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Human Resource Management, 17e **(Dessler)**
Chapter 2 Equal Opportunity and the Law

1) Which amendment to the U.S. Constitution states that "no person shall be deprived of life, liberty, or property, without due process of the law"?
A) First Amendment
B) Fifth Amendment
C) Tenth Amendment
D) Thirteenth Amendment
Answer: B
Explanation: The Fifth Amendment to the U.S. Constitution (ratified in 1791) states that "no person shall be deprived of life, liberty, or property, without due process of the law." The Thirteenth Amendment (1865) outlawed slavery, and courts have held that it bars racial discrimination.
Difficulty: Moderate
Objective: 1
AACSB: Analytical Thinking
Learning Outcome: 2.1 Summarize significant events in the emergence of Diversity, Equity, and Inclusion.

2) The _____ Amendment to the U.S. Constitution outlawed slavery, and courts have held that it bars racial discrimination.
A) Fifth
B) Tenth
C) Thirteenth
D) Fourteenth
Answer: C
Explanation: The Thirteenth Amendment (1865) outlawed slavery, and courts have held that it bars racial discrimination. The Fifth Amendment to the U.S. Constitution (ratified in 1791) states that "no person shall be deprived of life, liberty, or property, without due process of the law."
Difficulty: Moderate
Objective: 1
AACSB: Analytical Thinking
Learning Outcome: 2.1 Summarize significant events in the emergence of Diversity, Equity, and Inclusion.

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3) The Thirteenth Amendment to the U.S. Constitution addresses the subject of _____.
A) due process
B) slavery
C) private property
D) trial by jury
Answer: B
Explanation: The Thirteenth Amendment to the U.S. Constitution abolished slavery, and courts have held that it bars racial discrimination.
Difficulty: Moderate
Objective: 1
AACSB: Analytical Thinking
Learning Outcome: 2.1 Summarize significant events in the emergence of Diversity, Equity, and Inclusion.

4) The _____ gives all persons the same right to make and enforce contracts and to benefit from the laws of the land.
A) Fifth Amendment
B) Civil Rights Act of 1866
C) Title VII of the 1964 Civil Rights Act
D) Thirteenth Amendment
Answer: B
Explanation: The Civil Rights Act of 1866 gives all persons the same right to make and enforce contracts and to benefit from U.S. laws. The Fifth Amendment to the U.S. Constitution (ratified in 1791) states that "no person shall be deprived of life, liberty, or property, without due process of the law." The Thirteenth Amendment (1865) outlawed slavery, and courts have held that it bars racial discrimination. Title VII of the 1964 Civil Rights Act states that employers cannot discriminate based on race, color, religion, sex, or national origin.
Difficulty: Moderate
Objective: 1
AACSB: Analytical Thinking
Learning Outcome: 2.1 Summarize significant events in the emergence of Diversity, Equity, and Inclusion.

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5) Title VII of the 1964 Civil Rights Act explicitly prohibits employers from discrimination based on all of the following characteristics EXCEPT _____.
A) race
B) religion
C) color
D) sexual orientation
Answer: D
Explanation: Sexual orientation is not directly addressed under Title VII of the 1964 Civil Rights Act. It states that an employer cannot discriminate based on race, color, religion, sex, or national origin. Title VII bars discrimination on the part of most employers both public and private with 15 or more employees.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

6) According to Title VII of the 1964 Civil Rights Act, which one of the following employers would be legally allowed to refuse employment to an individual based on race, religion, or sex?
A) a state agency with 65 employees
B) a medical office with 25 employees
C) a local restaurant with 10 employees
D) a department store with 100 employees
Answer: C
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Explanation: Title VII bars discrimination on the part of most employers, including all public and private employers of 15 or more persons. It also covers all private and public educational institutions, the federal government, and state and local governments.
Difficulty: Moderate
Objective: 2
AACSB: Application of Knowledge
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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7) _____ was responsible for the creation of the Equal Employment Opportunity Commission.
A) The Equal Pay Act of 1963
B) The Civil Rights Act of 1866
C) Executive Order 11246
D) Title VII of the 1964 Civil Rights Act
Answer: D
Explanation: Title VII established the Equal Employment Opportunity Commission (EEOC) to administer and enforce the Civil Rights law at work. The commission itself consists of five members appointed by the president with the advice and consent of the Senate. Executive Orders 11246 and 11375 established the Office of Federal Contract Compliance Programs.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

8) The EEOC is empowered to investigate _____.
A) job discrimination
B) unfair business practices
C) sexual harassment in the workplace
D) sexual harassment in schools
Answer: A
Explanation: The Equal Employment Opportunity Commission, the EEOC, was created by Title VII and is empowered to investigate job discrimination complaints and sue on behalf of complainants.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

9) _____ members serve on the Equal Employment Opportunity Commission and each members serves a _____ term.
A) Three; two-year
B) Five; five-year
C) Seven; four-year
D) Ten; seven-year
Answer: B
Explanation: The Equal Employment Opportunity Commission (EEOC) consists of five members appointed by the president with the advice and consent of the Senate. Each member serves a five-year term.
Difficulty: Challenging
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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10) Which one of the following appoints the members of the EEOC?
A) U.S. Congress
B) U.S. Supreme Court
C) U.S. President
D) U.S. voters
Answer: C
Explanation: The EEOC consists of five members appointed by the president with the advice and consent of the Senate. Each member serves a five-year term.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

11) The EEOC protects applicants, employees, and former employees based on age. This includes age _____.
A) 45 and older
B) 55 and older
C) 50 and older
D) 40 and older
Answer: D
Explanation: According to the EEOC, "[A]pplicants, employees and former employees are protected from employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability and genetic information (including family medical history)."
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.1 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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12) Which of the following is NOT specifically protected from employment discrimination based on the EEOC guidelines?
A) color
B) race
C) disability
D) language
Answer: D
Explanation: According to the EEOC, "[A]pplicants, employees and former employees are protected from employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability and genetic information (including family medical history)."
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.1 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

13) Which one of the following is NOT a particular group specified as a "minority" in regard to the EEOC?
A) Eastern European
B) Asian or Pacific Islander
C) American Indian or Alaskan Native
D) Black
Answer: A
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Explanation: According to EEOC guidelines, "minority" is used to mean four particular groups who share a race, color, or national origin. These groups are American Indian or Alaskan Native, Asian or Pacific Islander, Black (except Hispanic), and Hispanic.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.1 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

14) Which one of the following requires equal pay for equal work regardless of sex?
A) Title VII of the 1964 Civil Rights Act
B) Equal Pay Act of 1963
C) Pay Discrimination in Employment Act of 1967
D) Civil Rights Act of 1991
Answer: B
Explanation: Under the Equal Pay Act of 1963 (amended in 1972), it is unlawful to discriminate in pay on the basis of sex when jobs involve equal work; require equivalent skills, effort, and responsibility; and are performed under similar working conditions.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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15) When companies practice _____, it means that the company is taking steps to eliminate the present effects of past discrimination.
A) affirmative action
B) executive orders
C) rehabilitation
D) due process
Answer: A
Explanation: Affirmative action refers to steps that are taken by companies for the purpose of eliminating the present effects of past discrimination.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

16) Which one of the following is responsible for implementing Johnson administration Executive Orders 11246 and 11375?
A) Equal Employment Opportunity Commission
B) Pension Benefits Guarantee Corporation
C) Occupational Safety and Health Administration
D) Office of Federal Contract Compliance Programs
Answer: D
Explanation: The Johnson administration (1963-1969) issued Executive Orders 11246 and 11375 which didn't just ban discrimination but also required that government contractors with contracts of over $50,000 and 50 or more employees take affirmative action to ensure employment opportunity for those who may have suffered past discrimination. These orders established the Office of Federal Contract Compliance Programs (OFCCP) to implement the orders and ensure compliance.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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17) Which one of the following factors is NOT an acceptable basis for different pay for equal work under the Equal Pay Act of 1963?
A) gender
B) seniority
C) production quality
D) production quantity
Answer: A
Explanation: Under the Equal Pay Act of 1963 (amended in 1972), it is unlawful to discriminate in pay on the basis of sex when jobs involve equal work; require equivalent skills, effort, and responsibility; and are performed under similar working conditions. Pay differences derived from seniority systems, merit systems, and systems that measure earnings by production quantity or quality or from any factor other than sex do not violate the act.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

18) Jason is 52 years of age and is Caucasian. What legislation is most likely intended to protect Jason from discrimination?
A) Executive Order 11375
B) Equal Pay Act of 1963
C) Executive Order 11246
D) Age Discrimination in Employment Act of 1967
Answer: D
Explanation: The Age Discrimination in Employment Act of 1967 (ADEA) made it unlawful to discriminate against employees or applicants who are between 40 and 65 years of age.
Difficulty: Moderate
Objective: 2
AACSB: Application of Knowledge
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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19) According to the Age Discrimination in Employment Act of 1967, it is mostly unlawful to _____.
A) sue an employer for age-based pay
B) make retirement at age 65 mandatory
C) allow juries to determine age discrimination
D) institute a minimum age for employees
Answer: B
Explanation: The Age Discrimination in Employment Act of 1967 (ADEA) made it unlawful to discriminate against employees or applicants between 40 and 65 years of age. Subsequent amendments eliminated the age cap, effectively ending most mandatory retirement at age 65.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

20) _____ requires certain federal contractors to take affirmative action for disabled persons.
A) The Equal Pay Act
B) The Vocational Rehabilitation Act
C) The Age Discrimination in Employment Act
D) The Civil Rights Act
Answer: B
Explanation: The Vocational Rehabilitation Act of 1973 requires employers with federal contracts of more than $2,500 to take affirmative action in employing disabled persons. It does not require hiring unqualified people.
Difficulty: Easy
Objective: 1
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

21) The Pregnancy Discrimination Act of _____ prohibits using pregnancy, childbirth, or medically related conditions to discriminate in hiring, promotion, suspensions, or discharge, or in any term or condition of employment.
A) 1973
B) 1967
C) 1963
D) 1978
Answer: D
Explanation: The Pregnancy Discrimination Act of 1978 prohibits using pregnancy, childbirth, or related medical conditions to discriminate in hiring, promotion, suspension, or discharge, or in any term or condition of employment.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.1 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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22) The Pregnancy Discrimination Act of 1978 is an amendment of _____.
A) the Civil Rights Act of 1991
B) Title VII of the 1964 Civil Rights Act
C) the Equal Pay Act of 1963
D) the Pay Discrimination in Employment Act of 1967
Answer: B
Explanation: The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act that prohibits sex discrimination based on "pregnancy, childbirth, or related medical conditions."
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.1 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

23) Which one of the following refers to highly recommended procedures issued by federal agencies regarding employee selection and record keeping?
A) job specifications
B) employment metrics
C) process charts
D) uniform guidelines
Answer: D
Explanation: Uniform guidelines are issued by federal agencies charged with ensuring compliance with equal employment federal legislation explaining recommended employer procedures for complying with the law. They set forth "highly recommended" procedures regarding things like employee selection and record keeping.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

24) Which one of the following does NOT participate in the issuance of uniform guidelines?
A) Department of Labor
B) Better Business Bureau
C) Department of Justice
D) Civil Service Commission
Answer: B
Explanation: The EEOC, Civil Service Commission, Department of Labor, and Department of Justice together issue uniform guidelines. These set forth "highly recommended" procedures regarding things like employee selection and record keeping.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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25) Which Supreme Court case was used to define unfair discrimination in conjunction with EEO laws?
A) *Brown v. Board of Education*
B) *Griggs v. Duke Power Company*
C) *West Coast Hotel Co. v. Parrish*
D) *Bostock v. Clayton County*
Answer: B
Explanation: *Griggs v. Duke Power Company* was a landmark Supreme Court case used to define unfair discrimination as put forth in EEO laws such as Title VII. The Court ruled that employment practices must be job related and that discrimination does not have to be overt to be illegal.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

26) In *Griggs v. Duke Power Company*, Griggs sued the power company because it required coal handlers to be high school graduates. The Supreme Court ruled in favor of Griggs because _____.
A) high school diplomas were not related to success as a coal handler
B) Duke Power Company intentionally discriminated based on race
C) no business necessity existed for Duke Power Company
D) Title VII forbids job testing
Answer: A
Explanation: The Court ruled in favor of Griggs because having a high school diploma was not relevant to the job of coal handler. The Court held that an employment practice must be job related if it has an unequal impact on members of a protected class.
Difficulty: Challenging
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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27) Persons such as minority group members and women protected by equal opportunity laws, including Title VII, are considered _____.
A) a minority
B) a protected class
C) part of uniform guidelines
D) part of an equal pay group
Answer: B
Explanation: A protected class is considered persons such as minority group members and women protected by equal opportunity laws, including Title VII.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

28) All of the following are details on how employers could prove that screening tools are related to job performance in the Albemarle Paper Company v. Moody case include all of the following EXCEPT _____.
A) the burden of proof is on the employer
B) duties of the job should be clearly defined
C) the responsibility of a job should be clear
D) performance standards of the job can be subjective
Answer: D
Explanation: In the *Albemarle* case, the Court provided more details on how employers could prove that tests or other screening tools relate to job performance. For example, the Court said that if an employer wants to test candidates for a job, then the employer should first clearly document and understand the job's duties and responsibilities. Furthermore, the job's performance standards should be clear and unambiguous. That way, the employer can identify which employees are performing better than others. The Court's ruling also established the EEOC (now Federal) Guidelines on validation as the procedures for validating employment practices.
Difficulty: Challenging
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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29) Under the principles established by *Griggs v. Duke Power Company*, _____ can be used as a defense for any existing program that has adverse impact.
A) occupational qualification
B) business necessity
C) affirmative action
D) burden of proof
Answer: B
Explanation: Business necessity is the defense for any existing program that has adverse impact according to *Griggs*. The court did not define business necessity.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

30) Which court case provided details regarding how employers could validate the relationship between screening tools and job performance?
A) *Oncale v. Sundowner Offshore Services Inc.*
B) *Albemarle Paper Company v. Moody*
C) *Griggs v. Duke Power Company*
D) *Burlington Industries v. Ellerth*
Answer: B
Explanation: In the *Albemarle* case, the Court provided more details on how employers could prove that tests or other screening tools relate to job performance. For example, the Court said that if an employer wants to test candidates for a job, then the employer should first clearly document and understand the job's duties and responsibilities.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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31) Sanders Sporting Goods, an international sporting goods chain, is being sued for sexual harassment by Lydia, who is a former Sanders employee. The plaintiff asserts that she was the victim of numerous unwanted sexual advances from a male coworker, John. Lydia claims that Sanders' management condoned a hostile work environment and that the company is liable for the actions of John.
All of the following are most likely relevant questions to address in this court case EXCEPT _____.
A) Does Sanders have a record of employees who claim disparate treatment in the workplace?
B) Did Sanders take reasonable care to prevent sexual harassment in the workplace?
C) Does Sanders have a policy statement regarding sexual harassment?
D) Did Lydia take advantage of any corrective opportunities provided by the employer?
Answer: A
Explanation: Disparate treatment relates to intentional discrimination, which is not directly important in this case. Firms decrease their liability in sexual harassment cases if they show that they have taken reasonable care to prevent sexual harassment through various actions, such as issuing a policy statement. Whether the coworker is a U.S. citizen and Sanders is a U.S. entity are important in determining whether EEO laws are applicable.
Difficulty: Challenging
Objective: 2
AACSB: Application of Knowledge
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

32) The 13th Amendment to the U.S. Constitution states, "no person shall be deprived of life, liberty, or property, without due process of the law."
Answer: FALSE
Explanation: The 13th Amendment outlawed slavery. The Fifth Amendment states that "no person shall be deprived of life, liberty, or property, without due process of the law."
Difficulty: Easy
Objective: 1
AACSB: Analytical Thinking
Learning Outcome: 2.1 Summarize significant events in the emergence of Diversity, Equity, and Inclusion.

33) The 14th Amendment to the U.S. Constitution led to the establishment of the EEOC.
Answer: FALSE
Explanation: Title VII of the 1964 Civil Rights Act established the Equal Employment Opportunity Commission to administer and enforce the Civil Rights law at work.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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34) Title VII of the 1964 Civil Rights Act bars discrimination on the part of most employers, including all public employers or private employers of 15 or more persons.
Answer: TRUE
Explanation: Title VII bars discrimination on the part of most employers, including all public or private employers of 15 or more persons, all private and public educational institutions, the federal government, and state and local governments.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

35) The EEOC receives and investigates job discrimination complaints from employers that feel that they've been discriminated against.
Answer: FALSE
Explanation: The Equal Employment Opportunity Commission receives and investigates job discrimination complaints from aggrieved individuals. When the EEOC finds reasonable cause that the charges are justified, it attempts (through conciliation) to reach an agreement. If this fails, it can go to court.
Difficulty: Easy
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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36) Only an aggrieved individual can file job discrimination charges against a business.
Answer: FALSE
Explanation: The EEOC may file discrimination charges on behalf of aggrieved individuals, or the individuals may file on behalf of themselves.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

37) The Age Discrimination in Employment Act of 1967 makes it unlawful to discriminate against employees of federal, state, and local agencies who are between 40 and 65 years of age; however, the law does not apply to private businesses.
Answer: FALSE
Explanation: The Age Discrimination in Employment Act of 1967 (ADEA) made it unlawful to discriminate against employees or applicants who are between 40 and 65 years of age. ADEA applies to all employers, not just government agencies.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
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38) The Supreme Court has held that an employee who is over 40 may sue for discrimination if he or she is replaced by a "significantly younger" employee, even if the replacement is also over 40.
Answer: TRUE
Explanation: You can't get around the ADEA by replacing employees over 40 years of age with those who are also over 40. In *O'Connor v. Consolidated Coin Caterers Corp*., the U.S. Supreme Court held that an employee who is over 40 years of age might sue for discrimination if a "significantly younger" employee replaces him or her, even if the replacement is also over 40. The Court didn't specify what "significantly younger" meant, but O'Connor had been replaced by someone 16 years younger.
Difficulty: Challenging
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

39) If a business offers its employees disability coverage, then pregnancy and childbirth must be treated like any other disability and included in the plan as a covered condition.
Answer: TRUE
Explanation: The Pregnancy Discrimination Act of 1978 prohibits using pregnancy, childbirth, or related medical conditions to discriminate in hiring, promotion, suspension, or discharge, or in any term or condition of employment. Furthermore, under the act, if an employer offers its employees disability coverage, then it must treat pregnancy and childbirth like any other disability and include it in the plan as a covered condition.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.1 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

40) Title VII forbids all testing of job applicants because testing systematically discriminates against certain protected classes.
Answer: FALSE
Explanation: The Supreme Court ruled that an employment practice, such as testing, must be job-related if it has an unequal impact on members of a protected class. Title VII does not forbid testing or screening job applicants, but it requires that the test/screen is relevant to performing the job.
Difficulty: Moderate
Objective: 2
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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41) What is the significance of Title VII? What has been the effect of Title VII on the modern workforce and diversity management?
Answer: Title VII bars discrimination on the part of most employers, including all public or private employers of 15 or more persons. It also covers all private and public educational institutions, the federal government, and state and local governments. It bars public and private employment agencies from failing or refusing to refer for employment any individual because of race, color, religion, sex, or national origin. Title VII also established the Equal Employment Opportunity Commission (EEOC) to administer and enforce the Civil Rights law at work. The changes brought about by Title VII as well as demographic changes and globalization have altered the modern workforce. White males no longer dominate the labor force, and women and minorities represent the lion's share of labor force growth over the near future. Furthermore, globalization requires employers to hire minority members with the appropriate cultural and language competencies to deal with customers abroad. Managing diversity means maximizing diversity's potential benefits (greater cultural awareness, and broader language competencies, for instance) while minimizing the potential barriers (such as prejudices and bias) that can undermine the company's performance. Legally, compulsory actions can reduce some blatant diversity barriers; taking a diverse workforce and blending it into a close-knit and productive one requires more.
Difficulty: Challenging
Objective: 2
AACSB: Written and Oral Communication
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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42) What were the three crucial guidelines affecting equal employment legislation that Chief Justice Burger identified in his written opinion on *Griggs v. Duke Power Company*?
Answer: First, discrimination by the employer need not be overt. The employer does not have to be shown to have intentionally discriminated against the employee or applicant. The plaintiff need only show that discrimination did take place. Second, an employment practice must be job related if it has an unequal impact on members of a protected class. Third, the burden of proof is on the employer to show that the hiring practice is job related.
Difficulty: Challenging
Objective: 2
AACSB: Written and Oral Communication
Learning Outcome: 2.2 List the basic features of Title VII of the 1964 Civil Rights Act and at least five other early equal employment laws.

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43) Under the Civil Rights Act of 1991, when does the burden of proving that the challenged practice is job related shift to the employer?
A) One week after the case has been files
B) One month from the day of filing
C) Once it has been demonstrated that a potentially illegal employment practice has impacted at least two employees
D) Once it has been demonstrated that an employment practice has physically injured an employee
Answer: B
Explanation: Once an applicant or employee demonstrates that an employment practice has an adverse impact on a particular group, then the burden of proof shifts to the employer, who must show that the challenged practice is job related.
Difficulty: Moderate
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

44) Before CRA 1991, victims of _____ who had not suffered financial loss could not recover compensatory or punitive damages.
A) intentional discrimination
B) sexual discrimination
C) gender discrimination
D) mixed-motive cases
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Answer: A
Explanation: Before CRA 1991, victims of *intentional* discrimination (which lawyers call *disparate treatment*) who had not suffered financial loss and who sued under Title VII could not then sue for compensatory or punitive damages.
Difficulty: Moderate
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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45) Race, color, religion, sex, or national origin is a motivating factor in a particular termination case, but the employee would have been terminated for failure to perform anyway. Which one of the following most likely exists in this situation?
A) mixed motive
B) disparate impact
C) liability defense
D) burden of proof
Answer: A
Explanation: An unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice. Some employers in so-called "mixed motive" cases had taken the position that even though their actions were discriminatory, other factors like the employee's dubious behavior made the job action acceptable. Under CRA 1991, an employer cannot avoid liability by proving it would have taken the same action—such as terminating someone—even without the discriminatory motive.
Difficulty: Moderate
Objective: 3
AACSB: Application of Knowledge
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

46) Which one of the following requires employers to make reasonable accommodations for disabled employees?
A) Civil Rights Act of 1991
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B) Americans with Disabilities Act of 1990
C) Equal Pay Act
D) Disability Discrimination in Employment Act of 1967
Answer: B
Explanation: The Americans with Disabilities Act (ADA) of 1990 prohibits employment discrimination against qualified disabled individuals. It also says employers must make "reasonable accommodations" for physical or mental limitations unless doing so imposes an "undue hardship" on the business.
Difficulty: Easy
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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47) According to the Americans with Disabilities Act, which one of the following is considered a disability?
A) cosmetic disfigurement
B) compulsive gambling
C) homosexuality
D) physiological disorder
Answer: A
Explanation: The ADA specifies conditions that it does not regard as disabilities, including homosexuality, compulsive gambling, pyromania, and certain disorders resulting from the current illegal use of drugs.
Difficulty: Moderate
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

48) Which type of disability accounts for the greatest number of ADA claims?
A) drug-related
B) mental
C) vision
D) loss of limb
Answer: B
Explanation: Mental disabilities account for the greatest number of ADA claims. Under EEOC ADA guidelines, "mental impairment" includes "any mental or psychological disorder, such as . . . emotional or mental illness."
Difficulty: Easy
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

49) Under ADA, those who can carry out the essential functions of the job are known as which one of the following?
A) protected class
B) career anchors
C) staff authorities
D) qualified individuals
Answer: D
Explanation: The ADA prohibits discrimination against qualified individuals—those who, with (or without) a reasonable accommodation, can carry out the essential functions of the job. The individual must have the requisite skills, educational background, and experience to do the job.
Difficulty: Easy
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.2 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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50) An employer that uses a screen-reading program to meet the needs of a blind employee is most likely _____.
A) making a reasonable accommodation
B) fulfilling job analysis requirements
C) identifying essential job functions
D) complying with Title VII rules
Answer: A
Explanation: If an employee can't perform the job as currently structured, the employer must make a "reasonable accommodation" unless doing so would present an "undue hardship." Reasonable accommodation might include modifying work schedules or acquiring equipment or other devices (such as screen-reading programs) to assist the person.
Difficulty: Moderate
Objective: 3
AACSB: Application of Knowledge
Learning Outcome: 2.2 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

51) Which one of the following will be the most likely result of the ADA Amendments Act of 2008?
A) Employees will find it easier to prove that their disabilities are limiting.
B) The number of major life activities considered disabilities will be narrowed.
C) Employers will be required to make fewer accommodations for workers with disabilities.
D) Employers will be required to hire a specific percentage of disabled workers to comply.
Answer: A
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Explanation: The new ADAA's basic effect will be to make it much easier for employees to show that their disabilities are influencing one of their "major life activities," such as reading and thinking.
Difficulty: Challenging
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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52) The _____ provides that a person who commits a crime of violence motivated by gender that deprives another of rights shall be liable to the party injured.
A) Civil Rights Act of 1991
B) Federal Violence Against Women Act of 1994
C) Pregnancy Discrimination Act
D) Vocational Rehabilitation Act of 1973
Answer: B
Explanation: The Federal Violence Against Women Act of 1994 provides that a person who commits a crime of violence motivated by gender and thus deprives another of rights shall be liable to the party injured. The law offers an additional path that women can use to seek relief for violent sexual harassment.
Difficulty: Easy
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws and explain with examples how to avoid accusations of sexual harassment at work.

53) All of the following are ways for an employee to prove sexual harassment EXCEPT by proving that _____.
A) the verbal remarks of a coworker was sexually flirtatious
B) the rejection of a supervisor's sexual advances led to a demotion
C) a hostile work environment was created by a coworker's sexual conversation
D) a hostile work environment was created by a nonemployee's sexual advances
Answer: A
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Explanation: The U.S. Supreme Court held that sexual harassment law doesn't cover ordinary "intersexual flirtation." Someone can prove sexual harassment if rejecting a supervisor's sexual advances led to a demotion, firing, or altered work assignment. Sexual harassment can also be proven if a hostile work environment is created by the sexual conduct of supervisors, coworkers, or nonemployees.
Difficulty: Challenging
Objective: 3
AACSB: Application of Knowledge
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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54) Ximena was up for a promotion at Simpson Consulting when her supervisor, Will, encouraged her to start a sexual relationship with him. He suggested that her promotion would be a sure thing if they were intimately involved. When Ximena declined his advances, Will fired her. Which one of the following would Ximena most likely be able to prove in court if she decided to sue Simpson Consulting?
A) hostile environment created by supervisors
B) hostile environment created by coworkers
C) disparate treatment
D) quid pro quo
Answer: D
Explanation: Quid pro quo (something for something) is the most direct way to prove that rejecting a supervisor's advances adversely affected what the EEOC calls a "tangible employment action" such as hiring, firing, promotion, demotion, and/or work assignment. Quid pro quo would be the best option for Ximena if she sues the firm for Will's actions.
Difficulty: Challenging
Objective: 3
AACSB: Application of Knowledge
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

55) Montell is always making sexual jokes at work. Many employees find the jokes funny, but Shelley, Montell's executive assistant, is uncomfortable with the jokes. Eventually, she decides to quit her job rather than endure the jokes any longer. What form of sexual harassment has Shelley experienced?
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A) quid pro quo
B) hostile environment created by supervisors
C) hostile environment created by coworkers
D) hostile environment created by nonemployees
Answer: B
Explanation: As Shelley's supervisor, Montell created a hostile environment according to the EEOC. A claimant does not need to show that the harassment had tangible consequences such as demotion. It is sufficient in many cases to prove that a supervisor's sexual harassment substantially affected an employee's emotional and psychological abilities.
Difficulty: Challenging
Objective: 3
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Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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56) All of the following are ways that an employer can minimize liability in sexual harassment claims EXCEPT _____.
A) having an informal policy for dealing with sexual harassment
B) taking all complaints about harassment seriously
C) taking steps to prevent sexual harassment from occurring
D) training supervisors and managers to increase their awareness of the issues
Answer: A
Explanation: Establishing a clear sexual harassment policy that clarifies how to report complaints and investigating charges quickly are major ways that employers can show that they took reasonable care to prevent and correct sexual harassment, which will minimize liability. An informal policy does not do so.
Difficulty: Challenging
Objective: 3
AACSB: Application of Knowledge
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

57) Sanders Sporting Goods, an international sporting goods chain, is being sued for sexual harassment by a former Sanders employee. The plaintiff asserts that she was the victim of numerous unwanted sexual advances from a coworker. The employee claims that Sanders' management condoned a hostile work environment and that the company is liable for the actions of the employee.
Which one of the following, if true, would best support the plaintiff's argument that Sanders is liable for sexual harassment?
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A) Sanders republished its sexual harassment policy twice within the last year.
B) The HR department at Sanders has records of the plaintiff's initial complaints.
C) Sanders lacks a management response system for handling sexual harassment complaints.
D) Sanders recently lost a court case filed by former employees who claimed disparate treatment.
Answer: C
Explanation: Employers can minimize their liability in sexual harassment claims by showing that they have a response system set up for handling sexual harassment complaints, so Sanders may be liable if it lacks a system.
Difficulty: Challenging
Objective: 3
AACSB: Application of Knowledge
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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58) Connor Concrete, a construction firm chain, is being sued for sexual harassment by a former employee. The plaintiff asserts that he was the victim of numerous unwanted sexual advances from a coworker. The man claims that Connor Concrete's management condoned a hostile work environment and that the company is liable for the actions of the employee.
Which one of the following, if true, would most likely undermine the plaintiff's claim that Sanders is liable for the employee's conduct?
A) The employee physically threatened the plaintiff on three occasions.
B) The employee made sexual advances towards the plaintiff on a daily basis.
C) The employee was required by HR to participate in a sexual harassment awareness course.
D) The employee's conduct significantly interfered with the plaintiff's ability to perform in the workplace.
Answer: C
Explanation: If the employee was required to take a sexual harassment course, then that action shows that Sanders was making a reasonable attempt to stop the behavior. A hostile environment most likely existed if the employee made threats and daily sexual advances that interfered with the plaintiff's job performance.
Difficulty: Challenging
Objective: 3
AACSB: Application of Knowledge
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

59) One of Juanita's male coworkers has been making sexually suggestive comments to Juanita about her clothing and her appearance, which makes Juanita feel uncomfortable at work. What is the first step Juanita should take to address the problem?
A) filing a complaint with the local EEOC office
B) filing a verbal complaint with the harasser's boss
C) writing a letter to the accused
D) consulting an attorney
Answer: B
Explanation: The first step Juanita should take is filing a verbal complaint with the harasser and the harasser's boss. After that, writing a letter to the accused and filing a report with the HR director are appropriate actions. Filing a complaint with the EEOC and consulting an attorney are the final steps to take if previous efforts have not improved the situation.
Difficulty: Challenging
Objective: 3
AACSB: Application of Knowledge
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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60) The last step a worker should usually take when they are sexually harassed is _____.
A) file a verbal contemporaneous complaint with the harasser's manager
B) file written reports regarding the unwelcome conduct with the human resource director
C) file a verbal contemporaneous complaint with the harasser
D) file a claim with the EEOC
Answer: D
Explanation: Courts generally look to whether the harassed employee used the employer's reporting procedures to file a complaint promptly. After the process with the employer is exhausted and remedy is still needed then the workers should file with the EEOC.
Difficulty: Challenging
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws and explain with examples how to avoid accusations of sexual harassment at work.

61) The Civil Rights Act of 1991 makes it more difficult for plaintiffs to sue for monetary damages in cases of disparate treatment.
Answer: FALSE
Explanation: CRA 1991 makes it easier to sue for monetary damages in cases of disparate treatment or intentional discrimination. CRA 1991 provides that an employee who is claiming intentional discrimination can ask for both compensatory damages and punitive damages.
Difficulty: Moderate
Objective: 3
AACSB: Analytical Thinking
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Learning Outcome: 2.2 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

62) Being disabled qualifies an individual for a job.
Answer: FALSE
Explanation: Just being disabled doesn't qualify someone for a job. Qualified individuals are those who with (or without) a reasonable accommodation can carry out the essential functions of the job.
Difficulty: Easy
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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63) Mental disabilities, such as depression and anxiety disorders, account for the greatest number of claims brought under the ADA.
Answer: TRUE
Explanation: Mental disabilities account for the greatest number of ADA claims. Under EEOC ADA guidelines, "mental impairment" includes "any mental or psychological disorder, such as . . . emotional or mental illness." Examples include major depression, anxiety disorders, and personality disorders.
Difficulty: Moderate
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

64) According to the ADA, firms must employ all disabled individuals who apply for positions and provide them with job training when necessary.
Answer: FALSE
Explanation: Employers are not required to employ all disabled job applicants. The ADA prohibits discrimination against qualified individuals—those who, with (or without) a reasonable accommodation, can carry out the essential functions of the job. The individual must have the requisite skills, educational background, and experience to do the job.
Difficulty: Easy
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

65) According to GINA, health insurers and employers are prohibited from discriminating based on people's genetic information.
Answer: TRUE
Explanation: The Genetic Information Nondiscrimination Act (GINA) prohibits discrimination by health insurers and employers based on people's genetic information. Specifically, it prohibits the use of genetic information in employment, prohibits the intentional acquisition of genetic information about applicants and employees, and imposes strict confidentiality requirements.
Difficulty: Moderate
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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66) To prove sexual harassment, it is necessary to show that the harassment had tangible consequences such as demotion or termination.
Answer: FALSE
Explanation: In *Burlington Industries v. Ellerth*, the employee accused her supervisor of *quid pro quo* harassment. She said her boss propositioned and threatened her with demotion if she did not respond. He did not carry out the threats, and she was promoted. Therefore, in *quid pro quo* cases it is not necessary for the employee to suffer a tangible job action (such as a demotion) to win the case.
Difficulty: Moderate
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

67) Research indicates that more women than men find socio-sexual behaviors at work to be flattering rather than offensive.
Answer: FALSE
Explanation: A study found that 58% of employees reported experiencing potentially harassment-type behaviors at work.
Difficulty: Moderate
Objective: 3
AACSB: Analytical Thinking
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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68) Describe how the ADA Amendments Act of 2008 affects both employers and employees.
Answer: The era in which employers prevail in most ADA claims probably ended January 1, 2009. On that day, the ADA Amendments Act of 2008 (ADAAA) became effective. The EEOC had been interpreting the ADA's "substantially limits" phrase very narrowly. The 2008 ADAAA's basic effect is to make it much easier for employees to show that their disabilities are limiting. For example, the new act makes it easier for an employee to show that his or her disability is influencing one of the employee's "major life activities." It does this by adding examples like reading, concentrating, thinking, sleeping, and communicating to the list of ADA major life activities. As another example, under the new act, an employee will be considered disabled even if he or she has been able to control his or her impairments through medical or "learned behavioral" modifications. The bottom line is that employers will henceforth have to redouble their efforts to make sure they're complying with the ADA and providing reasonable accommodations to employees.
Difficulty: Challenging
Objective: 1
AACSB: Written and Oral Communication
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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69) What are the three primary ways that an individual can prove sexual harassment? Name and describe each one.
Answer: The three main ways an employee can prove sexual harassment are quid pro quo, hostile environment created by supervisors, or hostile environment created by coworkers or nonemployees. Quid pro quo means that submission to sexual conduct is made a term or condition of employment or advancement. For example, a manager could say that a subordinate will only get a promotion if the subordinate does a sexual act with the manager. Even when no direct threats or promises are made in exchange for sexual advances, if an offensive work environment is created, sexual harassment has occurred. Such an offensive work environment is called a hostile environment. This hostile environment can be created by coworkers and their behaviors and actions. It can also be created by the behaviors and actions of a supervisor. A hostile environment is seen to exist when the discriminatory conduct is frequent and repeated over time or severe in nature and it unreasonably interferes with an employee's work performance. EEOC guidelines state that an employer is liable for the sexually harassing acts of its nonsupervisory employees if the employer knew or should have known of the harassing conduct.
Difficulty: Challenging
Objective: 3
AACSB: Written and Oral Communication
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

70) What are the two primary arguments available to employers when defending against sexual harassment liability? What two defenses are available to employers fighting discriminatory practice allegations?
Answer: An employer must show that it exercised reasonable care to prevent and correct promptly any sexually harassing behavior. Reasonable care can be shown through strong sexual harassment policies, training managers and employees regarding their responsibilities for complying with these policies, instituting reporting processes, investigating charges promptly, and taking corrective action promptly. Second, the employer can demonstrate that the plaintiff "unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer." The employee's failing to use formal organizational reporting systems satisfies the second component. When defending against discriminatory practice allegations, an employer can claim that the employment practice is a bona fide occupational qualification for performing the job. The other option is showing that the practice is a business necessity, which requires showing that there is an overriding business purpose for the discriminatory practice and that the practice is therefore acceptable.
Difficulty: Challenging
Objective: 3
AACSB: Written and Oral Communication
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

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71) What steps can an employee take to address the problem of sexual harassment in the workplace?
Answer: Employees can take the following steps: 1) Speak with the harasser or their boss, 2) Inform their own supervisor, 3) File a written report, 4) File claim at local EEOC.
Difficulty: Challenging
Objective: 3
AACSB: Written and Oral Communication
Learning Outcome: 2.3 List the basic features of at least five post-1990 employment laws, and explain with examples how to avoid accusations of sexual harassment at work.

72) _____ exists when an employer treats an individual differently because that individual is a member of a particular race, religion, gender, or ethnic group.
A) Disparate impact
B) Disparate treatment
C) Adverse impact
D) Prima facie
Answer: B
Explanation: Disparate treatment means intentional discrimination and "exists where an employer treats an individual differently because that individual is a member of a particular race, religion, gender, or ethnic group."
Difficulty: Easy
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

73) Which one of the following refers to the overall effect of employer practices that result in significantly higher percentages of members of protected groups being rejected for employment, placement, or promotion?
A) disparate treatment
B) disparate effect
C) adverse impact
D) prima facie
Answer: C
Explanation: Adverse impact is the overall effect of employer practices that result in significantly higher percentages of members of protected groups being rejected for employment, placement, or promotion.
Difficulty: Easy
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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74) All of the following are ways that an employee or job applicant can show adverse impact EXCEPT _____.
A) proving a discrepancy between rates of rejection of members of a protected group and others
B) holding a fact-finding conference
C) utilizing population comparisons
D) using the standard deviation rule
Answer: B
Explanation: The EEOC investigates charges of discrimination and frequently holds fact-finding conferences, so this would not be an option for employees or job applicants. Comparing disparate rejection rates, making population comparisons, and using the standard deviation rule are methods available to employees and applicants trying to show that an employer's procedures have an adverse effect on a protected group.
Difficulty: Moderate
Objective: 4
AACSB: Application of Knowledge
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

75) Which one of the following is used by lawyers in disparate impact cases to show intentional disparate treatment?
A) disparate rejection rates
B) restricted policy approach
C) population comparisons
D) McDonnell-Douglas test
Answer: D
Explanation: Lawyers in disparate impact cases use disparate rejection rates, restricted policy approaches, and population comparisons to test whether an employer's policies or actions have the effect of unintentionally screening out disproportionate numbers of women or minorities. Lawyers use the McDonnell-Douglas test for showing (intentional) disparate treatment, rather than (unintentional) disparate impact.
Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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76) The formula used by federal agencies to determine disparate rejection rates is based on a selection rate for any racial, ethnic, or sex group less than _____ percent of the rate for the group with the highest rate.
A) 20
B) 40
C) 60
D) 80
Answer: D
Explanation: Federal agencies use a "4/5ths rule" to assess disparate rejection rates: "A selection rate for any racial, ethnic, or sex group which is less than four-fifths or 80% of the rate for the group with the highest rate will generally be regarded as evidence of adverse impact, while a greater than four-fifths rate will generally not be regarded as evidence of adverse impact."
Difficulty: Easy
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

77) Which one of the following tests for adverse impact involves demonstrating that the employer's policy either intentionally or unintentionally excludes members of a protected group?
A) McDonnell-Douglas test
B) BFOQ approach
C) systemic method
D) restricted policy
Answer: D
Explanation: The restricted policy approach means demonstrating that the employer's policy intentionally or unintentionally excluded members of a protected group.
Difficulty: Easy
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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78) Which one of the following involves comparing the percentage of the minority/protected group and white workers in an organization with the percentage of the corresponding group in the labor market?
A) personnel population comparison approach
B) restricted policy comparison method
C) population comparisons approach
D) McDonnell-Douglas test
Answer: C
Explanation: This approach compares (1) the percentage of minority/protected group and white workers in the organization with (2) the percentage of the corresponding group in the labor market.
Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

79) Which law allows an employer to claim that an employment practice is a bona fide occupational qualification for performing the job?
A) Title VII of the 1964 Civil Rights Act
B) Vocational Rehabilitation Act of 1973
C) Genetic Information Nondiscrimination Act of 2008
D) 1972 Equal Opportunity Act TBEXAM.COM
Answer: A
Explanation: An employer can claim that the employment practice is a bona fide occupational qualification (BFOQ) for performing the job according to Title VII. Title VII provides that "it should not be an unlawful employment practice for an employer to hire an employee . . . on the basis of religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."
Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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80) Employers primarily use bona fide occupational qualification (BFOQ) as a defense against charges of discrimination based on _____.
A) religion
B) age
C) gender
D) nationality
Answer: B
Explanation: Employers use BFOQ mostly as a defense against charges of intentional discrimination based on age. However, Title VII provides that "it should not be an unlawful employment practice for an employer to hire an employee . . . on the basis of religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."
Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

81) In which one of the following jobs would gender most likely be appropriate to use as a BFOQ?
A) teacher in a public school
B) prison guard at a federal penitentiaryTBEXAM.COM
C) teacher at a private, all-girls school
D) actor in a retirement commercial
Answer: D
Explanation: Gender may be a BFOQ for positions like actor, model, and restroom attendant requiring physical characteristics possessed by one sex. However, for most jobs today, it's difficult to claim that gender is a BFOQ.
Difficulty: Moderate
Objective: 4
AACSB: Application of Knowledge
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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82) Pictures and Promotions Modeling Studio seeks to hire male models for an upcoming fashion show featuring men's wear. The studio is using _____ as a justification for not considering women for the jobs.
A) BARS
B) ADEA
C) EEOC
D) BFOQ
Answer: D
Explanation: An employer can claim that the employment practice is a bona fide occupational qualification (BFOQ) for performing the job. In this case, a specific gender is necessary for the job.
Difficulty: Moderate
Objective: 4
AACSB: Application of Knowledge
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

83) Which defense requires showing that there is an overriding company-related purpose for a discriminatory practice and that the practice is therefore acceptable?
A) prima facie
B) business necessity
C) adverse impact
D) mixed motive
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Answer: B
Explanation: "Business necessity" is a defense created by the courts that requires showing that there is an overriding business purpose for the discriminatory practice and that the practice is therefore acceptable. It's not easy to prove business necessity because the Supreme Court made it clear that business necessity does not encompass such matters as avoiding an employer inconvenience, annoyance, or expense.
Difficulty: Easy
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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84) The application requirements for Western Airlines pilot positions require candidates to have logged at least 200 hours piloting an aircraft within the previous 36 months. In addition, applicants must have 2,500 hours of experience in the air with at least 1,000 hours as the commanding pilot of a commercial airplane. A four-year college degree is also required. Jeff Sanchez, who is Hispanic, applied for a position as a pilot and was rejected because he has a degree from a 2-year college and only 2,000 hours of flight experience. Jeff is suing Western Airlines for discriminatory hiring practices.
Which one of the following, if true, best supports Western Airlines' defense?
A) At Western Airlines, turnover is high among minority employees working as pilots and flight attendants.
B) Western Airlines prefers to hire pilots that are Caucasian or Black as they're had longer, more successful careers with the airlines.
C) The total number of hours spent flying a commercial airline is a valid predictor of performance for Western Airlines pilots.
D) Western Airlines bases its selection tests and hiring practices on industry guidelines for commercial pilots.
Answer: C
Explanation: Western Airlines' best defense involves proving that its selection tests or other employment practices are valid predictors of performance on the job. Where the employer can establish such validity, the courts have generally supported using the test or other employment practice as a business necessity. In this example, the number of flight hours is a predictor of job performance. Turnover, recruiting, and industry guidelines are less important factors.
Difficulty: Challenging
Objective: 4
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AACSB: Application of Knowledge
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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85) The application requirements for Western Airlines pilot positions require candidates to have logged at least 200 hours piloting an aircraft within the previous 36 months. In addition, applicants must have 2,500 hours of experience in the air with at least 1,000 hours as the commanding pilot of a commercial airplane. A four-year college degree is also required. Wallace Roberts, who is African-American, applied for a position as a pilot and was rejected because he has a degree from a 2-year college and only 2,000 hours of flight experience. Jeff is suing Western Airlines for discriminatory hiring practices.
Which one of the following statements is most likely relevant to this court case against Western Airlines?
A) Most pilots at Western Airlines belong to labor unions and are involved in collective bargaining arrangements detrimental to the industry.
B) The job requirements for pilots at Western Airlines are a business necessity due to the human risks associated with hiring unqualified applicants.
C) The Age Discrimination in Employment Act prevents firms, such as Western Airlines, from discriminating when age is a BFOQ.
D) As a global firm, Western Airlines can easily establish a prima facie case of discrimination based on race.
Answer: B
Explanation: Commercial pilots put passengers at risk if they are unqualified, so it is a business necessity for Western Airlines to have what may be discriminatory hiring practices. In this example, the job requires a high degree of skill, and the economic and human risks of hiring an unqualified applicant are great.
Difficulty: Challenging
Objective: 4
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AACSB: Application of Knowledge
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

86) All of the following recruitment practices are potentially discriminatory EXCEPT _____.
A) spreading information about job openings through word-of-mouth among a firm's predominantly Hispanic workforce
B) providing misleading information to Asian and Indian job applicants
C) posting help wanted ads that specify young, male applicants
D) posting job advertisements only in local newspapers
Answer: D
Explanation: Ads that specify age or gender may be problematic, but only posting ads in local newspapers is acceptable. Using word-of-mouth to relay information about job openings is only problematic if the workforce is mostly made up of members of a particular group. Providing misleading or false information to certain applicants is also potentially discriminatory.
Difficulty: Challenging
Objective: 4
AACSB: Application of Knowledge
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87) Which one of the following is most likely an example of a discriminatory selection standard?
A) measuring a software designer applicant's knowledge about a computer language
B) requiring a high school teacher applicant to have a four-year college degree
C) requiring wait staff to have a college degree
D) asking prison guard applicants to reveal their arrest records
Answer: C
Explanation: It would most likely be unlawful to require engineers to meet certain height standards because height is not related to the job. If a job requires security clearance, such as a prison guard, then it is not discriminatory to ask about an applicant's arrest record. Educational requirements, physical characteristics, and knowledge are acceptable selection standards when they specifically relate to the job.
Difficulty: Challenging
Objective: 4
AACSB: Application of Knowledge
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

88) Under the Civil Rights Act of 1991, disparate impact claims require proof of discriminatory intent.
Answer: FALSE
Explanation: Disparate impact means that an employer engages in an employment practice or policy that has a greater adverse impact (effect) on the members of a protected group under Title VII than on other employees, regardless of intent.
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Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

89) The McDonnell-Douglas test is a procedure used by federal agencies to assess disparate impact.
Answer: FALSE
Explanation: Lawyers use the McDonnell-Douglas test for showing disparate treatment instead of disparate impact. The 4/5ths rule is used by federal agencies to assess disparate rejection rates.
Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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90) The restricted policy approach involves demonstrating that an employer's hiring practices either intentionally or unintentionally exclude members of a protected group.
Answer: TRUE
Explanation: The restricted policy approach means demonstrating that the employer's policy intentionally or unintentionally excluded members of a protected group. Here the problem is usually obvious—such as policies against hiring bartenders less than six feet tall. Evidence of restricted policies such as these is enough to prove adverse impact and to expose an employer to litigation.
Difficulty: Easy
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

91) Shippers Express is accused of adverse impact on a protected group. Eighty percent of all male applicants are hired, but only 50% of female applicants are hired. Using the formula for disparate rejection rates, adverse impact cannot be shown.
Answer: FALSE
Explanation: A selection rate for any racial, ethnic, or sex group which is less than four-fifths or 80% of the rate for the group with the highest rate will generally be regarded as evidence of adverse impact, while a greater than four-fifths rate will generally not be regarded as evidence of adverse impact. In this example, Shippers Express hires 80% of male applicants, but only 50% of female applicants. Four-fifths of 80% would be 64%. Since 50% is less than 64%, adverse impact exists.
Difficulty: Challenging
Objective: 4
AACSB: Application of Knowledge
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

92) Utilization analysis compares the percentage of minority employees at a firm with the number of similarly trained minorities available in the relevant labor market.
Answer: TRUE
Explanation: The process of comparing the percentage of minority employees in a job (or jobs) at the company with the number of similarly trained minority employees available in the relevant labor market is utilization analysis.
Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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93) Employers most frequently use a bona fide occupation qualification as a defense against charges of intentional discrimination based on gender compared to other protected class types.
Answer: FALSE
Explanation: In most cases, employers use BFOQ as a defense against charges of intentional discrimination based on age.
Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

94) The Age Discrimination in Employment Act prohibits the use of age as a BFOQ for any type of employment.
Answer: FALSE
Explanation: The Age Discrimination in Employment Act of 1967 (ADEA) made it unlawful to discriminate against employees or applicants who are between 40 and 65 years of age.
Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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95) Under no circumstances may religion be used as a bona fide occupational qualification (BFOQ).
Answer: FALSE
Explanation: Religion may be a BFOQ in religious organizations or societies that require employees to share their particular religion. For example, religion may be a BFOQ when hiring persons to teach in a religious school.
Difficulty: Moderate
Objective: 4
AACSB: Analytical Thinking
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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96) Compare and contrast disparate treatment and disparate impact.
Answer: Disparate treatment means intentional discrimination. It exists where an employer treats an individual differently because that individual is a member of a particular race, religion, gender, or ethnic group. Disparate impact means that an employer engages in an employment practice or policy that has a greater impact on the members of a protected group under Title VII than on other employees, regardless of intent. Disparate treatment requires finding intent to discriminate while disparate impact claims do not require proof of discriminatory intent.
Difficulty: Challenging
Objective: 4
AACSB: Written and Oral Communication
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

97) What are the methods an applicant or employee can use to show that an employer's procedures (such as a selection test) have an adverse impact on a protected group?
Answer: In practice, an applicant or employee can use one of these methods to show that one of an employer's procedures has an adverse impact on a protected group: 1) disparate rejection rate, which is a method that compares the rejection rates for a minority group and another group (usually the remaining nonminority applicants). Federal agencies use a 4/5ths rule to assess disparate rejection rates. 2) The standard deviation rule, which is a statistical measure of variability that helps to describe the difference between the numbers of minority candidates who were expected to be hired and who were actually hired and should be less than two standard deviations. 3) Restricted policy is a method that demonstrates that the employer's policy intentionally or unintentionally excluded members of a protected group. 4) Population comparisons method, which compares the percentage of minority/protected group and white workers in the organization with the percentage of the corresponding group in the labor market.
Difficulty: Challenging
Objective: 4
AACSB: Written and Oral Communication
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

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98) How can managers help firms avoid claims of discrimination? What laws are especially important for managers to understand in order to avoid triggering discrimination claims?
Answer: The human resource manager certainly plays a big role in helping the company avoid discriminatory practices like these, but at the end of the day, the first-line supervisor usually triggers the problem. Managers need to understand the questions that can and cannot be asked when interviewing applicants, and know what constitutes sexual harassment, and how equal employment opportunity law affects all human resources decisions, including those relating to appraisal, compensation, promotions, disciplinary procedures, and employee dismissals. First, managers should understand the Equal Pay Act of 1963, which states it is unlawful to discriminate in pay on the basis of sex when jobs involve equal work; require equivalent skills, effort, and responsibility; and are performed under similar working conditions. Managers should also understand the Age Discrimination in Employment Act of 1967 (ADEA), which made it unlawful to discriminate against employees or applicants who are between 40 and 65 years of age. Younger managers may have to especially guard against ageist prejudices and assuming that younger workers are better qualified than older workers.
Difficulty: Challenging
Objective: 4
AACSB: Written and Oral Communication
Learning Outcome: 2.4 Illustrate two defenses you can use in the event of discriminatory practice allegations, and list specific discriminatory personnel management practices in recruitment, selection, promotion, transfer, layoffs, and benefits.

99) After the EEOC accepts a discrimination claim, what is the next most common step?
A) The EEOC orally refers it to the state or local agency on behalf of the charging party.
B) The two parties are directed and required to participate in mediation.
C) A third-party commission investigates the claim in an open meeting.
D) The employer and the EEOC start a civil suit in a federal district court.
Answer: A
Explanation: After a person files an employment discrimination claim, the EEOC's common practice is to accept a charge or orally refer it to a state or local agency. An investigation, voluntary mediation, and litigation may occur after the charge is accepted.
Difficulty: Moderate
Objective: 5
AACSB: Analytical Thinking
Learning Outcome: 2.5 List the steps in the EEOC enforcement process.

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100) Under CRA 1991, a discrimination claim must generally be filed within _____ when there is a similar state law.
A) 30 days
B) 180 days
C) 300 days
D) two years
Answer: B
Explanation: Under CRA 1991, a discrimination claim must generally be filed within 300 days when there is a similar state law.
Difficulty: Moderate
Objective: 5
AACSB: Analytical Thinking
Learning Outcome: 2.5 List the steps in the EEOC enforcement process.

101) Which one of the following refers to an informal meeting held early in an EEOC enforcement investigation that attempts to define issues and determine if settlement is possible?
A) voluntary mediation
B) fact-finding conference
C) collective bargaining
D) mandatory arbitration
Answer: B
Explanation: Early in the investigation, the EEOC holds an initial fact-finding conference. The EEOC calls these "informal meetings" for defining issues and determining whether there's a basis for negotiation. However, the EEOC's real focus here is often on settlement. Its investigators use the conferences to find weak spots in each party's position, which are used to push for a settlement.
Difficulty: Easy
Objective: 5
AACSB: Analytical Thinking
Learning Outcome: 2.5 List the steps in the EEOC enforcement process.

102) The EEOC describes _____ as an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination.
A) a fact-finding conference
B) voluntary mediation
C) mandatory arbitration
D) alternative dispute resolution
Answer: B
Explanation: The EEOC refers about 10% of its charges to a voluntary mediation mechanism. This is "an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination."
Difficulty: Easy
Objective: 5
AACSB: Analytical Thinking
Learning Outcome: 2.5 List the steps in the EEOC enforcement process.

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103) The emphasis of identifying and eliminating obstacles to hiring and promoting women and minority group members is known as a good faith effort strategy.
Answer: TRUE
Explanation: Many employers pursue a good-faith effort strategy; this emphasizes identifying and eliminating the obstacles to hiring and promoting women and minority group members and increasing the minority or female applicant flow.
Difficulty: Moderate
Objective: 5
AACSB: Analytical Thinking
Learning Outcome: 2.5 List the steps in the EEOC enforcement process.

104) Alternative dispute resolution is a grievance procedure that provides for non-binding arbitration in employment discrimination claims.
Answer: FALSE
Explanation: Alternative dispute resolution or ADR programs are grievance procedures that provide binding arbitration in EEO lawsuits.
Difficulty: Easy
Objective: 5
AACSB: Analytical Thinking
Learning Outcome: 2.5 List the steps in the EEOC enforcement process.

105) Briefly describe reverse discrimination.
Answer: Reverse discrimination means discriminating against *non*minority applicants and employees. It is a claim that due to affirmative action quota systems, *non*minority applicants and employees are discriminated against.
Difficulty: Moderate
Objective: 5
AACSB: Written and Oral Communication
Learning Outcome: 2.5 List the steps in the EEOC enforcement process.

106) A workforce comprised of two or more groups of employees with various racial, gender, cultural, handicap, age, and religious backgrounds is best described as _____.
A) competitive
B) ethnocentric
C) globalized
D) diverse
Answer: D
Explanation: *Diversity* means being diverse or varied, and *at work* means having a workforce comprised of two or more groups of employees with various racial, ethnic, gender, cultural, national origin, handicap, age, and religious backgrounds.
Difficulty: Easy
Objective: 6
AACSB: Analytical Thinking
Learning Outcome: 2.6 Define DEI effort and give examples of HR actions that support it.

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107) Which one of the following would LEAST likely foster diversity in the workplace?
A) changing the culture through diversity training education programs
B) appointing a small group of minorities to high-profile positions
C) recruiting minority members to the board of directors
D) using metrics to evaluate diversity programs
Answer: B
Explanation: Tokenism occurs when a company appoints a small group of women or minorities to high-profile positions, rather than more aggressively seeking full representation for that group. Diversity is fostered through education, minority participation on the board of directors, and regular assessment.
Difficulty: Challenging
Objective: 5
AACSB: Analytical Thinking
Learning Outcome: 2.6 Define DEI effort and give examples of HR actions that support it.

108) In *Bakke v. Regents of the University of California*, which one of the following claims was made by Allen Bakke?
A) sexual harassment
B) racial discrimination
C) reverse discrimination
D) affirmative action
Answer: C
Explanation: The case serves as an example of reverse discrimination. In *Bakke v. Regents of the University of California* (1978), the University of California at Davis Medical School denied admission to white student Allen Bakke, allegedly because of the school's affirmative action quota system, which required that a specific number of openings go to minority applicants. In a 5-to-4 vote, the U.S. Supreme Court struck down the policy that made race the only factor in considering applications for a certain number of class openings and thus allowed Bakke's admission.
Difficulty: Moderate
Objective: 5
AACSB: Analytical Thinking
Learning Outcome: 2.6 Define DEI effort and give examples of HR actions that support it.

109) Equity entails the absence of systematic disparities**,** and the process of eliminating racial and other disparities and improving outcomes for everyone.
Answer: TRUE
Explanation: Discrimination is not an attitude, rather it is taking specific actions toward or against a person based on the person's group.
Difficulty: Easy
Objective: 5
AACSB: Analytical Thinking
Learning Outcome: 2.6 Define DEI effort and give examples of HR actions that support it.

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110) Juliana and Lauren are the only women who are in the upper levels of management in a large multinational technology company. An organization appointing only a small group of women or minorities to high-profile positions like we see here is guilty of tokenism.
Answer: TRUE
Explanation: Tokenism means a company appoints a small group of women or minorities to high-profile positions, rather than more aggressively seeking full representation for that group.
Difficulty: Moderate
Objective: 1
AACSB: Application of Knowledge
Learning Outcome: 2.6 Define DEI effort and give examples of HR actions that support it.

111) The tendency to view members of other social groups less favorably than one's own is known as equity.
Answer: FALSE
Explanation: Ethnocentrism is the tendency to view members of other social groups less favorably than one's own.
Difficulty: Easy
Objective: 6
AACSB: Analytical Thinking
Learning Outcome: 2.6 Define DEI effort and give examples of HR actions that support it.

112) Briefly describe stereotyping.
Answer: Ascribing specific behavioral traits to individuals based on their apparent membership in a group.
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Difficulty: Moderate
Objective: 6
AACSB: Analytical Thinking
Learning Outcome: 2.6 Define DEI effort and give examples of HR actions that support it.

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