

"WAIT A MINUTE- THAT'S DISCRIMINATION!"

DIRECTIONS: In your groups examine each of the following situations. Note that each one involves an individual or individuals who are being discriminated against. However, you must determine which of the situations results in a violation of the 14th Amendment's Equal Protection Clause. Be thorough in your justifications.

| <i>Discrimination Situation</i> | |
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| 1. <i>Frank's Fast Foot Long Dogs</i> enacts a policy that does not allow women to work the closing shift due to the increasing incidence of late evening robberies. | |
| Discrimination Classification | |
| 2. <i>Astro Airlines</i> has overbooked a flight on which you and Michael Jordan are 1 st -class passengers. You are asked to give up your seat to him and ride in coach. | |
| Discrimination Classification | |
| 3. A local city ordinance requires the landlords of rental properties and apartments to obtain evidence of citizenship or eligible immigration status before leasing to prospective tenants. | |
| Discrimination Classification | |
| 4. A maximum security prison in the state does not allow for female prison guards in its employ because of the potential danger(s) involved. | |
| Discrimination Classification | |
| 5. The federal government requires that 10% of all government grants to small business be set aside for minority business owners. | |
| Discrimination Classification | |
| 6. A primary ingredient in the battery manufacturing process is lead, occupational exposure to which entails health risks, including the risk of harm to any fetus carried by a female employee. After eight of its employees became pregnant while maintaining blood lead levels exceeding that noted as critical for a worker planning to have a family, a company announces a policy barring all women, except those whose infertility was medically documented, from jobs involving actual or potential lead exposure exceeding government standards. | |
| Discrimination Classification | |

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| 7. A prospective employee with a heavy Chinese accent is denied employment as a customer service representative for a major department store. She is told that her accent would make it difficult for customers to understand and communicate with her. | Discrimination Classification |
| 8. A state creates “parallel programs” at the college level for men and women only whereby “citizen soldiers” are prepared for leadership in civilian life and in military service. | Discrimination Classification |
| 9. Mr. Jones is blind and uses a service animal. He receives an invitation to a social engagement at a local restaurant and is denied access. The restaurant has a “no animals allowed” policy for health reasons. | Discrimination Classification |
| 10. A company has a policy that says only persons with ten years of work experience with the company can be elevated to a particular senior position. | Discrimination Classification |
| 11. An ambulance service charges individuals \$75 for transportation to a hospital. If the passenger’s weight exceeds 300 pounds, a \$25 overweight fee is added on. | Discrimination Classification |
| 12. Today, over 200,000 women serve in the armed forces. In the Army women cannot serve in the infantry, armor, cannon field artillery and short range air defense artillery. In the Navy women are excluded from Submarine Warfare, Special Warfare (SEAL) and ratings particular to submarine service such as fire control technician, missile technician, and one aspect of sonar technician. The Marine Corps assignments closed to women are infantry, armor, field artillery, security force guard protecting nuclear material, and several positions related to armored, amphibious, assault units and fleet antiterrorism security teams. Air Force positions closed or restricted are Combat Control, Special Operations Forces, Rotary Aircraft, TAC Para-rescue, and Weather assignments with infantry or Special Forces. | Discrimination Classification |

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| 13. A professional golfing association has a policy that requires all participants to “walk the course” during its tournaments. A professional golfer has a serious leg disorder that makes it impossible for him to walk an event and is denied the use of a golf cart when he becomes eligible to play in the association. | Discrimination Classification |
| 14. The personnel department at a major retail company has a policy of asking all prospective female mother employees about their day-care arrangements during the job interview. | Discrimination Classification |
| 15. An individual paid \$18,000 for a golf membership at a country club that allows members' spouses and children to use the course on a free, unlimited basis. When the individual's domestic same-sex partner attempts to use the course, the partner is told they will have to pay a user guest fee or purchase a membership. | Discrimination Classification |
| 16. In an effort to promote the representation of minorities in the House of Representatives, a state reapportions its congressional districts so that two districts are predominantly African-American. | Discrimination Classification |
| 17. A 240-pound female aerobics instructor is rejected by an exercise company for employment because of her size and the job requirement “that instructors look fit.” | Discrimination Classification |
| 18. After twenty years of being rotated through progressively more responsible jobs in a major grocery company, a truck driver is fired when the company learned that he called himself “transgendered.” The employee tried to explain that he simply wore women's clothes on the weekends: he wasn't going to become a woman nor did he want to wear makeup and heels on company time. The man was fired and told that his transgender identity could harm the company image. | Discrimination Classification |

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| <p>19. A computer engineer is laid off right before her 55th birthday when her retirement benefits were about to kick in. She was replaced by a younger, recently graduated from college, computer engineer. She was also told that her skills and expertise were out of date with the ever-changing world of computer technology.</p> | <p>Discrimination Classification</p> |
| <p>20. A major university uses a 150-point scale to rank applicants, with 100 points needed to guarantee admission. The university also gives “under-represented” ethnic minorities an automatic 20-point bonus on this scale. A white applicant is denied admission to the school under this policy.</p> | <p>Discrimination Classification</p> |

Major Federal Civil Rights Legislation- by Topic

Age Discrimination

- Age Discrimination Act of 1975- Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.
- Age Discrimination in Employment Act- Prohibits employers from discriminating against workers and applicants who are 40 years of age and older, based on their age.
- The Equal Credit Opportunity Act- Prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because an applicant receives income from a public assistance program.
- Older Workers' Benefit Protection Act- Clarifies the protections given to older individuals in regard to employee benefit plans.
- U.S. Code Title 42, Chapter 21 -- Civil Rights U.S. Code prohibits discrimination against persons based on age, disability, gender, race, national origin, and religion (among other things) in a number of settings -- including education, employment, access to businesses and buildings, federal services, and more. Chapter 21 is where a number of federal acts related to civil rights have been codified -- including the Civil Rights Act of 1866, Civil Rights Act of 1964, and the Civil Rights of Institutionalized Persons Act.

Credit / Lending Discrimination

- The Equal Credit Opportunity Act- Prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because an applicant receives income from a public assistance program.
- Fair Housing Act- Prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability.

Disability Discrimination

- Air Carrier Access Act of 1986- Prohibits discrimination against individuals with disabilities in the provision of (including access to) air transportation.
- Americans with Disabilities Act (ADA) - Protects persons with disabilities from discrimination in many aspects of life, including employment, education, and access to public accommodations.
- Architectural Barriers Act of 1968- Requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by handicapped persons.
- Fair Housing Act- Prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability.
- Individuals with Disabilities Education Act- Ensuring that the rights of students with disabilities are protected, and that all children with disabilities have available to them a free appropriate public education.

Disaster Victims' Rights

- Disaster Relief and Emergency Assistance Act- Provides for equitable and impartial relief operations, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

Employment Discrimination

- Age Discrimination in Employment Act- Prohibits employers from discriminating against workers and applicants who are 40 years of age and older, based on their age.

Source: <http://public.findlaw.com/civil-rights/civil-rights-resources>

Major Federal Civil Rights Legislation- by Topic

- Civil Rights Act of 1964: Title VII (Equal Employment Opportunities) - Prohibits employment discrimination based on race, color, religion, sex, and national origin.
- Civil Rights Act of 1991 (Intentional Employment Discrimination)- To amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.
- Equal Pay Act of 1963- Requires that employers pay all employees equally for equal work, regardless of whether the employees are male or female.
- Family and Medical Leave Act- Gives employees the right to take time off from work in order to care for a newborn (or recently adopted) child, or to look after an ill family member.
- Pregnancy Discrimination Act (EEOC) - Prohibits employment discrimination against female workers who are (or intend to become) pregnant -- including discrimination in hiring, failure to promote, and wrongful termination.

Fair Housing / Housing Discrimination

- Fair Housing Act- Prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability.
- The Equal Credit Opportunity Act- Prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because an applicant receives income from a public assistance program.

National Origin Discrimination

- Civil Rights Act of 1964: Title VII (Equal Employment Opportunities) - Prohibits employment discrimination based on race, color, religion, sex, and national origin.
- The Equal Credit Opportunity Act- Prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because an applicant receives income from a public assistance program.
- U.S. Code Title 42, Chapter 21 -- Civil Rights U.S. Code prohibits discrimination against persons based on age, disability, gender, race, national origin, and religion (among other things) in a number of settings -- including education, employment, access to businesses and buildings, federal services, and more. Chapter 21 is where a number of federal acts related to civil rights have been codified -- including the Civil Rights Act of 1866, Civil Rights Act of 1964, and the Civil Rights of Institutionalized Persons Act.
- Fair Housing Act- Prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability.
- Voting Rights Act of 1965- Prohibits the denial or restriction of the right to vote, and forbids discriminatory voting practices nationwide.
- Disaster Relief and Emergency Assistance Act- Provides for equitable and impartial relief operations, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

Prisoners and Institutionalized Persons

- Civil Rights of Institutionalized Persons Act- Protecting persons in institutions (including residents in government-run nursing homes, and prisoners) from unconstitutional conditions.
- Religious Land Use and Institutionalized Persons Act- Protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws; also protects the religious exercise of inmates and other persons confined to certain institutions.

Source: <http://public.findlaw.com/civil-rights/civil-rights-resources>

Major Federal Civil Rights Legislation- by Topic

Race Discrimination

- Civil Rights Act of 1964: Title VII (Equal Employment Opportunities) - Prohibits employment discrimination based on race, color, religion, sex, and national origin.
- The Equal Credit Opportunity Act- Prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because an applicant receives income from a public assistance program.
- U.S. Code Title 42, Chapter 21 -- Civil Rights U.S. Code prohibits discrimination against persons based on age, disability, gender, race, national origin, and religion (among other things) in a number of settings -- including education, employment, access to businesses and buildings, federal services, and more. Chapter 21 is where a number of federal acts related to civil rights have been codified -- including the Civil Rights Act of 1866, Civil Rights Act of 1964, and the Civil Rights of Institutionalized Persons Act.
- Fair Housing Act- Prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability.
- Voting Rights Act of 1965- Prohibits the denial or restriction of the right to vote, and forbids discriminatory voting practices nationwide.
- Disaster Relief and Emergency Assistance Act- Provides for equitable and impartial relief operations, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

Religious Discrimination

- Civil Rights Act of 1964: Title VII (Equal Employment Opportunities) - Prohibits employment discrimination based on race, color, religion, sex, and national origin.
- The Equal Credit Opportunity Act- Prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because an applicant receives income from a public assistance program.
- U.S. Code Title 42, Chapter 21 -- Civil Rights U.S. Code prohibits discrimination against persons based on age, disability, gender, race, national origin, and religion (among other things) in a number of settings -- including education, employment, access to businesses and buildings, federal services, and more. Chapter 21 is where a number of federal acts related to civil rights have been codified -- including the Civil Rights Act of 1866, Civil Rights Act of 1964, and the Civil Rights of Institutionalized Persons Act.
- Fair Housing Act- Prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability.
- Disaster Relief and Emergency Assistance Act- Provides for equitable and impartial relief operations, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.
- Religious Land Use and Institutionalized Persons Act- Protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws; also protects the religious exercise of inmates and other persons confined to certain institutions.

Sex (Gender) Discrimination

- Civil Rights Act of 1964: Title VII (Equal Employment Opportunities) - Prohibits employment discrimination based on race, color, religion, sex, and national origin.
- The Equal Credit Opportunity Act- Prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because an applicant receives income from a public assistance program.

Major Federal Civil Rights Legislation- by Topic

- Fair Housing Act- Prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability.
- Equal Pay Act of 1963- Requires that employers pay all employees equally for equal work, regardless of whether the employees are male or female.
- Family and Medical Leave Act- Gives employees the right to take time off from work in order to care for a newborn (or recently adopted) child, or to look after an ill family member.
- Pregnancy Discrimination Act (EEOC) - Prohibits employment discrimination against female workers who are (or intend to become) pregnant -- including discrimination in hiring, failure to promote, and wrongful termination.
- Title IX of the Education Amendments of 1972- Prohibits sex discrimination in education programs that receive federal funds, to increase educational and athletic opportunities for females in schools and colleges nationwide.
- U.S. Code Title 42, Chapter 21 -- Civil Rights U.S. Code prohibits discrimination against persons based on age, disability, gender, race, national origin, and religion (among other things) in a number of settings -- including education, employment, access to businesses and buildings, federal services, and more. Chapter 21 is where a number of federal acts related to civil rights have been codified -- including the Civil Rights Act of 1866, Civil Rights Act of 1964, and the Civil Rights of Institutionalized Persons Act.

Voting Rights

- National Voter Registration Act- Establishes procedures to increase the number of eligible citizens who register to vote in elections for national office.
- Voting Rights Act of 1965- Prohibits the denial or restriction of the right to vote, and forbids discriminatory voting practices nationwide.