Purpose of the Course: The purpose of this course is to explore sex-based discrimination legislation and cases in detail. During the course, we will explore the history behind sex discrimination legislation, both under the Constitution (principle of Equal Protection) and Title VII of the Civil Rights Act of 1964. We will also focus on the definition of sex discrimination in an employment context, considering both direct and indirect discrimination, as well as sexual harassment, pregnancy discrimination, and sexual orientation discrimination. We will also review the text of the discrimination legislation set out in Title VII, the Pregnancy Discrimination Act, and the Equal Pay Act of 1963 and consider ways to remedy past discrimination, including affirmative action programs which address gender inequalities in the workplace. We will also compare and contrast US sex discrimination laws with European sex discrimination laws, with a particular focus on the United Kingdom. We will also consider best practice when bringing a sex discrimination complaint in the court as well as the importance of proper workplace policies and training which address sex-based discrimination and harassment.

Course Materials: We will be using the following course materials:


Professionalism: You are expected to conduct yourself in a professional manner during class and in your dealings with me and your classmates. Your attendance, preparation and participation is required and may contribute to your final grade.

Attendance Policy. The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular
attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of your regularly scheduled classes. A student enrolled in a three-credit course may thus miss no more than 5 hours and 15 minutes of scheduled class time.

I will provide sign-in sheets for each regularly scheduled class, which shall be the dispositive evidence regarding your absence from a given class. Each student is responsible for signing in. Please sign in at the beginning of the class, not the end. Falsification of sign-in sheets is a violation of the Code of Academic Conduct.

If you exceed the permitted absences by failing to sign in, you will be administratively withdrawn from the course. No prior notice may be given, and you will receive notification from the Office of Academic Records indicating the withdrawal. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation.

If you believe you must be absent from class for more than the permitted number of classes, you should contact the Office of Student Affairs (not to me) as soon as possible. Accommodations will be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception made to the Office of Student Affairs must be accompanied with appropriate documentation.

**Lateness:** Students are expected to be on time to class. However, it is better to come to class late than not at all. You may walk in late if you have a good reason, as long as you don’t abuse this privilege.

**Participation:** I reserve the right, in my discretion, to raise or lower your grade by a +/- to reflect your attendance, preparation and participation.

**You are not permitted to tape record this class.**

**“TWEN” (The West Education Network):** I have set up a course page for this class on TWEN. TWEN gives me a quick way to reach all of you with any announcements, Syllabus changes, handout materials, discussion points for classes and interesting links, etc. I will also post the slides from class on TWEN under the “Course Materials” tab. It also gives me a way to extend class discussion beyond the classroom hours. You must register for this course on TWEN by the first day of our classes, August 21 2018. Please use an email that you check regularly. Go to www.lawschool.westlaw.com and select TWEN from the menu of items at the top of the page next to the current date. You will then be asked for your Westlaw password and for registration information (including your email address – this need not be the address issued by the Law School). To maximize the effectiveness of the TWEN system, please be sure to provide all requested information. You will then be given the opportunity to register for the TWEN
website dedicated to the Sex-based Discrimination course (by choosing “Drop/Add a Course”).

The website facilitates the exchange of ideas and provides interested students with an opportunity to participate in online discussions. Registration and participation are an essential part of this course. Students should check the website regularly.

**Learning Outcomes:**

The following are learning objectives for the course. By the end of the course, students should:

1. Have advanced their proficiency in extracting rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;
2. Have advanced their ability to construct arguments and identify flaws in an argument;
3. Have improved their ability to identify legal issues in facts and apply rules and policy to facts as well as weigh evidence to reach factual inferences;
4. Have a thorough knowledge of the law of sex-based discrimination, including Equal Protection under the Constitution, and discrimination laws relating to sex discrimination, harassment, pregnancy discrimination, equal pay and sexual orientation discrimination;
5. Have learnt how to compare the sex-based discrimination laws of the United States with similar and equivalent European discrimination laws;
6. Have acquired and deepened their knowledge and awareness of the current events and developments affecting sex-based discrimination laws in the US and Europe;
7. Have acquired practical legal skills in relation to the bringing of a sex-based discrimination claim in the court, including drafting techniques for pleadings and witness statements.

**Expected Student Workload:** The American Bar Association requires that you spend at least 6 hours per week, on average, outside of class studying for this 3-credit course. This is in addition to the 2 hours 30 minutes a week we spend in class. The ABA has a formula for determining the requirement. In other courses, the required number of out-of-class hours may be different.

**Final Grade for the Course:**
The final grade for the course will be determined as follows:

- **15% class participation:** You are expected to contribute meaningfully to
class on a regular basis. Sometimes, I will provide discussion questions in advance on TWEN and you are expected to have prepared short answers to these questions. Further, during the semester, I may assign individuals “Putting Theory into Practice” questions to prepare and present to the class.

- **85% final exam**: The final exam may consist of essays, short answers, multiple choice questions or some combination thereof. I will provide more information about the final later in the semester.

**Computer Policy**: In this course, you **may not use** a laptop, tablet, smart phone, cell phone, or any other electronic device during class. An exception to this policy exists for any student who has been designated by the Office of Student Affairs to take notes for another student receiving an accommodation. If you are a designated note taker, please sit in the last row of the classroom. I will post copies of the slides on TWEN.

**Communications**: The best way to communicate with me is by email at Charis.J.Damiano@hofstra.edu. I will get back to you within 24 hours. While I do not maintain regular office hours, if you need to speak with me in person, we can set up an appointment either before or after class.
**ASSIGNMENT SCHEDULE**

The following table sets out the assignment schedule for the first 6 classes. This is a guideline only and may change, depending how long we spend on specific cases or pieces of legislation during a class.

I will post assignments in advance on TWEN going forward.

<table>
<thead>
<tr>
<th>Class</th>
<th>Date</th>
<th>Topic</th>
<th>Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>08/21/18</td>
<td>Introduction to the course and Background to sex-based</td>
<td>Page 1-21 of Gender and the Law</td>
</tr>
<tr>
<td></td>
<td></td>
<td>discrimination laws.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>08/23/18</td>
<td>Formal equality and the Constitutional Right to Equal</td>
<td>Pages 22-36 of Gender and the Law</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Protection.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>08/28/18</td>
<td>Formal equality and the Constitutional Right to Equal</td>
<td>Pages 37-52 of Gender and the Law</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Protection.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>08/30/18</td>
<td>Formal Equality in Employment: Equal Pay</td>
<td>Page 53-top of page 63 of Gender and the Law</td>
</tr>
<tr>
<td>5</td>
<td>09/04/18</td>
<td>Formal Equality in Employment: Equal Pay</td>
<td>Page 63- top of page 74 of Gender and the Law</td>
</tr>
<tr>
<td>6</td>
<td>09/06/18</td>
<td>Formal Equality in Employment: What is discrimination “because of sex”?</td>
<td>Pages 74-89 of Gender and the Law</td>
</tr>
</tbody>
</table>
