp. 191-205; 217:
     - The Concept of Disparate Impact Discrimination
     - Wards Cove Packing Co. v. Atonio
     - The Structure of Disparate Impact Law After the 1991 Civil Rights Act
     - **Note: As you read Wards Cove, be aware that the Civil Rights Act of 1991 legislatively overruled much of this decision as it applies to Title VII actions.

   - Zimmer et al., pp. 217-238:
     - Plaintiff’s Proof of a Prima Facie Case
     - A Particular Employment Practice
     - Watson v. Fort Worth Bank & Trust
     - Connecticut v. Teal
     - The Employer Uses the Practice
     - Dothard v. Rawlinson
     - The Quantum of Impact
   - Problem 3.2, p. 236 (come prepared to discuss in class)

12. Mon., Mar. 2 – Defenses to Disparate Impact Theories [Panel A]
   - Zimmer et al., pp. 238-250:
     - Defendant’s Options
     - Rebuttal: The Employer’s Use Does Not Cause Impact
     - Business Necessity and Job Relatedness
     - El v. Southeastern Pennsylvania Transportation Authority
     - Alternative Employment Practices
     - Adams v. City of Chicago
   - Problem 3.3, p. 250 (come prepared to discuss in class)
   • Zimmer et al., pp. 257-63; 281-92:
     o Section 703(h) Exceptions
     o Professionally Developed Tests
     o Albemarle Paper Co. v. Moody
     o Disparate Impact Analysis Inapplicable to Systemic Disparate Treatment Cases
     o Intent to Discriminate: The Dividing Line Between the Two
     o Systemic Theories
     o Applying the Two Systemic Theories in One Case
     o EEOC v. Dial Corp.
     o The Relationship of the Systemic Theories
     o When Can the Theories Be Deployed?
     o Out of the Disparate Treatment Pan into the Disparate Impact Fire?

14. Mon., Mar. 9 – Combining Systemic Theories II [Panel D]
   • Zimmer et al., pp. 292-312:
     o Reconciling the Tension Between Disparate Treatment and Disparate Impact
     o Ricci v. DeStefano
   • Problem 4.2, p. 312 (refer to p. 275; come prepared to discuss in class)