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Assessing the Effects of the Matrix Method of Teaching Employment Discrimination Law

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ABSTRACT

The purpose of this study was to examine the extent to which the proposed matrix, developed by the researchers, allows an individual to respond more effectively to problems associated with employment discrimination in an attempt to avoid liability. Among the findings, this study revealed that the rate at which discrimination types are correctly identified is not consistent with the levels of understanding of the behaviors that constitute these discrimination types. Recommendations for future research are given.

Introduction

Between 1997 and 2006, the U.S. Equal Employment Opportunity Commission (EEOC) received an average of 79,481 charges of employment discrimination per year (EEOC, 2007a). This alarming number does not include claims made through state agencies. It represents only the claims based on federal anti-discrimination statutes that were filed with the EEOC. Consequently, these data understate the magnitude of the problem. Monetary awards from litigation over the same time frame averaged \$93,150,000 per year (EEOC, 2007b). Because most employment discrimination claims are litigated by private attorneys, not by EEOC lawyers, these data, too, understate the cost effect of the problem. The need for a solution to the problem posed by this volume of claims and their attendant monetary on business is obvious, and education suggests itself as part of any such solution.

Collegiate schools of business have been teaching law for decades (American Business Law Association, 1924), and the reasons for doing so include a desire to train students to effectively integrate business law issues

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into their business lives. That is, students should be able to understand their basic legal rights and obligations and to conduct their business affairs accordingly in order to recognize and avoid liability-laden situations. In addition, students must, know when to hire an attorney in a timely manner and to be an effective and efficient client (Donnell, 1968). More recently, the National Business Education Association (NBEA) declared that all students should be able to “analyze the role and importance of agency law and employment law as they relate to the conduct of business in the national and international marketplaces” (2007, p. 15).

This study proceeds, in part, on **evidence** that suggests that the value of what is taught in law courses is based on **how well** those courses help students to more effectively recognize, avoid, and solve problems, and to recognize and exploit business opportunities (Klayman & Nesser, 1984). This issue points to the need to develop a pedagogical instrument to equip present and future employees and managers with practical tools for recognizing and avoiding employment discrimination liability, and to justify the investment of time and energy into its implementation. In this study, the researchers examine the effectiveness of such a pedagogical method designed to achieve exactly that. This method, referred to as the “matrix method,” was first documented in “The Matrix: A Pedagogical Tool for Teaching Employment Discrimination Law” (Johns, 2008), and is based on the use of *prima facie* cases – the fundamental behavioral antecedents of actionable employment discrimination and the basic elements that must be proved in any legal claim.

Briefly, the matrix method is a systematic technique for identifying the factual components of actionable workplace discrimination. It makes use of a matrix, in the form of a table, with the rows defined by the various workplace events recognized by regulatory authorities as being the most common liability-producing points in the employment relationship (e.g. advertising, accepting applications, interviewing, hiring, terminating, etc.) and with the columns defined by the seven traits protected by federal anti-discrimination statutes (i.e. race, sex, color, religion, national origin, age, and disability). The cell at the intersection of each row and each column yields the name of an actionable form of employment discrimination. For example, the intersection of the row defined by hiring and the column defined by disability names discrimination in hiring on the basis of disability. Thus, the name of virtually every form of actionable discrimination can be represented by a cell in the matrix. Each such name is articulated in a standard format, using the statement “Discrimination in _____, on the basis of _____,” with a liability-producing point in the employment relationship going in the first blank, and a protected trait going in the second. This naming convention is referred as a descriptor. In addition to yielding the name of an actionable form of discrimination, each cell contains the list of elements the plaintiff in a discrimination lawsuit must prove in order to establish a *prima facie* case of discrimination. Student are taught to use the descriptor format to generate the names of actionable discrimination indicated by each cell in the matrix, to derive the elements of the *prima facie* cases resident in each cell, and to

analyze factual scenario to determine which elements of which prima facie cases are present in the scenario. A fuller description of the method Instrumentation and Procedures section, below.

The matrix method is designed to cultivate the two thinking skills described in the research questions below, and to help students develop the ability to recognize new situations in which those skills are needed. As such, the matrix method is based on structure training – the pedagogical approach that teaches students to “recognize[e] or notic[e] that a particular thinking skill may be needed,” and to “actively focus on the structure of problems . . . so the underlying characteristics become salient instead of the domain-specific surface characteristics.” (Halpern, 1998) As Halpern has observed, “[t]he problem in learning thinking skills that are needed in multiple contexts is that there are no obvious cues in the novel contexts that can trigger the recall of the thinking skills.” Structure training teaches student to recognize and use the structural features of a problem or situation as the cues to engage a particular thinking skill. The matrix method approaches the problem of discrimination identification by teaching students to recognize the need to identify actionable discrimination as the proper cue to engage the matrix method thinking skills, and by teaching those thinking skills themselves – the systematic technique for naming, developing the elements of, and recognizing the facts described by the elements of the forms of discrimination.

Purpose of Study

This study examines the extent to which the matrix method prepares individuals to recognize and describe prima facie cases embedded in authentic workplace fact patterns. Specifically, this study sought answers to the following research questions:

1. Does the matrix method affect an individual’s ability to identify the types of discrimination embedded in authentic workplace fact patterns?
2. Does the matrix method affect an individual’s ability to articulate the elements of the prima facie case of types of discrimination embedded in authentic workplace fact patterns?

The findings and discussions of this study will assist educational stakeholders, including business teacher educators, in gaining a better understanding of instructional strategies designed to equip present and future business education teachers and administrators with effective liability avoidance tools.

Review of Literature

The indirect-proof of employment discrimination claims brought under federal anti-discrimination statutes begins with the plaintiff proving the elements of his or her *prima facie* case, by a preponderance of the evidence

(McDonnell Douglas Corporation, 1973). The defendant employer is then required to respond by articulating a legitimate, nondiscriminatory reason for its alleged acts of discrimination (McDonnell Douglas Corporation, 1973). The plaintiff must then demonstrate, again by a preponderance of the evidence, that the defendant's reason is false, and that it covers up an unlawfully discriminatory reason (St. Mary's Honor Center, 1993). Because the *prima facie* case is the basic set of facts the plaintiff must establish, in order to be entitled to survive a motion to dismiss (Black's, 1979), and since every element of the *prima facie* case must be proved (Cross & Miller, 2004), failure to prove even one element means that the plaintiff fails at the first step, and cannot continue to prosecute the cause of action (Petrosino, 2003). Consequently, a defendant can avoid liability by defeating just one element of the *prima facie* case.

The matrix method is based on the *prima facie* case because proof of the *prima facie* case is the gatekeeper event for the plaintiff's case. It, in essence, describes the specific workplace behaviors that give rise to discrimination claims – the patterns of behaviors to which teachers, administrators, managers and employees should be constantly alert. These stakeholders, equipped with the tools to recognize and arrest troubling patterns, will be able to move their liability avoidance practices from the very expensive courtroom to the much less costly workplace, where they ought to be in the first place. In short, the matrix method, provides a new set of tools that will enable present and future teachers and administrators to actively prevent discrimination, instead of merely reacting to it.

Methodology

A quasi-experimental research methodology was used in this study, which is well-suited for investigating the extent to which the matrix method allows an individual to respond more effectively to problems associated with employment discrimination in an attempt to avoid liability. Quasi-experiments are conducted because “sometimes it is not possible to randomly assign individual participants to groups. For example, to receive permission to use schoolchildren in a study, a researcher often has to agree to keep existing classrooms intact. Thus, entire classrooms, not individual students, are assigned to treatments” (Gay, Mills, & Airasian, 2006, p. 257). Quasi-experimental designs “provide adequate control of sources of invalidity” (Gay, Mills, & Airasian, 2006, p. 257).

Population

Two sections of a legal environment of business course, housed in an AACSB-accredited college of business located in the southeastern United States, were selected to participate in the study. An IRB was approved by the appropriate human subjects committee. Participants' anonymity was guaranteed in the study. A total of 75 students participated in this study,

including 55% (n = 41) males and 45% (n = 34) females. Most participants were white, non-Hispanic (63%; n = 47) or African-American (31%; n = 23); were classified as sophomore (52%, n = 39) or junior (37%, n = 28); were majoring in the academic field of management (35%, n = 26) or accounting (20%, n = 15) or marketing (12%, n = 9); were full-time students (81%, n = 61) and part-time employees (53%, n = 40) or full-time employees (24%, n = 18). In addition, most study participants were between the ages of 18 and 22 (84%, n = 63); held a grade point average between 2.5 and 3.49 (69%, n = 52) and most had not received training in identifying facts related to employment discrimination, other than the training received in connection with this study (84%, n = 63). Demographic characteristics of participants are displayed in Table 1.

Table 1 - Demographic Characteristics of Participants

Demographic Category	Characteristic	Number	Percentage
Gender	Male	41	55
	Female	34	45
Ethnicity	White (non-Hispanic)	47	63
	African American (non-Hispanic)	23	31
	Asian/Pacific Islander	1	1
	Multi-Racial	1	1
Classification	Sophomore	39	52
	Junior	28	37
	Freshman	4	5
	Senior	2	3
	Graduate	2	3
Major	Management	26	35
	Accounting	15	20
	Marketing	9	12
	Other	6	8
	Finance	5	7
	Business Education	3	4
	Economics	3	4
	Business Administration	3	4
	Business Information Systems	2	3
Student Status	Full-time (at least 12 hours undergraduate or 9 hours graduate)	61	81
	Part-time	14	19
	Part-time		
Employment Status	Part-time	40	53
	Full-time	18	24

	Unemployed	17	23
Employment Type	Non-supervisory	45	60
	Supervisory	18	24
Age	18-22	63	84
	23-27	5	7
	28-32	3	4
	33-37	1	1
	38-42	1	1
	43-47	1	1
GPA	48-52	1	1
	2.50-2.99	31	41
	3.00-3.49	21	28
	2.00-2.49	15	20
Have you ever received training in identifying/dealing with employment discrimination, other than the training you received in connection with this survey?	3.50-4.00	8	11
	No	63	84
	Yes	12	16

Instrumentation and Procedures

The instrument used to evaluate the effect of the treatment on the subjects (which is displayed in Appendix A) sought three types of information from study participants: demographic information, authentication information, and treatment-effectiveness information.

Demographic information was sought in order to permit an examination of whether the matrix method affected subjects with different demographic traits differently. Authentication information was sought in order to gauge the subjects' degree of pre-evaluation familiarity with the Scenario, and was sought in the form of answers to five "Fact Questions," eliciting specific details about events described in the Scenario. The events chosen for these questions occurred at roughly evenly-spaced intervals throughout the Scenario, in an attempt to gauge the degree of the subjects' pre-evaluation familiarity with the *entire* scenario. Authentication information was sought in order to examine the degree to which familiarity with the facts in the Scenario was related to treatment-effectiveness. Treatment effectiveness information was sought through the use of two multi-part "Analysis Questions." The first of these questions sought to have the subjects identify and name the three types of employment discrimination implicated by the facts of the Scenario, using the naming conventions of the Descriptors. More than three places were provided,

so that the number of questions was not indicative of the number of types of discrimination, and the instructions clearly stated that the number of types of discrimination might be different than the number of places provided for answers. The second of these questions sought to have the subjects construct the list of elements for each of the *prima facie* cases of discrimination they identified in the preceding question.

Implementation of the matrix method required four components: (1) the matrix, (2) the descriptors, (3) the lists of the elements of the *prima facie* cases, and (4) the Scenario.

1. The Matrix. The matrix is a table in which the columns are labeled with the personal traits upon which the law generally prohibits the making of employment decisions, and the rows are labeled with the thirty-three most vulnerable events in, and aspects of, the employer-employee relationship (EEOC 1992). For convenience, these vulnerable points will hereafter be referred to as employer activities. Only those traits protected by the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination in Employment Act are used for the column labels. However, instructors could adapt the matrix for use within specific locales by adding additional columns, labeled with the traits protected by relevant state statutes and local ordinances (*e.g.*, Florida Civil Rights Act of 1992), and additional rows, labeled with employer activities that individual employers consider to be particularly vulnerable. The basic form of the matrix, which was used for this study, is shown in Table 2. The cells at the row and column intersections of the matrix represent unique, nameable *prima facie* cases, each of which is named according to the naming convention described below (Johns, 2008).

Table 2 - The Matrix

	Race	Sex	Color	Religion	National Origin	Age	Disability
Advertising							
Apprenticeship							
Benefits							
Demotion							
Discharge							
Discipline							
Exclusion							
Harassment							
Hiring							
Intimidation							
Job Classific.							
Layoff							
Maternity							
Other							
Paternity							

Promotion							
Qualification							
Recall							
Reference (Unfavorable)							
Referral							
Reinstatement							
Retirement (Involuntary)							
Segregation of Facilities							
Segregation by Location							
Seniority							
Sex Harassment							
Suspension							
Tenure							
Termination							
Terms of Employment							
Testing							
Training							
Union Representation							
Wages							

2. The Descriptors. The descriptor combines the column labels with the row labels in a standardized way to produce common format names for each type of discrimination, as follows: Discrimination in _____, on the basis of _____. An employer activity is inserted into the first blank and a protected trait is inserted into the second blank. An example of a correctly constructed descriptor is: “Discrimination in **training**, on the basis of **race**” (Johns, 2008).

3. The Lists of Elements of Prima Facie Cases. Every *prima facie* case is comprised of a list of elements, which specify, in somewhat generic terms, the specific workplace behaviors that, when taken together, constitute actionable discrimination. For example, the list of elements for a *prima facie* case of “Harassment on the basis of Disability” requires a showing that:

- (1) The plaintiff is a qualified individual with a disability;
- (2) The plaintiff was subjected to harassment,
- (3) The harassment was based on the plaintiff’s disability,
- (4) The harassment affected a term, condition, or privilege of employment,
- (5) The employer knew or should have known of the harassment, and
- (6) The employer failed to take prompt, remedial action

(Adapted from *Flowers v. Southern Regional Physician Services*, 2001).

4. The Scenario. The Scenario is an instructor-created 18-page fact pattern adapted from the fact sections of three unrelated federal appellate decisions, each dealing with a specific form of employment discrimination. The fact sections each of the three cases were combined into a single continuous narrative. The names of individuals and companies were changed, time frames were adjusted, and minor factual matters were modified to make it appear as if all of the events, in all three cases occurred within the context of a single employer, over an eleven-day period. Dialogue between the individuals was displayed in screenplay format, documents were indicated by extra indentation, and events were described in narrative form. Although modifications were made to the fact patterns, in order to harmonize them, none of the changes were significant, in terms of their legal significance. The facts of the Scenario implicated three distinct forms of employment discrimination, and constituted the workplace situations to which the subjects would eventually be directed to apply the skills sought to be instilled by the matrix method treatment. The three types of discrimination implicated by the facts of the Scenario were: (1) Discrimination in Termination, on the basis of Religion, (2) Discrimination in Hiring, on the basis of Disability, and (3) Discrimination in Termination on the basis of Age (Johns, 2008).

The Treatment

The treatment consisted of two live, 60-minute sessions, in successive class periods, during which the subjects were exposed to all four components of the matrix method, in accordance with a strict protocol. The successive class periods did not occur on consecutive days. The protocol in the first session consisted of:

- (1) A scripted explanation of how employment discrimination results from improper employer activity motivated by a protected trait,
- (2) A discussion of examples of employment discrimination,
- (3) Directions to the website where the subjects were to obtain a copy of the extended fact pattern upon which they would base their questionnaire answers, and
- (4) Instructions to read the fact pattern, carefully, before the next class period.

The protocol in the second session consisted of:

- (1) A recitation and discussion of the protected traits listed in Title VII of the Civil Rights Act of 1964 (race, color, sex, religion, and national origin), the Age Discrimination in Employment Act (age), and the Americans with Disabilities Act (disability),
- (2) A description of the entries along the vertical axis of the matrix as the vulnerable points in the employer-employee relationship upon which the Equal Employment Opportunity Commission gathers discrimination statistics,

- (3) A description of how each cell in the matrix represents a distinct form of actionable discrimination,
- (4) Three demonstrations of how to use the standard naming convention to combine a protected trait with a vulnerable point in the employer-employee relationship to produce a standard format name for a form of actionable discrimination,
- (5) A solicitation, from the students, of the discrimination descriptors designated by assigned instructor,
- (6) A detailed exposition of the concept of a *prima facie* case and its elemental facts accompanied by lists of the elements of three *prima facie* cases of actionable discrimination, and
- (7) Three interactive demonstrations in which subjects were shown how to, and then attempted, with guidance, to construct a list of the elements of a *prima facie* case.
- (8) Instructions to read the fact pattern, carefully, again, before the next class period, during which the evaluation phase of the study was to be performed.

The subjects were in possession of a hard copy of the matrix, throughout. To accomplish Step 6, the following definition was provided: "A *prima facie* case is a set of facts, specified by law, which if proved, may entitle the plaintiff to legal relief. Two of the example *prima facie* cases used in Step 6 were from outside the realm of employment discrimination (defamation, and battery), and the third was an example of a *prima facie* case of employment discrimination. The names and elemental facts of these causes of action were written on the board.

To accomplish Step 7, three cells from the matrix (different from those used in Step 4) were designated for use, by the instructor: (1) discrimination in *discipline* on the basis of *disability*; (2) discrimination in *hiring*, on the basis of *religion*, and (3) discrimination in *termination*, on the basis of *sex*, and the subjects were instructed to: (1) assume the role of a victim in a designated type of discrimination; (2) contemplate the facts they would need to establish in order to demonstrate the designated type of discrimination, and (3) make a list of the facts that, if shown, would eliminate all motives for the employer activity, except discrimination.

Implementation and Evaluation

Evaluation of the subjects was accomplished in two distinct phases. In the first phase, the students were directed to complete the Demographic Information questions and the Fact Questions. Access to the Scenario was not allowed during the first phase, in order to assure that the authentication information sought through the Fact Questions was provided from the subjects' memory. In the second phase, the subjects were directed to complete the Analysis Questions, and were allowed access to the Scenario. Both phases of the evaluation took place during a 30-minute time period, with ten minutes

allotted exclusively to the demographic and authentication questions, and the remaining twenty minutes allotted exclusively to the Analysis Questions.

Findings and Discussion

Analysis of responses to the Analysis Questions, which yielded the treatment-effectiveness data, was conducted in three parts. The first part examined (1) the average effect of the treatment on the subjects' ability to correctly identify and name the types of discrimination implicated by the Scenario (the "identification skill"), and (2) whether the subjects were oversensitive to the presence of discrimination in the Scenario – tending to see types not implicated by the facts, either seeing more types than were actually present or identifying the correct number of types but misidentifying one or more of the types they identified. The second part was devoted to examining the average effect of the treatment on the subjects' ability to correctly construct the list of elements of the *prima facie* cases for the discrimination types they identified (the "understanding skill"). For the purposes of this study, the researchers have assumed that the degree to which a subject was able to properly construct the list of elements of an implicated type of discrimination is a reasonable proxy for the subject's degree of understanding of that type of discrimination. The *prima facie* case for each implicated type of discrimination is correctly described by a four-element list, with the list for each type having been specified by the federal appellate court that decided the case from which the Scenario facts were taken. The third part uses inferential statistical methods to relate the demographic variables and familiarity with the facts of the Scenario to the identification skill, the understanding skill, and to oversensitivity.

General Findings

Regarding the five fact questions, 69% (n = 52) of the subjects answered all five questions correctly, and 25% (n = 19) answered four questions correctly. Thus 94% (n = 71) of subjects answered at least four fact questions correctly, indicating that, on average, the subjects had attained a high level of familiarity with the Scenario facts. In addition, 97% of subjects, not having received outside-the-class training related to identifying or dealing with employment discrimination, answered at least four questions correctly, indicating that prior training was unrelated to how well the subjects were able to master the factual content of the Scenario.

Inferential statistical methods were employed, to determine the extent to which treatment effects were a function of the following demographic variables: demographics and oversensitivity, demographics and the identification skill, and demographics and the understanding skill.

Oversensitivity. Significantly more than half of the subjects (68%, n = 51) were oversensitive to the types of discrimination present in the scenario. A one-

way ANOVA was conducted to examine the relative effect of the treatment on the oversensitivity of subjects of different ethnicities. Following the treatment, African-American subjects exhibited the greatest relative degree of oversensitivity ($p = .005$). Past or present discrimination experienced by African-Americans may be a confounding influence in this finding. A T-test was conducted to examine the relative effect of the treatment on the oversensitivity of subjects of different genders. Following the treatment, female participants exhibited significantly greater oversensitivity to the types of discrimination present in the Scenario ($p = .003$). Once again, perhaps gender inequality in the workplace may be a confounding influence.

A one-way ANOVA was conducted to examine the relative effect of the treatment on the oversensitivity of subjects with different work experiences. Full-time employees ($p = .002$) and supervisory-type employees ($p = .006$) exhibited the greatest degree of oversensitivity. In addition, subjects who had received training (other than the treatment used in this study) in identifying and dealing with employment discrimination were significantly more sensitive to the types of discrimination present in the scenario given in this study ($p = .005$).

Identification Skill. With respect to how well the subjects were able to correctly identify and name (using properly constructed descriptors) the types of discrimination implicated in the Scenario, the data indicated that 52% ($n = 39$) were able to correctly identify and name all three types. While 84% ($n = 63$) were able to correctly identify and name the religion-based description, 83% ($n = 62$) were able to properly identify and name the age-based discrimination, and 68% ($n = 51$) were able to properly identify and name the disability-based discrimination. Given that the sample was drawn largely from the population in and around a small community in the Deep South, where religion plays an important role in daily life (Beatty, 2001), one would expect a high sensitivity to the presence of discrimination on the basis of religion, and the data vindicate this expectation.

A one-way ANOVA was conducted to examine the relative effect of the treatment on the identification skill of subjects of different ethnicities. No statistically significant differences were found. A T-test was conducted to examine the relative effect of the treatment on the identification skill of subjects of different genders. Following the treatment, male participants exhibited significantly greater identification abilities to the types of discrimination present in the Scenario ($p = .004$).

Understanding Skill. With respect to how well the subjects understood the significance of the types of discrimination in the Scenario, based on the average number of correctly identified elements of the prima facie cases, age-based discrimination was the most well understood, with an average of 1.69 out of 4 elements correctly identified, disability-based discrimination was the next most well understood type, with an average of 1.48 out of 4 elements correctly identified, and religion-based discrimination was the least well understood, with an average of 1.33 out of 4 elements correctly understood. Interestingly, even though the religion-based discrimination was the most

frequently correctly identified type (84%), it was also the least well understood (1.33 elements out of 4), indicating that while the treatment produced a uniformly high degree of familiarity with the facts, it did not produce a uniform degree of understanding of the significance of the facts. This observation is further buttressed by a comparison of the average number of correct answers to the Fact Questions, 4.61 out of 5 (a rate of 92.2%), with the average total number of correctly identified *prima facie* case elements, 4.51 out of 12 (a rate of 37.6%).² This major finding is tabulated in Table 3.

Table 3 - The rate at which discrimination types are correctly identified is not congruent with the levels of understanding of the behaviors that constitute these discrimination types.

Type	Identified	Understood
Disability	0.68	1.48
Age	0.83	1.69
Religion	0.84	1.33

A one-way ANOVA was conducted to examine the relative effect of the treatment on the understanding skill of subjects of different ethnicities. No statistically significant differences were found. A T-test was conducted to examine the relative effect of the treatment on the understanding skill of subjects of different genders. No statistically significant differences were found.

Recommendations and Conclusion

Researchers must use the results of this study with caution. A quasi-experimental design is to be used only when it is not feasible to use a true experiment design. The location of the study also raises the question of whether inclusion of religion-based discrimination was a mistake, given the apparently culture-driven bias toward a sensitivity to religious issues. While the study does not account for underlying deficits in basic writing skills, the highly formulaic manner in which the subjects' were instructed to complete the descriptors and list the elements of their *prima facie* cases was a design feature intended to minimize the effects of such deficits. Use of the list of elements of *prima facie* cases as proxies for understanding is an untested construct, which might need to be tested.

The subjects' relatively low level of performance on the understanding skill points to a need to modify steps six and seven of the second session protocol. Two modifications suggest themselves: (1) an increase in the number of passive examples demonstrated in Step 6, and (2) an increase in the number of interactive demonstrations in Step 7. Spreading the interactive demonstrations over two periods, instead of one, should also be considered

² Because three types of discrimination were implicated by the facts of the Scenario, and because the *prima facie* case for each was comprised of four elements, there are a total of twelve elements, across all types.

Because the matrix method is intended to develop specific workplace skills, and to open avenues for further study intended to improve the skill-development outcomes, follow-up studies could also be done to determine how long the matrix itself remains a viable part of the subjects' basic conceptual skill set, and how long subjects retain the inclination to "direct their thought process from a visualization of the matrix, to a given descriptor, to the generic list of elements of the corresponding prima facie case, and then to the specific workplace behaviors described by the elements" (Johns, 2008). Further study may also reveal how variations in the effectiveness of the method are related to changes in the materials, as well as the timing, duration, and frequency of use of the materials.

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Appendix A

Name: _____

Please complete this questionnaire. The purpose of this research study is to examine the extent to which a proposed matrix allows you to respond more effectively to problems associated with employment discrimination in an attempt to avoid liability. **Your participation is voluntary. All of your responses will be kept confidential.**

Demographic Information

1. Gender: a. Male b. Female
2. Ethnicity: a. Hispanic b. White (non-Hispanic) c. African-American (non-Hispanic)
d. American Indian/Alaskan Native e. Asian/Pacific Islander
f. Multi-Racial g. Other: _____
3. Classification: a. Freshman b. Sophomore c. Junior d. Senior e. Graduate
4. Major:
a. Accounting b. Business Education
c. Business Information Systems d. Economics
e. Finance f. Technology Support Systems
g. Management h. Marketing
i. Real Estate j. Business Administration
k. Other: _____
5. Student Status: a. Full-time (at least 12 hours undergraduate or 9 hours graduate) b. Part-time
6. Employment Status: a. Full-time b. Part-time c. Unemployed
7. Employment Type: a. Supervisory b. Non-supervisory
8. Your age is: a. 18-22 b. 23-27 c. 28-32 d. 33-37 e. 38-42 f. 43-47 g. 48-52 h. Over 52
9. Your GPA: a. 3.50 – 4.00 b. 3.00 – 3.49 c. 2.50 – 2.99 d. 2.00 – 2.49 e. Below 2.00
10. Have you ever received training in identifying/dealing with employment discrimination, other than the training you received in connection with this survey? a. Yes b. No

Fact Questions

1. According to the scenario, what type of behavior has Gloria stated that she disapproves of?
2. Why was Nick Merrell's application for employment denied?
3. Was SpaceTime Industries trying to increase the size of its workforce, or decrease it?
4. What was Gloria doing, that her employer objected to?

5. Nick submits a letter to his employer, indicating that he regularly attends meetings of an organization that helps individuals overcome substance abuse problems. What is the name of the organization?

Analysis Questions

1. Please identify the types of discrimination illustrated in the Scenario, by filling in the blanks in the sentences below. **There may be fewer than 5 types of discrimination illustrated in the Scenario.**

Type 1: Discrimination in _____, on the basis of _____.

Type 2: Discrimination in _____, on the basis of _____.

Type 3: Discrimination in _____, on the basis of _____.

Type 4: Discrimination in _____, on the basis of _____.

Type 5: Discrimination in _____, on the basis of _____.

2. For each type of discrimination you have identified:

a. Write the elements of that type of discrimination, in the “Elements” column of the grid below, and

b. Write the page and line numbers from the Scenario that illustrate those elements, in the “Page/Line” column.

Type 1	Elements	Page/Line
Type 2	Elements	Page/Line
Type 3	Elements	Page/Line
Type 4	Elements	Page/Line

Type 5	Elements	Page/Line