

PSCI 3301-001: Gender, Sexuality, and the Law Syllabus

Monday and Wednesday: 3:00-4:15 pm, CASE E340

Instructor: Josalyn Williams

Office: Ketchum 382

Office Hours: Monday 11:00 AM-12:00 PM, Wednesday 4:30 PM- 5:30 PM¹

Course Description

This course will provide students with a historic and contemporary overview of the laws, policies, and politics surrounding sexuality and gender in the United States. In this course students will understand how law and public policy has affected the lives of marginalized sex and gender groups in the United States as well as the political dynamics surrounding gender and sexuality law. This course examines policy issues including, but not limited to: same sex marriage and civil unions; privacy; affirmative action; abortion; reproductive rights; and discrimination based on sex and sexual orientation in education and in the workplace.

Course Evaluation

Course Engagement...30%

Attendance 15%

Attendance in class is required and will be recorded at the beginning of each lecture. Excessive tardiness and early departures may count as absences. **Additionally, using technology for reasons not conducive to classroom learning will result in an unexcused absence even if you are in class.** In general, failure to attend lecture will result in an unexcused absence. Each student is allowed two “freebie” absences for the semester without it impacting their final grade. Unexpected things come up: a 24 hour bug, a car problem, even an amazing event on campus. I highly recommend coming to all classes and reserving your two unexcused absences for these cases. Please use the table below for calculating your attendance grade.

If you believe you will be missing class for an excusable reason, I highly recommend you contact me beforehand and provide documentation. For extenuating circumstances, I will grant excused absences on a case by case basis via my discretion. Excused absences (religious observances, university sponsored activities, etc.) should be accompanied by written documentation and will not count against your attendance grade. When possible, you must inform me prior to your missing class. It should be noted that excused absences for medical related reasons will only be considered for potential excusal after your two “freebie” absences have been used and must have a doctor’s note. Again, these will be considered on a case by case basis.

If you cannot attend class due to an emergency, please inform me as soon as possible.

¹ I understand that students might have schedules that conflict with office hours. I am willing to meet with students outside of offices hours. To schedule a meeting, students must send me their schedule availability Monday-Friday and I will select a time. Meetings must be scheduled 7 days in advance.

Students are responsible for contacting other classmates for any notes and materials they may have missed.

Students are responsible for keeping track of the number of classes they missed.

Number of Missed Classes	Final Attendance Grade
0-2	100%
3	90%
4	85%
5	80%
6	75%
7	70%
8	65%
9	60%
10	50%
11 or more	0%

Reading Quizzes 15%

There will be 7 pop reading quizzes throughout the semester given at the beginning of class. The quizzes will be based on the readings assigned for class that day and basic facts about the assigned court cases. Your lowest two quiz grades will be dropped, and your overall quiz grade will be calculated from your top 5 scores.

Research Paper...20%

You will be required to complete a research paper which is due on Wednesday, April 8th, 2020.

Exams...50%

Midterm 25%

Final 25%

This class will have a midterm and final. Each exam is worth 25% of your final grade.

You may miss the midterm no questions asked. Your make up will be given at the end of the semester at the final exam in the form of an essay exam.

Grading

Grading will follow the traditional grading scale:

Letter Grade	Points
A	94-100
A-	90-93.9
B+	87-89.9
B	84-86.9
B-	80-84.9
C+	77-79.9
C	74-76.9

C-	70-73.9
D+	67-69.9
D	64-66.9
D-	60-63.9
F	0-59

If there is a dispute regarding the grade on an assignment or exam, the student is required to meet face-to-face with me. Due to university policies, I will not discuss grades via email. Additionally, you must wait 24 hours after receiving a grade to communicate with me.

Course Policies

Course Communication

Students are required to regularly check their @colorado.edu email (I recommend at least once a day) for important announcements about the course. Students are responsible for receiving any messages sent by the instructor to the class email list, or individually to the student. In addition, students are responsible for checking the Canvas site for the course regularly.

Contacting the Instructor

Please feel free to contact me with questions about the course. The best ways to reach me are to come by office hours or to email. I always try to answer emails within 24 hours during the work week, so if you do not receive a reply within 48 hours, I did not get your email and you should try to contact me again.

Technology Policy

The use of certain electronic devices during class is strictly prohibited. This includes but is not limited to cell phones, MP3 players, etc. Those devices should be turned off or switched to silent and stowed away prior to the start of class. If you require access to your cell phone because of an ongoing situation that you may need to respond to, please speak to me at the start of class to let me know.

Laptops and tablets may be used for referencing course readings and taking notes. Please refrain from surfing the web, playing games, doing other homework, chat conversations, etc. If you are found to be using technology for reasons not conducive to the class environment your attendance grade will suffer - you are being disrespectful to me and you are a distraction to others sitting nearby.

Technology Issues

We all know that technology breaks: computers crash, printers run out of ink, servers go down, files become corrupt, etc. In a technological world these problems are an annoying but everyday occurrence and are not legitimate excuses for missing or late work. Except in the case of extenuating circumstances or prior approval, I will not accept any emailed or late legal brief.

When submitting work to Canvas, assignments must be turned in as a PDF or Microsoft Word document. Papers turned in in other forms, including but not limited to Pages or GoogleDocs, will be considered late until they are turned in the accepted format.

University Policies

Special Accommodations

If you qualify for accommodations because of a disability, please submit your accommodation letter from Disability Services to me 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 or injury, see [Temporary Medical Conditions](#) under the Students tab on the Disability Services website.

Religious Observances

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, please review the syllabus closely to see if you have conflicts with any of the assignments. By the third week of class please inform me about your concerns either during office hours, via email, or after class.

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

Classroom Behavior

Students and faculty each have responsibility for maintaining an appropriate learning environment. 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. Class rosters are provided to the instructor with the student's legal name. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records. For more information, see the policies on [classroom behavior](#) and the [Student Code of Conduct](#).

Discrimination and Harassment

The University of Colorado Boulder (CU Boulder) is committed to fostering a positive and welcoming learning, working, and living environment. CU Boulder will not tolerate acts of sexual misconduct (including sexual assault, exploitation, harassment, dating or domestic violence, and stalking), discrimination, and 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 instructors have a responsibility to inform OIEC when made aware of incidents of sexual misconduct, discrimination, harassment and/or related retaliation, to ensure that individuals impacted receive information about options for reporting and support resources.

Academic Integrity

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 who are 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](#).

Course Reading

Required Texts.

- 1.) Gluck, Mezey. (2017). *Beyond Marriage Continuing Battles for LGBT Rights*. Lanham, Maryland, Rowman and Littlefield.
- 2.) McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.

Along with the readings from the required course books, there will be some additional readings not found in the books. In the syllabus these readings will be signified with an asterisk. These readings can be found on Canvas.

Reading course materials is essential for a strong performance in this course. I expect you to come to class with the required readings completed and prepared to participate in discussion based on your thoughts and opinions about the readings. A schedule of reading for lecture is below. The readings listed for each day are the readings you should complete for that class.

- **Monday , January 13, 2020** ***Course Introduction***

Unit 1: Aren't All Citizen Equal? Understanding Gender, Sexuality, and Equality Under Law

- **Wednesday, January 15, 2020** ***Historical Background: A Basis for Studying Gender, Sexuality, and US Law***
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 1: Introduction. pp. 1-17.
 - *Frank, W.M. (2014) *Law and the gay rights story. The long search for equal justice in a divided democracy*. New Brunswick, New Jersey: Rutgers University Press.
 - Chapter 2: Stonewall (1969). pp. 32-39.

- **Wednesday, January 22, 2020** *Policy Process and Policy Making*
 - *Frank, W.M. (2014) *Law and the gay rights story. The long search for equal justice in a divided democracy*. New Brunswick, New Jersey: Rutgers University Press.
 - Chapter 5: Three Key Developments. pp. 85-100.
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 1: Introduction. pp. 17-21.

- **Monday, January 27, 2020** *Gender, Sexuality, and Constitutional Law*
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 2: The US Constitution. pp. 22-42
 - *Eskridge, W.N & Hunter, N.D. (2006). *Sexuality, Gender, and the Law*. New York, NY. Foundation Press, Thomson/ West.
 - Pages 1-12.

- **Wednesday, January 29, 2020** *The Law and Frameworks of Equality*
 - * Bartlett, K. T. (1994). Gender Law. *Duke J. Gender L. & Pol'y*, 1, 1.
 - Pages 1-6.
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 2: The US Constitution. pp. 42-55.
 - *Eyer, K. R. (2010). Have We Arrived Yet? LGBT Rights and the Limits of Formal Equality.

Unit 2: Gender, Sexuality, and the Law in the Public Sphere

- **Monday, February 3, 2020** *Gender and Formal Equality and Employment*
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 7: Work and Pay. pp. 219-248.

- **Wednesday, February 5, 2020** *Gender and Substantive Equality and Employment*
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 8: Work and Family. pp. 249-280.
 - *Cuhna, D. (2014). "When Bosses Discriminate Against Pregnant Women." *The New York Times*.

- **Monday, February 10, 2020** *Sexual Orientation, Gender Identity, and Discrimination in the Work Place*
 - Gluck Mezey, S. (2017). *Beyond Marriage Continuing Battles for LGBT Rights*. Lanham, Maryland, Rowman and Littlefield.

- Chapter 1: Employment Opportunity. pp 2-17, 24-42.
 - *Liptak,(2019). “Supreme Court to Decide Whether Landmark Civil Rights Law Applies to Gay and Transgender Workers.”
- **Wednesday, February 12, 2020** *Gender, Gender Identity, Sexual Orientation, and Military Service*
 - *Bartlett, K. T. & Rhode, D. L., (2010). *Gender, Law, and Policy*. Wolters Kluwer Law & Business.
 - Pages: 364-365.
 - *Frank, W.M. (2014) *Law and the gay rights story. The long search for equal justice in a divided democracy*. New Brunswick, New Jersey: Rutgers University Press.
 - Chapter 8: Freedom from Violence, Freedom to Serve. The Workplace. Pages 129-135.
 - *deVogue and Cohen (2019). “Supreme Court allows transgender military ban to go into effect.” CNN.com
 -
- **Monday, February 17, 2020** *Gender and Education*
 - McBride, D.E. & Perry, J.A. (2016). *Women’s Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 5: Education. pp. 135-169.
- **Wednesday, February 19, 2020** *Gender Identity, Sexual Orientation, and Education*
 - *Frank, W.M. (2014) *Law and the gay rights story. The long search for equal justice in a divided democracy*. New Brunswick, New Jersey: Rutgers University Press.
 - Chapter 9 The Public School Struggle. pp. 136-140, 143-147.
 - Gluck Mezey, S. (2017). *Beyond Marriage Continuing Battles for LGBT Rights*. Lanham, Maryland, Rowman and Littlefield.
 - Chapter 2: Transgender Rights. pp. 71-92.
- **Monday, February 24, 2020** *Gender, Sexuality, and Harassment*
 - McBride, D.E. & Perry, J.A. (2016). *Women’s Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 10: Sexuality Intermediation: 326-342.

MIDTERM

- **Wednesday, February 26, 2020** *Midterm Review*
- **Monday, March 2, 2020** *Midterm*

Unit 3: Gender, Sexuality, and the Law in the Private Sphere

- **Wednesday, March 4, 2020** *Gender, Marriage, and Divorce*

- McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, *Routledge, Taylor & Francis*.
 - Chapter 6: Family. pp. 170-196.
- **Monday, March 9, 2020 Sexuality and Marriage Equality: Part 1**
 - Gluck Mezey, S. (2017). *Beyond Marriage Continuing Battles for LGBT Rights*. Lanham, Maryland, Rowman and Littlefield.
 - Chapter 3: Marriage Equality. pp 103-133.
- **Wednesday, March 11, 2020 Sexuality and Marriage Equality: Part 2**
 - Gluck Mezey, S. (2017). *Beyond Marriage Continuing Battles for LGBT Rights*. Lanham, Maryland, Rowman and Littlefield.
 - Chapter 3: Marriage Equality. pp 133-147.
 - Chapter 4: Continuing Struggles. pp 153-178.
- **Monday, March 16, 2020 Gender, Sexuality, and Legislating Parenthood**
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, *Routledge, Taylor & Francis*.
 - Chapter 6: Family. pp. 196-210.
 - *Frank, W.M. (2014) *Law and the gay rights story. The long search for equal justice in a divided democracy*. New Brunswick, New Jersey: Rutgers University Press.
 - Chapter 10: The Gay Family. Pages 149-162.

Unit 4: Gender, Sex, and the Right to Privacy and Autonomy

- **Wednesday, March 18, 2020 Sex and Consent**
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, *Routledge, Taylor & Francis*.
 - Chapter 10: Sexuality Intermediation: 313-326.
 - *Chokshi, N. (2016). After Stanford Case, California Governor Signs Bill Toughening Penalties for Sexual Assault. *New York Times*.
 - *Bartlett, K.T. and Rhode, D.L. (2010). *Gender and Law Policy*. New York, New York. *Aspen Publishers*.
 - Pp. 445-446.
- **Monday, March 23, 2020 Spring Break: NO CLASS**
- **Wednesday, March 25, 2020 Spring Break: NO CLASS**
- **Monday, March 30, 2020 Gender, Sex, and Violence**
 - Reading TBD
- **Wednesday, April 1, 2020: No Class Work on Paper**

- *This day could potentially be swapped with 3/30/2020 or 4/6/2020*
- **Monday, April 6, 2020 Reproductive Rights: Part 1**
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 4: Reproduction: pp. 92-106
 - *Friend, K. (2012). Birth Control and the Right to Privacy, a 50 year Constitutional Debate Rages On. *Legal News Archive*.

PAPER DUE WEDNESDAY APRIL 8, 2020

- **Wednesday, April 8, 2020 Reproductive Rights Part 2**
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 4: Reproduction: pp. 106-118, 125-129.
 - *Siegal, N.S., & Siegal, R.B. (2013). Equality Arguments for Abortions. *UCLA Review Discourse*.
- **Monday, April 13, 2020 Reproductive Rights Part 3**
 - McBride, D.E. & Perry, J.A. (2016). *Women's Rights in the USA Policy Debates and Gender Roles*. New York, New York, Routledge, Taylor & Francis.
 - Chapter 4: Reproduction: pp. 119-124, 129-132.
 - *Gordon, M. & Hurt, A. (2019). *Early Abortion Bans: Which States Have Passed Them*. NPR.
 - *Thomson-DeVeaux, A. (2019). *Abortion Rights Haven't Been A Priority in Blue States—Until Now*. FiveThirtyEight.

Unit 5: Sexuality and Gender Identity Right to Privacy and Expression

- **Wednesday, April 15 2020 Constitutional Rights and Sexual Orientation and Gender Identity: Part 1**
 - *Mohr, Richard. *The Long Arc of Justice : Lesbian and Gay Marriage, Equality, and Rights*, Columbia University Press, 2005.
 - Chapter 2: Sexual Privacy
 - *Frank, W.M. (2014) *Law and the gay rights story. The long search for equal justice in a divided democracy*. New Brunswick, New Jersey: Rutgers University Press.
 - Chapter 6: The Debate Over Gay Rights
- **Monday, April 20, 2020 Constitutional Rights and Sexual Orientation and Gender Identity: Part 1**
 - *Feuer, A. (2017) Justice Department Says Rights Law Doesn't Protect Gays. *New York Times*.

- *Bachman, E. (2019). “What Is The Equality Act And What Will Happen If It Becomes A Law” Forbes.
- *Kirchick, J. (2019). “The Struggle for Gay Rights Is Over.” Vox.

- **Wednesday, April 22, 2020**

LGBT Rights: Hate Crimes

- *Frank, W.M. (2014) *Law and the gay rights story. The long search for equal justice in a divided democracy.* New Brunswick, New Jersey: Rutgers University Press.
 - Chapter 8: Freedom from Violence, Freedom to Serve. The Workplace. Pages 125-128.
- *Stack, Liam. (2017). *Anti-Gay Attacks Not Covered by West Virginia Hate Crime Law, Court Rules.* New York Times.
- *Stack, Liam (2017). US Hate Crime Law Punishes Transgender Woman’s Killer, in a First. *New York Times.*

- **Monday, April 27, 2020 The Transgender Rights Movement**

- Gluck Mezey, S. (2017). *Beyond Marriage Continuing Battles for LGBT Rights.* Lanham, Maryland, Rowman and Littlefield.
 - Chapter 2: Transgender Rights: pp. 53-71.
 - Chapter 4: Continuing Struggles: pp. 178-186.

Final Exam

- **Wednesday, April 29, 2020 Final Exam Review**
- **Monday, May 4, 2020 Final Exam
7:30-10:00pm**

I reserve the right to change the syllabus.