eEmployment Law

Assessment 2: Oral Argument

In this two-part assessment, you will write a 2-3-page script for an oral argument presentation from the perspective of the CapraTek defense attorney in the case Capshaw v. CapraTek, as outlined in the multimedia presentation. For the second part of the assessment, you will write a 2-3 page script for an oral presentation by the head of HR at CapraTek to explain the possible changes to HRM policies and practices to improve fairness, productivity, and worker morale as it relates to workplace discrimination.

"I believe in the dignity of labor, whether with head or hand, that the world owes no man a living but that it owes every man the opportunity to make a living." —John D. Rockefeller, Jr.

This assessment explores the tasks of constructing and presenting an oral argument. Frequently, human resource professionals must present case facts and fact patterns to executive managers and counselors concerning internal investigation, hiring practice, or workplace issues. How the HRM professional prepares and presents a case provides a platform for employers and counsel to make informed and succinct decisions concerning its viability. Key topic areas in this assessment include information and research sources, use of legal language, case mapping, building case strategy, partnering with counsel, and method for oral presentation.

Introduction

In today's workplace climate, the sexual harassment case between Joanna Capshaw and CapraTek is extremely relevant. It is likely that you will face a similar situation some time in your HRM career and you will need to be prepared to think legally about the facts of the case as well as the arguments from both sides.

Scenario

CapraTek has a long history as a leader in the design and manufacture of computer server components and continues to provide innovative solutions to meet industry needs. They have met the demands of the digital economy by offering a wide range of server products, chassis, and server management tools.

Despite their successes in the marketplace, however, CapraTek has faced some internal challenges. One such challenge involved Joanna Capshaw and her allegations of sexual harassment and her career at CapraTek. Thoroughly listen or read through the multimedia presentation﻿ and analyze the issues and legal argument for both sides of the dispute.

Your Challenge

For the first part of the assessment, you will be the attorney from the CapraTek legal department representing the defendant (CapraTek) in the case Capshaw v. CapraTek. You should prepare your opening oral argument for the court proceeding to defend CapraTek.

For the second part of the assessment, you will be the head of HR at CapraTek who will report back to the HR and company leadership about the changes to organizational practices and policies to address the issues identified in this case.

Instructions

Analyze the legal issue(s) raised in the case Capshaw Versus CapraTek using the IRAC case analysis process.

* Watch CapraTek: [Capshaw Versus CapraTek](https://media.capella.edu/CourseMedia/psy8755element20078/wrapper.asp).
* Use LawNerds.com, Inc. (n.d.). [The IRAC formula.](http://www.lawnerds.com/guide/irac.html) Retrieved from http://www.lawnerds.com/guide/irac.html

Part 1: Write a 2–3-page script for an oral argument in defense of the organization.

* This should be solely from the perspective of an attorney for the organization.
* The following is the oral argument format that should be followed:
	+ Facts: Analyze the facts involved in the case, from your side's perspective.
	+ Issues: Analyze facts or legal principles in dispute in the case.
	+ Rule(s): Identify the law or legislation related to the case that supports your side's perspective.
	+ Analysis: Apply the identified rule to the issues in your case. Address the weaknesses in your side's case and consider the opposite side of the case.
	+ Conclusion: Summarize and describe the logical outcome of the case.
	+ Relief Requested: What relief are you requesting from the court, and why?

Part 2: Write a 2–3-page script for the head of HR to make an oral presentation for HR leadership.

* This should be solely from the perspective of the head of HR regarding possible changes to HRM policies and organizational practices that would improve fairness, productivity, and worker morale as it relates to workplace discrimination.
* Describe the potential impact of a workplace discrimination charge levied at this organization.
* Identify related laws or legislation that supports this perspective.
* Summarize a logical case outcome.

Academic Requirements

The deliverable for this assessment applies professional skills in Human Resources Management (HRM) to workplace situations which you will likely encounter in your day-to-day work in HRM. As part of your learning, we focus on the development of effective professional communication skills for the workplace.

* Length of paper: Your script should be in two parts: Each should be 2–3, double-spaced pages, submitted as one document with a resource page.
* Organization: Make sure that your assessment writing is well-organized, using headings and subheadings to organize content for the reader.
* Resources: It is suggested that you use just the resources provided for this assessment, no outside research should be necessary.﻿
* Evidence: Support your assertions with data and/or in-text citations. Use current APA format for in-text citations and create a reference list at the end of your documents.
* APA formatting: Resources and in-text citations are formatted according to current APA style and formatting.
* Written communication:
	+ Convey purpose, in an appropriate tone and style, incorporating supporting evidence and adhering to organizational, professional, and scholarly writing standards.
	+ Write for a specific audience, using the vernacular of the profession.
	+ Use spell-check and other tools to ensure correct spelling and grammar.

Competencies Measured

Competency 1: Apply legal thinking to human resource management issues in the workplace to ensure compliance.

* Describe the facts involved in a case from an assigned side's perspective.
* Identify law or legislation related to a case that supports an assigned side's perspective.
* Apply an identified rule to the issues in a case.
* Describe a logical outcome to a case and the relief requested from the court.

Competency 2: Evaluate the relationship between historical perspectives and events and the alignment of human resource management and the law.

* Analyze facts or legal principles in dispute in a case.

Competency 3: Examine relationships between law, human resource management practices, and business activities.

* Assess the impact of a case on employees in an organization and on the organizational culture.
* Propose adjustments to the HRM policies and business practices of an organization to prevent litigation in the future.

Competency 4: Assess ways in which human resource professionals resolve conflicts between ethical and legal aspects of practice.

* Propose approaches for the HRM professional to use in resolving the conflict between ethical and legal aspects of an issue.

Competency 6: Communicate clearly, accurately, and professionally in the HR field.

* Synthesize the methods, strategies, and tactics for preparing an oral argument.