

Employment Discrimination

1. Be prepared to define, explain, give examples of, and distinguish between the following terms:
 - a. Disparate treatment discrimination
 - b. Disparate impact discrimination
 - c. Tangible employment action
 - d. Quid pro quo harassment
 - e. Hostile work environment
 - f. Constructive discharge
 - g. Retaliatory actions
 - h. Bona fide occupational qualification defense
 - i. Business necessity defense
 - j. Prima facie case
2. Be prepared to explain and discuss the differences between disparate treatment discrimination and disparate impact discrimination.
 - a. Give examples of each.
 - b. Which is intentional?
 - c. What must a plaintiff prove in order to prove his case in each?
 - d. What is the effect of a plaintiff having proved his case in each?
3. Be prepared to explain and discuss the differences between the bona fide occupational qualification defense and the business necessity defense.
 - a. When can each defense be used?
 - b. Give examples of each.
 - c. What must an employer prove in order to prove each defense?
4. Read and be prepared to brief and orally discuss the case:
 - *Pennsylvania State Police v. Suders* [on-line]

Be prepared to discuss and answer the following questions:

- a. What is constructive discharge?
 - b. What are the *Ellerth* and *Faragher* decisions, and how do they apply to this case?
 - c. How do the *Ellerth* and *Faragher* decisions apply to employers and what must employers do to protect themselves, according to these cases?
 - d. How do the *Ellerth* and *Faragher* decisions apply to employees, and what must employees do to protect themselves, according to these cases?
5. Read "Reviewing Employment Discrimination" and be prepared to discuss the questions.