

## **Lesson Title: Discontent and Transformation**

**Grade Level: 7-12**

### **Related Academic Subjects:**

U.S. History, Civics/Government, Language Arts

### **Lesson Overview:**

In this lesson, students will analyze the reasons many women of the 1950s and early 1960s felt discontent with their position in society and how they experienced difficulty and resistance when they tried to improve themselves. Students will also analyze the issues behind gender discrimination and examine several potential gender discrimination scenarios to determine if laws had been broken.

### **Lesson Objectives: Students will...**

- Analyze the reasons for many women feeling discontent in the 1950s and early 1960s.
- Explain how Title VII of the Civil Rights Act of 1964 prohibits employers from discrimination.
- Analyze potential gender discrimination scenarios and evaluate whether a law has been broken.
- Formulate their findings in a brief oral report.

### **Estimated Time:**

- Video Viewing Activity – One class period
- Gender Discrimination Scenarios – One class period plus homework.

### **Materials Needed:**

- Pens, pencils, paper
- Student Handouts:
  - “The Problem with No Name” Graphic Organizer
  - Gender Discrimination Scenarios
  - Gender Discrimination Scenarios Answer Page

### **Background Content:**

After World War II, American families returned to a traditional structure of the male as the breadwinner and the female as the homemaker. Gone were the days of “Rosie the Riveter” with women working in factories. The men had returned from war and took back their factory jobs and regained their position as the main, and generally exclusive, source of family income. This

was not always the case for low-income families as most knew both husband and wife would have to work in order for the family to survive.

Many middle class girls grew up in the 1950s with the expectation of getting married and being a housewife and mother. While the role of managing the household is not insignificant, many middleclass women found it was only role made available to them. Many female college graduates found the doors were closed to women who applied for professional jobs. But as the 1950s turned into the 1960s, many women began to question if this was all there was to their lives.

## **Lesson Procedure:**

### **Video Viewing Activity**

Tell students in this activity, they will view a series of video clips that present the story of the early years of the feminist movement. You can have students view the video clips individually or in small group. (NOTE: all cue times on the student handout are approximate.)

1. Distribute the student handout, “The Problem with No Name” graphic organizer.
2. Have students watch the video clips assigned to this lesson and fill out the graphic organizer (this part can also be completed as homework).
3. Then have students meet in small groups to discuss the discussion questions. Review the questions with the entire class.

### **Main Activity: Gender Discrimination Scenario Analysis<sup>1</sup>**

Tell students that in this activity, they will work in small groups to analyze potential gender discrimination scenarios and determine whether a law has been violated, and if so, which one and why.

1. Divide the class into groups of three.
2. Distribute the student handout “Gender Discrimination Scenarios” to all students.
3. You can chose to divide the scenarios among the student groups or assign some or all of the scenarios to each group.
4. Provide time for each group to review the scenarios Divide the scenarios among the students groups or have each group review the scenarios. You can refer to the Gender Discrimination Scenarios Answer Page for guidance.
5. Have each group review their assigned scenario(s) and prepare a report for the class following the guide in their handout.

## **Assessment**

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<sup>1 1</sup> This lesson was adapted from the U.S. Equal Employment Opportunity Commission “Youth at Work” program. [http://www.eeoc.gov/youth/downloads/teacher\\_manual.html#quiz](http://www.eeoc.gov/youth/downloads/teacher_manual.html#quiz)

- Active participation during discussions and activities.
- Quality of notes on video viewing graphic organizer .
- Evaluate students’ presentation using the suggested rubric provided at the end of this lesson or your own assessment tool.

**About the Author:** Greg Timmons has been a social studies teacher for over 30 years. He has written lessons for several PBS productions including *The NewsHour*, *FRONTLINE*, and various Ken Burns’ productions including *The War*, *The National Parks: America’s Best Idea* *Baseball*, *Prohibition* and *The Dust Bowl*.” He resides in Montana and Washington state.

## Resources

- MAKERS website <http://www.makers.com>
- MAKERS: Women Who Made America documentary website <http://www.pbs.org/makers>
- Equal Employment Opportunity Commission <http://www.eeoc.gov/>
- *The Feminine Mystique*, by Betty Friedan
- *Sex Discrimination in the Airline Industry: Title VII Flying High* by Denis Binder, California Law Review
- Femininity in Flight <http://femininityinflight.com/popculture.html>

## Standards

(McREL <http://www.mcrel.org/compendium/browse.asp>)

### U.S. History

- **Standard 29:** Understands the struggle for racial and gender equality and for the extension of civil liberties

Level IV (Grades 9-12)

2. Understands conflicting perspectives on different issues addressed by the women’s rights movement (e.g., the Equal Rights Amendment, Title VII, and Roe v. Wade)

### Civics

- **Standard 3:** Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good

Level IV (Grades 9-12)

2. Knows alternative ideas about the purposes and functions of law (e.g., regulating relationships among people and between people and their government; providing order, predictability, security, and established procedures for the management of conflict; regulating social and economic relationships in civil society)

- **Standard 9:** Understands the importance of Americans sharing and supporting certain values, beliefs, and principles of American constitutional democracy

Level IV (Grades 9-12)

2. Understands the interdependence among certain values and principles (e.g., individual liberty and diversity)
3. Understands the significance of fundamental values and principles for the individual and society

- **Standard 14:** Understands issues concerning the disparities between ideals and reality in American political and social life

Level IV (Grades 9-12)

1. Understands the importance of established ideals in political life and why Americans should insist that current practices constantly be compared with these ideals
2. Knows discrepancies between American ideals and the realities of American social and political life (e.g., the ideal of equal opportunity and the reality of unfair discrimination)
3. Knows historical and contemporary efforts to reduce discrepancies between ideals and reality in American public life (e.g., union movements, government programs such as Head Start, civil rights legislation and enforcement)

## **Common Core Standards for English Language Arts**

### **Strand: Reading for Informational Text**

**RI.9-10.7** Analyze various accounts of a subject told in different mediums (e.g., a personal life story in both print and multimedia), determining which details are emphasized in each account.

**RI.11-12.7:** Integrate and evaluate multiple sources of information presented in different media or formats (e.g., visually, quantitatively) as well as in words in order to address a question or solve a problem.

### **Stand: Speaking and Listening**

**SL.9-10.1:** Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 9-10 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

**SL.9.10.2:** Integrate multiple sources of information presented in diverse media or formats (e.g., visually, quantitatively, orally) evaluating the credibility and accuracy of each source.

**SL. 9-10.4:** Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose, audience, and task.

**SL.11-12.1:** Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

**SL.11-12.2:** Integrate multiple sources of information presented in diverse media or formats (e.g., visually, quantitatively, orally) evaluating the credibility and accuracy of each source.

**SL:11-12.4:** Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose, audience, and task.

# Video Viewing Activity

## “The Problem with No Name” Graphic Organizer

### Episode 1: The Awakening

**Directions:** As you review the video segment, take notes on the graphic organizer either independently or in small group. When the graphic organizer is completed, review the discussion questions. (NOTE: all cue times are approximate.)

#### Video Segment 1:

**Intro: 9:14 CUE:** “Even if they worked for a time, most middle-class women ended up homemakers.”

**Exit: 13:33 CUE:** “I all these things that women at home can do that are extremely worthwhile to society were dismissed //as dilettantism and unworthy of any respect.”#

1. List the plusses and minuses many American suburban women faced in their lives in the 1950's	
<b>Plusses</b>	<b>Minuses</b>

#### The Feminine Mystique

2. Go to the link, [http://thinkexist.com/quotation/the\\_problem\\_lay\\_buried\\_unspoken\\_for\\_many\\_years\\_in/323186.html](http://thinkexist.com/quotation/the_problem_lay_buried_unspoken_for_many_years_in/323186.html) and read the opening paragraph of *The Feminine Mystique*. Summarize the paragraph's message.

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**Discussion Question:** Review the plusses and minuses you identified in the first part of the video segment and compare these with the opening paragraph of *The Feminine Mystique*.”

Discuss why you think many American suburban women had such feelings? What do you think they felt they were missing? Do you think their feelings were justified? Explain.

3. Not all women saw *The Feminine Mystique* in a favorable light. Summarize the views of women who were content with their traditional roles as expressed by Carolyn Graglia.
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**Discussion Question:** The wide range of opinions went beyond a mere book. Why do you think American women of the 1950s had such divergent opinions of the message behind *The Feminine Mystique*?

**Video Segment 2:**

**Intro: 13:33 CUE:** However it was received, Betty Friedan's book was certainly timely, as women's rights was beginning to surface as a national issue.

**Exit: 14:53 CUE:** The first case that I remember that we really had a big discussion about sex discrimination was the airlines.

4. Read the two provisions in Title VII of the Civil Rights Act of 1964 that pertain to employment discrimination:

SEC. 703. (a) It shall be an unlawful employment practice for an employer--

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

Explain what actions the law prohibits employers from taking that pertain to employment discrimination.

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**Discussion Question:** Why do you think the provision on gender was added at the last minute to the Civil Rights Act of 1964 and considered a “fluke”?

### **Video Segment 3:**

**Intro: 14:54 CUE (Music Cue “Come Fly with Me”)**

**Exit: 18:28 CUE** You go out somewhere and start pushing them to move.#

In the 1950s and early 60s flight attendants were known as “Glamour Girls in the Air” and “Jet-propelled waitresses.” The requirements for employment as a “stewardess”, as they were called then were:

- Female
- Single, never married, divorced or widowed
- Between ages of 21 and 26; age 32-35 mandatory retirement
- Between 5’2” and 5’6”; no more than 135 lbs.
- Initially required to be a registered nurse, later changed to two years of college

Responsibilities:

- Safety of passengers and the comfort and happiness of passengers
- Conduct briefing over safety and emergency procedures
- Assisting passengers with carry-on luggage and children
- Constantly monitoring cabin for any unusual conditions
- Occasionally checking on pilots and crew in cockpit
- Administering First Aid when needed
- Directing plane evacuations in an emergency
- Cabin equipment inventory
- Secure the cabin for take-off and landing
- Serving meals and drinks

5. Review the accounts of women who became stewardess for airlines in the 1950s and 1960s. From information in the video, what seemed to be the requirements for employment as a stewardess in the 1950s and early 1960s? How does this compare with the responsibilities of a stewardess as listed above?

**Discussion Questions:** Explain whether you think women who didn’t fulfill the job requirements could still fulfill the responsibilities of a stewardess. Why do you think such employment requirements existed? Why do you think the EEOC did nothing to address the sex discrimination charges filed by the flight attendants?

### **Video Segment 4:**

**Background:** Frustrated by the lack of enforcement by the government on gender discrimination, a group of female lawyers and politicians decided to form their own organization, the National Organization of Women or NOW. One of their first goals was to do something

about the conditions that prevent women from combining marriage and motherhood with working in a profession. The legal team from the organization looked for test cases of gender discrimination that they could contest in the courts. In the fall of 1967, they found an obscure case in the Georgia courts of Lorena Weeks who had a promotion blocked by her employer Southern Bell.

**Intro: 19:29 CUE** “Like the NAACP, NOW chose a legal strategy, looking for test cases they could use to challenge discriminatory laws.”

**Exit: 23:26 CUE** “...that we could achieve this equality under the law // it wasn’t fanciful, it wasn’t a pie in the sky, it could be done and we did it. “

6. Why did Lorena Weeks apply for a job as a “switch-man” at Southern Bell?

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7. Why was she denied this position?

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8. Review the reasons Southern Bell denied Weeks the job as switch-man.

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**Discussion Questions:** Discuss whether you feel Southern Bell’s reasons for denying Weeks the position had merit. What was the federal appeals court ruling and why do you think this was such a landmark case?

## Student Handout: Gender Discrimination Scenarios<sup>2</sup>

**Directions:** In your group, review the scenarios and answer choices. Examine the civil rights laws enforced by the EEOC and determine whether the actions of individuals in the scenarios violated one or more of the laws. Then determine which answer choice (A, B, C, or D) is the best response to the scenario question. In some cases there may be more than one correct answer choice. Then formulate an answer as to whether a law has been violated, and if so, which law and why. Be prepared to present your finding to the class using the following guide.

### Class Presentation Guide:

- Summarize the circumstances around the scenario
- Identify and describe the answer choice you chose
- Provide an explanation as to why you feel your answer choice is the best choice and identify the law you believe applies to the scenario and answer choice.

### Civil Rights Laws enforced by the EEOC

#### [The Equal Pay Act of 1963](http://www.eeoc.gov/laws/statutes/epa.cfm)

(<http://www.eeoc.gov/laws/statutes/epa.cfm>)

#### [Title VII of the Civil Rights Act of 1964](http://www.eeoc.gov/laws/statutes/titlevii.cfm)

(<http://www.eeoc.gov/laws/statutes/titlevii.cfm>)

- <http://www.eeoc.gov/laws/types/sex.cfm> sexual harassment
- <http://www.eeoc.gov/laws/statutes/pregnancy.cfm> pregnancy discrimination

#### [The Age Discrimination in Employment Act of 1967 \(ADEA\)](http://www.eeoc.gov/laws/statutes/adea.cfm)

(<http://www.eeoc.gov/laws/statutes/adea.cfm>)

#### [Genetic Information Discrimination](http://www.eeoc.gov/laws/types/genetic.cfm)

(<http://www.eeoc.gov/laws/types/genetic.cfm>)

#### [Lilly Ledbetter Fair Pay Act of 2009](http://www.eeoc.gov/laws/statutes/epa_ledbetter.cfm)

([http://www.eeoc.gov/laws/statutes/epa\\_ledbetter.cfm](http://www.eeoc.gov/laws/statutes/epa_ledbetter.cfm))

**Scenario 1:** Esther recently got a job in the storeroom of a local department store. On her first day, one of the delivery men is very rude to her, calling her slow and questioning her ability to lift heavy boxes. Since then, the deliveryman has attached suggestive or insulting cartoons and jokes about women on the packages he leaves. What should Esther do?

- A. Esther should do nothing. She's new to the job and shouldn't make waves. The deliveryman doesn't work for the store, so store management can't do anything about it.
- B. Esther should tell the deliveryman that his behavior is offensive and should stop.

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- C. Esther should tell her supervisor or a manager responsible for handling harassment and discrimination complaints about the delivery man's conduct.
- D. Esther should retaliate by calling the deliveryman's company and complaining to them.

**Scenario 2:** Carlos and Gayle work at a coffee bistro downtown. For a time they were dating, but Gayle broke off the relationship when she became assistant manager. Later, Gayle began to have second thoughts, checking in on Carlos even when she wasn't working that shift and asking him to get back together. When Carlos told her no, she changed his schedule so that she wouldn't have to work with him. As a result his hours were cut in half. Does Gayle's action constitute sexual harassment?

- A. Yes. It is illegal for Gayle to reduce Carlos's hours because he refused to date her.
- B. No. Gayle's behavior is not sexual harassment because she didn't make any physical sexual advances at him after they broke up. She only talked to him.
- C. No. Gayle's behavior is not sexual harassment because she and Carlos used to date and asking to get back together is acceptable behavior.
- D. No. Gayle's behavior is not sexual harassment because only females can be sexually harassed.

**Scenario 3:** Two job seekers, Robert and Amanda, went to an employment agency to find temporary jobs for the summer. Both of them are in college and active in athletics with good grades. The agency received a job prospect for a receptionist at a country club. The agency sent Amanda out for the job and told Robert that they could not refer him for receptionist position because the country club requested a young lady. Did the employment agency discriminate against Robert?

- A. No. Gender discrimination laws only apply to employers and not employment agencies that refer candidates to other companies.
- B. No. Robert is not protected from discrimination because he would only be applying for the job, not an actual employee of the country club.
- C. No. the employment agency was only following the request of the country club, which refused to hire a man as a receptionist. The country club, not the employment agency is responsible for the discrimination.
- D. Yes. An employment agency cannot refuse to refer someone for a position where gender is not a factor in job performance.

**Scenario 4:** Jeanette was offered a job as a waitress at a local restaurant. At the end of her interview, she mentioned that she was pregnant, but that she was perfectly capable of performing her duties as a waitress. When Jeanette called to get her start date, the manager said he had hired someone else. He said he was afraid that Jeanette would hurt her baby carrying heavy trays of food and that the customers might not like having a pregnant woman waiting on them. He invited her to reapply after she had her baby. Is the manager's decision illegal?

- A. No. The manager did not discriminate against Jeanette because he invited her to reapply after she gave birth, and refused to hire her only out of concern for the health and safety of Jeanette and her baby.
- B. Yes. The manager discriminated against Jeanette when he refused to hire her because she is pregnant.
- C. No. The manager can legally decide not to hire Jeanette because restaurant customers may not want pregnant servers.
- D. Yes. Once the manager offered Jeanette the job, he had no right to change his mind and hire someone else.

**Scenario 5:** Gina and Jorge work as part-time nurses' aides for a local hospital. Both have the same level of education and responsibilities and both have been at the hospital the same amount of time. Both do the same type of work tending to patients and performing their duties. Both have excellent job reviews, with nothing negative noted in their records. One day, while having lunch, Gina found out that Jorge's salary was about 30% higher than hers. She didn't say anything to Jorge, but later asked her supervisor if there was any reason she was being paid less. Her supervisor said it is hospital policy to pay males more because they do most of the heavy lifting of patients and equipment. Is the hospital discriminating against Gina?

- A. No. Gina works part-time and federal law does not protect part-time workers.
- B. No. Federal law recognizes that some jobs are more suited for one gender over the other and thus paying that gender more money is allowed.
- C. Yes. Both Gina and Jorge's job responsibilities and seniority are the same.
- D. Yes, Both Gina and Jorge's performance records are excellent and Gina has never been told she should be doing more.

**Scenario 6:** Alex recently graduated from high school and began work as a manager at a retail store that specializes in clothing for teenage girls. He does not get along with an older female employee (age 45) who works part-time. At one staff meeting, Alex gave the older employee a cane as a joke. On another occasion, Alex told the older employee to watch MTV because she didn't relate well to the younger customers. Alex regularly refers to this older employee as "Grandma." After several months, Alex decides to fire the older employee because he wants to hire someone younger. Alex believes a younger employee will relate better to the store's teenage customers. Is this conduct illegal?

- A. Yes. Federal law protects workers age 40 or older from job discrimination and harassment based on their age.
- B. No. The federal age discrimination law does not apply to teenage workers like Alex, so it is not illegal for him to fire the older employee.
- C. No. As a manager, Alex has the authority to make decisions about hiring and firing employees.
- D. No. Alex did not discriminate against the older employee because it is important for a retail store that markets to teenagers to hire workers who are the same age as its customers.

**Scenario 7:** Cindy had a good work record with a company but felt she was unfairly passed over for a promotion and she subsequently filed a charge of discrimination against the company. The EEOC investigated and spoke to Cindy, her manager, and several other employees. The investigation found no discrimination and closed the case. Cindy quit her job and began looking elsewhere. The day after her last day, Cindy's manager called her at home criticized her for talking to the EEOC and gave her a negative reference. Did the supervisor violate the law?

- A. No. It was reasonable for the manager to criticize Cindy and give her a negative reference because the EEOC investigation found no violation and was disruptive to the workplace.
- B. No. The manager did not violate the law because he called Cindy at her home and not at work.
- C. Yes. Cindy's manager illegally retaliated against her by giving her a negative reference because she filed a charge of discrimination with the EEOC.
- D. No. Federal law only protects current employees from discrimination. Because Cindy was no longer employed by the company, it was not illegal for the supervisor to give her a negative reference.

**Scenario 8:** Maria applied to work as a summer intern at a radio station. The interview went very well. A Human Resources employee conducted a background check, which included an Internet search of Maria's name. Maria's Facebook page appeared in the Internet search results, indicating it was available for public viewing. The page featured a picture of Maria standing next to a mile marker in a T-shirt imprinted with "My Aunt is My Hero" and a pink ribbon. Touched and curious, the Human Resources manager conducted an Internet search for Maria's name and "breast cancer" and learned that Maria's aunt was diagnosed with breast cancer but has responded well to treatment. The Human Resources manager wrote a note on the white board in his office: "Touch base with Maria: aunt's cancer treatment." The employee's sister was recently diagnosed with breast cancer, and he is interested in learning more about successful treatments. Maria is hired. Did the company discriminate against Maria?

- A. No. The company did not discriminate against Maria; it hired her as a summer intern.
- B. Yes. The company discriminated against Maria by viewing her Facebook page.
- C. Yes. The company discriminated against Maria by seeking out information about her aunt's breast cancer and posting a note in public about Maria and her aunt's cancer treatment.
- D. No. The Human Resources employee should not have conducted the Internet search for Maria's name and "breast cancer" and should not have written "Touch base with Maria: aunt's cancer treatment" on his white board. However, the employee took these actions to help his sister, not to hurt Maria.

## **Answer Page: Gender Discrimination Scenarios**

### **Scenario 1: Esther and the Deliveryman**

(Best answers: B and C)

A is incorrect. Employers may be held responsible for harassment, even when the harasser is not an employee, if the employer knew about the harassment and did not act to correct the situation. The store could, for example, contact the delivery company to request a different delivery person handle the store's package delivery.

**B is correct. Although Esther is not legally required to confront the delivery man, she should, if she feels comfortable, ask the delivery man to stop harassing her. Esther should also report the delivery man's conduct to her supervisor or any other store supervisor or manager responsible for handling harassment and discrimination complaints.**

C is correct. Even if Esther does not ask the delivery man to stop harassing her, she should report the harassment to the grocery store immediately. Once the store knows Esther is being harassed race, it has a responsibility to correct the situation and protect her from further harassment.

**D is incorrect. Though a complaint should be made to the deliveryman employer, it would be better handled by her employer. Her complaint to the delivery company might get back to the deliveryman and still nothing might be done. This might cause the deliveryman to escalate his harassment.**

### **Scenario 2: Carlos and Gayle and dating**

(Best Answer: A)

**A is correct. Once Carlos told Gayle that he no longer wanted to date her, Gayle should not have continued to ask him out or otherwise harassed him. In addition, it was illegal for Gayle to reduce Carlos's hours because he refused to date her, even if Gayle made the schedule change so they could avoid each other.**

B is incorrect. Sexual harassment can be based on verbal remarks even if there is no physical touching. Plus, a manager cannot make a negative decision about an employee's job, such as cutting hours or reducing pay, because the employee refused to date him or her.

C is incorrect. Gayle's behavior is sexual in nature and Carlos has made it clear to Gayle that her advances are no longer welcome. Gayle's behavior is sexual harassment.

D is incorrect. Federal law protects both men and women from sexual harassment.

### **Scenario 3: Robert and Amanda and the Employment Agency**

(Best Answer: D)

A is incorrect. Federal law applies to private companies, state and local government agencies, schools and colleges, non-profit organizations, unions, and employment agencies. They also apply to all federal government agencies.

B is incorrect because federal law protects employees, applicants, and former employees from discrimination.

C is incorrect. Federal law prohibits employment agencies from discriminating against their own employees as well as in their referral practices. An employment agency may not honor an employer's request if it is discriminatory.

**D is correct. Federal law prohibits employment agencies from discriminating against their own employees as well as in their referral practices. It was illegal for the employment agency to refer only Amanda to the law firm, if Robert was also qualified for the receptionist job. [EEOC would also investigate the country club for placing an illegal job order with the employment agency].**

#### **Scenario 4: Case of Jeanette**

(Best Answer: B)

A is incorrect. It is illegal for the manager to refuse to hire Jeanette solely because she is pregnant. It does not matter whether the manager's decision was based on concern that Jeanette's baby may be harmed.

**B is correct. As long as Jeanette can perform her duties as a waitress, the manager cannot deny her the job just because she is pregnant.**

C is incorrect because customer preferences do not justify discrimination.

D is incorrect. The laws enforced by EEOC do not prevent the manager from deciding to hire someone else, as long as he did not base his decision on Jeanette's pregnancy (or on some other characteristic covered by the anti-discrimination laws, such as her gender or race).

#### **Scenario 5: Gina and Jorge and the Question of Equal Pay**

(Best Answer: C and D)

A is incorrect because federal law protects part-time, full-time and seasonal employees from discrimination.

B is incorrect because federal law does not allow for employers to favor one gender over another when both genders are capable of doing the job required.

**C is correct because both Gina and Jorge had the same job responsibilities and level of seniority, thus their pay should be the same.**

**D is correct because both Gina and Jorge had excellent performance records. There was nothing in Gina performance reports that stated she should be doing more lifting of patients and equipment.**

### **Scenario 6: Alex and the Older Employee**

(Best Answer: A)

**A is correct. It is unlawful to discriminate against or harass employees who are 40 or older because of their age.**

B is incorrect. Federal law does not protect teenage workers from age discrimination in employment. However, it is illegal for managers, supervisors and co-workers, including teenagers, to discriminate against or harass older employees (age 40 and above) because of their age.

C is incorrect. Although Alex may be responsible for making decisions about who to hire and fire, it is against the law for him to fire someone age 40 or older because he thinks the person is too old.

D is incorrect. There is no indication that the older employee cannot perform her job, including helping the store's teenage customers. Alex does not have any complaints about the older employee's performance. Alex's decision appears to be based on stereotypes about older workers and, therefore, is a violation of federal law.

### **Scenario 7: Cindy and the EEOC**

(Best Answer: C)

A is incorrect. It is illegal for the supervisor to harass or treat Cindy differently because she filed a charge of discrimination or participated in an investigation of discrimination. The fact that the supervisor contacted her at home is not relevant.

B is incorrect. It is illegal for the supervisor to harass or treat Cindy differently because she filed a charge of employment discrimination with the EEOC. This is true even if the EEOC concludes that there was no discrimination.

**C is correct. Individuals who file a discrimination complaint are protected from retaliation, or being punished, treated differently, or harassed, for complaining about job discrimination, filing a charge of discrimination, or cooperating with an investigation about discrimination. This is true even if it turns out that the conduct you complained about to the EEOC was not illegal.**

D is incorrect. Federal law protects applicants, employees, and former employees from retaliation. Therefore, it was illegal for the supervisor to harass Cindy and give her a negative

reference for filing a discrimination charge and assisting in an investigation of employment discrimination, even though they were no longer employed by the company.

### **Scenario 8: Maria and Social Media**

(Best Answer: C)

A is incorrect. The company violated the law by conducting an Internet search for Maria's name and "breast cancer" and by publicly posting "Touch base with Maria: aunt's cancer treatment" in the Human Resource manager's office that other employees could see. The law prohibits employers from seeking out genetic information, including family medical history, of applicants and employees. The law also requires employers to keep genetic information of applicants and employees confidential, with very limited exceptions that do not apply in this example.

B is incorrect. Employers are allowed to use publicly available information, such as information available on Facebook pages, to make employment decisions, as long as they do not use the information to discriminate. For example, it would be illegal for the company to decide not to hire Maria after learning that her aunt has breast cancer out of fear that Maria would also develop breast cancer.

The law prohibits employers from seeking out genetic information (such as family medical history) of applicants or employees. However, the law does not prohibit employers from accidentally obtaining genetic information from commercially and publicly available sources, such as newspapers, magazines, and certain online sources. Here, it appears that the company accidentally obtained Maria's family medical history when it went to her public Facebook page. The company was not seeking Maria's genetic information, but accidentally discovered the information from a public web site that was not likely to contain genetic information. Therefore, the company did not violate the law.

**C is correct. The company violated the law by conducting an Internet search for Maria's name and "breast cancer" and by publicly posting "Touch base with Maria: aunt's cancer treatment." The law prohibits employers from seeking out genetic information, including family medical history, of applicants and employees. The law also requires employers to keep genetic information of applicants and employees confidential, with very limited exceptions that do not apply in this example.**

D is incorrect. The company violated the law by conducting an Internet search for Maria's name and "breast cancer" and by publicly posting "Touch base with Maria: aunt's cancer treatment." The law prohibits employers from seeking out genetic information, including family medical history, of applicants and employees. The law also requires employers to keep genetic information of applicants and employees confidential, with very limited exceptions that do not apply in this example. The fact that the employee intended to use this information to help his sister, and not to discriminate against Maria, is not relevant.

# Rubric

## Gender Discrimination Scenarios Presentations

Student Name \_\_\_\_\_

CATEGORY	4	3	2	1
Content	Shows a full understanding of the topic.	Shows a good understanding of the topic.	Shows a good understanding of parts of the topic.	Does not seem to understand the topic very well.
Preparedness	Student is completely prepared and has obviously rehearsed.	Student seems pretty prepared but might have needed a couple more rehearsals.	The student is somewhat prepared, but it is clear that rehearsal was lacking.	Student does not seem at all prepared to present.
Organization	Information is very organized with well-constructed paragraphs and subheadings.	Information is organized with well-constructed paragraphs.	Information is organized, but paragraphs are not well-constructed.	The information appears to be disorganized. 8)
Quality of Information	Information clearly relates to the main topic. It includes several supporting details and/or examples.	Information clearly relates to the main topic. It provides 1-2 supporting details and/or examples.	Information clearly relates to the main topic. No details and/or examples are given.	Information has little or nothing to do with the main topic.

**SUB TOTAL** \_\_\_\_\_ **out of 16 pts**

### ORAL PRESENTATION SKILLS (Timeline Activity)

CATEGORY	4	3	2	1
Speaks Clearly	Speaks clearly and distinctly all (100-95%) the time, and mispronounces	Speaks clearly and distinctly all (100-95%) the time, but mispronounces	Speaks clearly and distinctly most (94-85%) of the time. Mispronounces	Often mumbles or cannot be understood OR mispronounces more than one

	no words.	one word.	no more than one word.	word.
Posture and Eye Contact	Stands up straight, looks relaxed and confident. Establishes eye contact with everyone in the room during the presentation.	Stands up straight and establishes eye contact with everyone in the room during the presentation.	Sometimes stands up straight and establishes eye contact.	Slouches and/or does not look at people during the presentation.
<b>SUB TOTAL</b>			_____	<b>out of 8 pts</b>
<b>TOTAL</b>			_____	<b>out of 24 pts</b>