

Gender and Sexuality in U.S. Law Political Science 3301

University of Colorado-Boulder

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Office Hours: Thursdays 11-1
(also by appointment)

Module 1: Evidence and inference

Week 1: Thinking logically: Facts versus arguments, normative, causal, and legal interpretation

Kinds of statements
Logical fallacies

Watch for class:

[Logical fallacies YouTube](#)

[More logical fallacies YouTube](#)

PowerPoint slideshow with audio on kinds of statements

Prepare for class discussion: Read the 9th Amendment. Create legal rule for determining unenumerated rights (not which rights, but legal rule) to be used for future hypotheticals

Week 2: Thinking legally: The creation of the right to privacy

Reading: Griswold v. Connecticut

Prepare for class discussion: Does Griswold contain within its logic the decriminalization of all private consensual sex?

Week 3: Thinking causally: Are judges with daughters more empathetic?

Reading: Glynn and Sen "Identifying judicial empathy: Does having daughters cause judges to rule for women's issues?"

Epstein and Knight, The choices justices make: what causes Supreme Court Justices to make the decisions that they do?

Prepare for class discussion: come up with a non-obvious attribute of a judge or the judge's context that might cause judge decision making on issues related to gender, sexuality, and sexual identity.

Due Feb. 5th Does Griswold necessitate the finding in *Lawrence v. Texas*?

Griswold prompt

Griswold

Due Feb. 12th Kritik Peer Assessment of Griswold paper

Week 4: Thinking ethically

Ruth Bader Ginsburg “Some thoughts on autonomy and equality in relation to Roe”

Chervenak, McCullough, and Campbell, Third trimester abortion: is compassion enough?

Prepare for class discussion: What are the ethical first principles that might inform our understanding of the ethics of abortion?

Due February 15th Policy brief (group white paper) **topic** due: a few sentences describing the policy you want to brief, so that I can give you timely feedback on suggested scholarly literature and workability. 1000 points for completion, upon completion of the final brief. (These points are freebie points for having a topic this far in advance, but they are not to be given away for students or groups who do not complete the final brief.

Module 2: An introduction: some constitutional basics

Week 5: A general introduction to constitutional law and the judicial process

- Litigation trajectory, the EEOC, standing
- Federalism
- Rights versus liberties
- The difference between constitutional rights protections and the Civil Rights Act

Exam 1: Critique an essay February 17th

Week 6: Feminist legal theories, intersectionality, and masculinity

Reading: Levit and Verchick, Feminist Legal Theory

Collins, Black Feminist Thought

Faludi, Stiffed, excerpts

Prepare for class discussion: provide a critique to a feminist theory.

Module 3: Equality

Week 7: Levels of review

Bradwell
Oregon v. Muller
Goesaert v. Cleary
Frontiero
Craig

Due Feb. 26th Is the criminalization of sex work ethical?

Suggested readings:

Gira Grant, Melissa. "The NYPD Arrests Women for Who They Are and Where They Go — Now They're Fighting Back." The Village Voice. November 22, 2016.

Amnesty International. "Policy on state obligations to respect, protect, and fulfil the human rights of sex workers". www.amnestyusa.org.

Moran, Rachel. "Buying Sex Should Not Be Legal," The New York Times. August 29, 2015

Mullin, Frankie. "The difference between decriminalisation and legalisation of sex work." Newstatesman. October 19, 2015.

Due March 5th Kritik Peer Assessment of sex work paper

Week 8: The right to work

Epstein and Knight, Pregnancy and the Civil Rights Act
Meritor Savings Bank v. Vinson
Bostock

Prepare for class discussion: Why might a conservative justice support employment rights of women, gay people, and trans people?

Due March 8th Policy brief (group white paper) **annotated bibliography** due: an outline of the brief, with the 8-12 sources, correctly placed in the outline and summarized. 1000 points for completion, upon completion of the final brief. (These points are freebie points for having a topic this far in advance, but they are not to be given away for students or groups who do not complete the final brief.

Due March 12th : Send me readings for group presentations on "topics"

Week 9: Marriage equality litigation: "Risky" arguments, and the judicial process

Reading: Goldberg, "Risky Arguments"

Prepare for class discussion: Why are certain types of arguments more or less risky when pursuing litigation for marriage equality?

Due March 17th What caused people to become more accepting of marriage equality?

Suggested readings:

Lee and Mutz 2019

Grievance manuscript

Religion and sexism and support for gay marriage

Due March 24th: Kritik Peer Assessment of marriage equality paper

Week 10: Contraception and abortion: litigation and social science

Reading: Baird, Contraception and abortion litigation

Colorado contraception and abortion

The complexity of attitudes toward abortion

Prepare for class discussion: How does the complexity of abortion ethics inform public interest lawyers how to frame their arguments to advocate not only for their client but also the public?

Week 11: The limits of the law

Spade, What is wrong with rights?

Spade, Rethinking Transphobia and Power

Arkles, The Role of Lawyers in Trans Liberation

Prepare for class discussion: Why are rights insufficient protections for transgender people? How does this inform your social justice goals and how you plan to make a contribution in your future?

Module 4: Topics: group presentations

These "topics" presentations are group projects. I can put you in a group or you can choose a group. Your group will assign the day's readings.

Women in the courts

Rape

Sexual harassment

Beauty

Education justice: poverty

Education justice: Dress codes

Health care justice: racism

Health care justice: transmen and transwomen

LGBTQ youth: homelessness and suicidality

Poverty and parenthood

Global justice

Sex education

Due April 16th: Revisions

Due April 23rd Kritik Peer Assessment of revisions

Exam 2: Final exam, time and date TBA by CU Campus

Brief description of projects

There are three kinds of projects:

- Group presentations on topics: assign readings and prepare to lead discussion on topics, PowerPoint presentations optional (2000 for participation in groups, 5,000 for group leader)

Note: There are two time in the semester where project presentations occur. It is not expected that you would do more than one, but I am happy to hear reasons for exceptions to that rule. It should not be an alternative to coming to class.

- Group projects: policy brief with accompanying research paper (12,000 points possible for all group members, with
- Individual projects: policy brief

Note: There are two time in the semester where project presentations occur. It is not expected that you would do more than one, but I am happy to hear

reasons for exceptions to that rule. It should not be an alternative to coming to class.

Generally, policy briefs and accompanying research papers address the ethics of the current state of affairs of some policies, with a discussion of harms and harm reduction of various policy alternatives. You should discuss alternatives, recommendations, and evidence for your position. What are some mechanisms for policy change?

8,000 points for individual policy briefs

Individuals can create and present policy briefs, without the 15-20 page research paper

2,000 extra points for turning in topic and outline by the due date.

12,000 points for participation in group projects

Groups present policy briefs and research paper

2,000 extra points for turning in topic and outline by the due date.

Important: if you do the presentation of your policy brief during the “Topics” week, you can sum points for both.

So, you can decide how much you want to put into the project:

- If you just want to get together with other students, do research for assigned readings and lead the discussion, this is 5,000 for group leader and 2,000 for group members.
- If you want to do individual policy brief, this is worth 8,000. If you present your policy brief, this is worth an additional 5,000.
- if you, together with a group, want to do an in-depth white paper along with a policy brief, this is worth 12,000, with individual assessments, as detailed below. If you present this policy brief, this is worth an additional 5,000 points, **for each group member.**

The final written briefs and white papers are not due until the final exam.

Points for assignment types

4500 points total for attendance or equivalent

Class attendance 100 points

(when there are clicker “quizlets,” you must answer 50% correct to receive credit for attendance)

If you cannot come to class, turn in the “for class” short assignment, when there is one, or provide a meaningful reflection of the week’s materials. There will be one designated “assignment” on Canvas per week for non-attending students to hand in reflections. You can complete one reflection or in class work per class for a total of 300 points.

9000 points total for weekly discussions

Moderate a class discussion: post something and respond to responses. If at least three other students respond to your question, you can get up to 800 points each week for a total of 6000 points

You can reflect on contemporary events, news, discussions with students outside of class, on class topics or anything having to do with gender, sexuality, or sexual identity

4500 alternatively a total for responding to others’ discussion

If you don’t want to begin a discussion, respond to other student’s questions are 100 points for a total of 3 responses, for a total of 300 points per week

You can receive a maximum of 9,000 points for discussions.

4000 points for two “Essay” Exams, 2000 points possible for each

9000 points total for three single page essays, 3000 points each

(You must turn in the essays by the deadline and assess five other essays using Kritik by the deadline to receive any points for essay)

Your grade on these essays will depend on how five anonymous peer reviewers assess your essay, based on Rubrics that I assess. You can challenge the grade your five reviewers give, and Sours will see your appeal.

4500 total points for Kritik's and students' assessments of your critiques, 1500 points for each critique

These are based on both quantitative and qualitative assessments. Kritik does quantitative evaluations and the students you critique also give qualitative feedback. If you dodge and select the highest or lowest evaluation on the prompts, you will be docked points here.

The more your score correlates with others' scores, the better your quantitative evaluation will be. the more your score and comments are seen to motivate students to do better, the higher your qualitative score will be.

9000 points total for three single page essay revisions, 3000 points each

These are re-graded through Kritik. You must evaluate five revisions to get credit for revisions.

At least 3200 points for eight short assignments for in-class work

Short assignments for in class work 400 points, graded by completion, you get credit for turning these into Canvas before class only

12,000 points for participation in group projects, including policy brief and 15-20 page "white paper"

Groups present policy briefs and research paper

2,000 extra points for turning in topic and outline by the due date.

OR

8,000 points for individual policy briefs

Individuals can create and present policy briefs, without the 15-20 page white paper

2,000 extra points for turning in topic and outline by the due date.

5000 points: serving as a learning assistant, tutoring dyad, or group leader for group presentations on “Topics.”

You must be active all semester as learning assistant or tutoring dyad all semester to get this credit.

Tutoring other students or serving as a technology learning assistant in the class to help with technology or group leader in group studies, worth 5,000 points.

Note: To get 5000 points credit as a group leader, tutor or learning assistant, you must write at least two essays and provide two “Kritiks”

Alternatively, 2,000 points for participation in group presentation on “Topics,” your grade partially based on assessments from Group Leader and other group members

Syllabus Statements

Classroom Behavior

Both students and faculty are responsible for maintaining an appropriate learning environment in all instructional settings, whether in person, remote or online. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy. For more information, see the policies on [classroom behavior](#) and the [Student Code of Conduct](#).

Requirements for COVID-19

As a matter of public health and safety due to the pandemic, all members of the CU Boulder community and all visitors to campus must follow university, department and building requirements, and public health orders in place to reduce the risk of spreading infectious disease. Required safety measures at CU Boulder relevant to the classroom setting include:

- maintain 6-foot distancing when possible,
- wear a face covering in public indoor spaces and outdoors while on campus consistent with state and county health orders,
- clean local work area,
- practice hand hygiene,
- follow public health orders, and
- if sick and you live off campus, do not come onto campus (unless instructed by a CU Healthcare professional), or if you live on-campus, please alert [CU Boulder Medical Services](#).

Students who fail to adhere to these requirements will be asked to leave class, and students who do not leave class when asked or who refuse to comply with these requirements will be referred to [Student Conduct and Conflict Resolution](#). For more information, see the policies on [COVID-19 Health and Safety](#) and [classroom behavior](#) and the [Student Code of Conduct](#). If you require accommodation because a disability prevents you from fulfilling these safety measures, please see the “Accommodation for Disabilities” statement on this syllabus.

All students who are new to campus must complete the [COVID-19 Student Health and Expectations Course](#). Before coming to campus each day, all students are required to complete the [Buff Pass](#).

Students who have tested positive for COVID-19, have symptoms of COVID-19, or have had close contact with someone who has tested positive for or had symptoms of COVID-19 must stay home.

Accommodation for Disabilities

If you qualify for accommodations because of a disability, please submit your accommodation letter from Disability Services to your faculty member in a timely manner so that your needs can be addressed. Disability Services determines accommodations based on documented disabilities in the academic environment. Information on requesting accommodations is located on the [Disability Services website](#). Contact Disability Services at 303-492-8671 or dsinfo@colorado.edu for further assistance. If you have a temporary medical condition, see [Temporary Medical Conditions](#) on the Disability Services website.

Preferred Student Names and Pronouns

CU Boulder recognizes that students' legal information doesn't always align with how they identify. Students may update their preferred names and pronouns via the student portal; those preferred names and pronouns are listed on instructors' class rosters. In the absence of such updates, the name that appears on the class roster is the student's legal name.

Honor Code

All students enrolled in a University of Colorado Boulder course are responsible for knowing and adhering to the Honor Code. Violations of the policy may include: plagiarism, cheating, fabrication, lying, bribery, threat, unauthorized access to academic materials, clicker fraud, submitting the same or similar work in more than one course without permission from all course instructors involved, and aiding academic dishonesty. All incidents of academic misconduct will be reported to the Honor Code (honor@colorado.edu); 303-492-5550). Students found responsible for violating the academic integrity policy will be subject to nonacademic sanctions from the Honor Code as well as academic sanctions from the faculty member. Additional information regarding the Honor Code academic integrity policy can be found at the [Honor Code Office website](#).

Sexual Misconduct, Discrimination, Harassment and/or Related Retaliation

The University of Colorado Boulder (CU Boulder) is committed to fostering an inclusive and welcoming learning, working, and living environment. CU Boulder will not tolerate acts of sexual misconduct (harassment, exploitation, and assault), intimate partner violence (dating or domestic violence), stalking, or protected-class discrimination or harassment by members of our community. Individuals who believe they have been subject to misconduct or retaliatory actions for reporting a concern should contact the Office of Institutional Equity and Compliance (OIEC) at 303-492-2127 or cureport@colorado.edu. Information about the OIEC, university policies, [anonymous reporting](#), and the campus resources can be found on the [OIEC website](#). Please know that faculty and graduate instructors have a responsibility to inform OIEC when made aware of incidents of sexual misconduct, dating and domestic violence, stalking, discrimination, harassment and/or related retaliation, to ensure that individuals impacted receive information about options for reporting and support resources.

Religious Holidays

Campus policy regarding religious observances requires that faculty make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. In this class, let me know and I will accommodate.

See the [campus policy regarding religious observances](#) for full details.