

SECTION 1983 LITIGATION
Claims, Defenses, and Fees

1996 Cumulative Supplement No. 1

Second Edition

Martin A. Schwartz

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Municipal Liability: Law and Practice Fontana, 1999-12-01 *Sexual Harassment in the Workplace: Sexuality, social relations, and the workplace* Alba Conte, 2010-01-01
The law of sexual harassment is constantly evolving and the number of sexual harassment claims is dramatically on the rise. *Sexual Harassment in the Workplace* Fourth Edition is a comprehensive guide that provides all the information you need to successfully litigate a sexual harassment claim. *Sexual Harassment in the Workplace* guides you through the relevant administrative and legal proceedings from client interviews to attorney's fees. It discusses state and federal remedies available to maximize recovery including:
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A new checklist of items to cover when representing an employer
The U.S. Supreme Court confirmed that retaliation is actionable under Title IX where a girl's high school basketball coach claimed that he suffered retaliation for complaining about sexual discrimination in the athletic program of the school even though he himself was not the direct victim. *Jackson v Birmingham Board of Education*, 544 U.S. 167 (2005).
In order to increase opportunities for mediation, the EEOC expanded the charges eligible for mediation and now mediation is available at the conciliation stage after a finding of discrimination has been issued in appropriate cases.
The U.S. Supreme Court has held that under the Federal Arbitration Act, where parties to an arbitration agreement include a provision that delegates to the arbitrator the threshold question of enforceability of the arbitration agreement, if a party specifically challenges the enforceability of the entire agreement, the arbitrator would consider the challenge. If, however, the party only challenges the enforceability of the arbitration provision, the challenge must be heard by a court. *Rent A Center West Inc v Jackson*, 130 S.Ct. 2772 (2010).
The lack of timeliness in filing a discrimination action is an affirmative defense and the burden of proof is on the employer. *Salas v Wisconsin Department of Corrections*, 493 F.3d 913, 922 (7th Cir. 2007).
A federal employee's premature filing of a sexual harassment, employment discrimination, and retaliation complaint did not constitute a failure to exhaust administrative remedies so as to deprive the district court of subject matter jurisdiction. *Brown v Snow*, 440 F.3d 1259 (11th Cir. 2006).
A majority of states impose a shorter period for filing with their agencies though so the filing deadline is not always extended when a state has its own agency. The "single filing rule" under which a party who has not filed an EEOC charge or received a right to sue notice may "piggyback" his or her judicial action on the claim.

of a party who has satisfied those prerequisites has been described as a “carefully limited exception” to Title VII’s procedural requirements *Price v Choctaw Glove and Safety Co* 459 F 3d 595 5th Cir 2006 Provided that an act contributing to the claim occurs within the filing period the court may consider the entire period of the hostile environment for purposes of determining liability *Jordan v City of Cleveland* 464 F 3d 584 6th Cir 2006 The Supreme Court has held that a plaintiff’s timely filing of an EEOC intake questionnaire which was followed by an affidavit stating “Please force Federal Express to end their age discrimination” constituted a charge cautioning however that its permissiveness

Mudge v. Macomb County, 458 MICH 87 (1998), 1998 103985 The Law of Higher Education, 2 Volumes William A. Kaplin, Barbara A. Lee, 2006-12-13 This fourth edition of the indispensable guide to the laws that bear on the conduct of higher education provides a revised and up to date reference research source and guide for administrators attorneys and researchers The book is also widely used as a text for graduate courses on higher education law in programs preparing higher education administrators for leadership roles This new edition includes new and expanded sections on laws related to religious issues alternative dispute resolution the college and its employees collective bargaining at religious and private colleges whistleblower and other employee protections personal liability of employees nondiscrimination and affirmative action in employment campus technology and computer networks disabilities student academic freedom freedom of speech and hate speech student organizations rights responsibilities and activities fees athletes rights USA patriot act and immigration status public institutions and zoning regulations regulation of research coverage of retaliatory and extraterritorial acts federal civil rights statutes **The Law of Higher Education, A Comprehensive Guide to Legal Implications of Administrative Decision Making** William A. Kaplin, Barbara A. Lee, Neal H. Hutchens, Jacob H. Rooksby, 2019-04-01 Your must have resource on the law of higher education Written by recognized experts in the field the latest edition of *The Law of Higher Education Vol 1* offers college administrators legal counsel and researchers with the most up to date comprehensive coverage of the legal implications of administrative decision making In the increasingly litigious environment of higher education William A Kaplin and Barbara A Lee’s clear cogent and contextualized legal guide proves more and more indispensable every year Two new authors Neal H Hutchens and Jacob H Rooksby have joined the Kaplin and Lee team to provide additional coverage of important developments in higher education law From hate speech to student suicide from intellectual property developments to issues involving FERPA this comprehensive resource helps ensure you’re ready for anything that may come your way Includes new material since publication of the previous edition Covers Title IX developments and intellectual property Explores new protections for gay and transgender students and employees Delves into free speech rights of faculty and students in public universities Expands the discussion of faculty academic freedom student academic freedom and institutional academic freedom Part of a 2 volume set If this book isn’t on your shelf it needs to be **The Law of Higher Education** William A. Kaplin, Barbara A. Lee, Neal H. Hutchens, Jacob H. Rooksby, 2019-04-04

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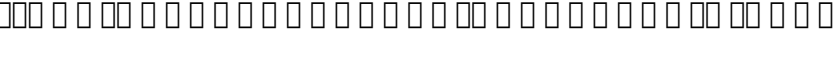
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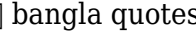
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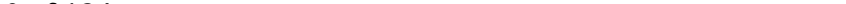
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