

Recent california or u.s. supreme court brief

Law



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7 November Assignment In the renowned Supreme Court Case of Jackson v. Birmingham Board of Education, the rule of law was held to be that retaliating against a person because he has complained of being discriminated on the grounds of sex falls under a branch of intentional sex discrimination, which is encompassed by Title IX. This was an important case with respect to intentional sex discrimination and never before had such principle of law been enunciated by the Judiciary. In the light of the selected case, teacher by the name of Roderick Jackson, teaching in the Birmingham, Alabama public school system, brought a suit against the Birmingham Board of Education alleging that the board retaliated against him because he complained about sex discrimination at Ensley High School. Roderick Jackson had previously taught for a period of six years in the school district in Birmingham and had then been transferred to Ensley High School as a physical education teacher as well as a coach for the girl's basketball team. Upon working there for a considerable period of time since the year 1999, he found that not many facilities and equipment were provided as should have been for the girls' teams and that the finding that was given to them was extremely low. In December 2000, Jackson began complaining of the unequal treatment, and began receiving negative evaluations. Jackson was removed as the girls' basketball coach in May 2001. The United States District Court for the Northern District of Alabama dismissed Jackson's claims on the grounds that Title IX's private right of action does not include claims of retaliation. The case talks about how an individual can take advantage of the pre-conceived notion of sex and then take it from there to challenge the integrity of a man. Judge Sandra O'Connor held that retaliation on the basis of sex discrimination is intentional sex discrimination and falls within the <https://assignbuster.com/recent-california-or-us-supreme-court-brief/>

purview of intentional sex discrimination. The judge held that if a person who complains against sex discrimination is retaliated against and an action is taken in furtherance to the complaint made by the same individual then such complain would definitely fall under the ambit of Title 9 of the US Constitution. This is in stark contrast to what the Court of Appeal and the District Court held, where the belief was that this form of retaliation does not fall under the ambit of Title 9 and is therefore not an intentional form of sex discrimination. To understand the definition of the Court and the judgment pronounced it is imperative on the part of this paper to explain the difference between intentional sex discrimination and retaliation sex discrimination and whether both these concepts can be clubbed together and understood together. The main explanation given to intentional sex discrimination would be when an individual in his official capacity discriminates on the basis of sex without and pro-active action performed by the person who has been discriminated against. However, with respect to retaliation sex discrimination, it is a form of discrimination, which will always be reactionary in nature and not pro-active. This is the fundamental difference between these two with respect to understanding. The judgment is therefore quite controversial in the sense that the judge has mixed the English understanding of both the concepts as one and thus pronounced a controversial order. However, it is pertinent on the part of the writer to go into the detail of the order and try to understand that the judgment does not lack any legal qualification and by looking from the facts and circumstances of the case it was a very solid and correct judgment. The judge held that even though on paper and looking from the perspective of language one cannot say that intentional and retaliation sex discrimination are similar, but <https://assignbuster.com/recent-california-or-us-supreme-court-brief/>

one can figure out from the nature of the act to find out whether a certain act is intentional or retaliatory, even though it might have been committed pro-actively. The definition of pro-activeness does encompass the idea of reaction in terms of the way facts are precluded in the case. From the facts and circumstances of the case it is imperative to note that in the present scenario there was an action on the part of the administration and therefore it amounts to an intentional behavior. The dissenting judgment held that retaliatory behavior would not amount to intentional sex discrimination and the preceding Courts were correct in holding their judgment in light of the facts and issues presented therein. Works Cited Jackson v. Birmingham Board of Education 544 US 167 (2005)