

PSCI 3301-002: Gender, Sexuality, and the Law Syllabus

Tuesday and Thursday: 2:00-3:15 pm, Duane (DUAN) G125

Instructor: Josalyn Williams

Office: Ketchum 211

Office Hours: Tuesday 3:45-4:45, Thursday 11:00 AM- 12:00 PM

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...20%

Attendance 10%

Attendance in class is required and will be recorded at the beginning of each lecture. Excessive tardiness and early departure 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. If you believe you will be missing class for an excusable reason, I highly recommend you contact me beforehand and provide documentation. Each student is allowed four unexcused absences for the semester without it impacting their final grade. Unexpected things come up: a bad cold, a car problem, even an amazing event on campus. I highly recommend coming to all classes and reserving your four unexcused absences for these cases. Please use the table below for calculating your attendance grade for recitation.

For extenuating circumstances, I will grant excused absences on a case by case basis via my discretion. Excused absences (religious observances, university sponsored activities, an illness with a doctor's note, 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.

If you cannot attend class due to an emergency, please inform me as soon as possible. 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 10%

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.

Writing Assignments...30%

You will be required to complete 3 legal briefs over the course of the semester. Each legal brief will be worth 10% of your final grade. You may only complete 1 legal brief per unit. Each brief must be submitted to Canvas and turned into class on the day we discuss the court case you selected. As such you are responsible for choosing the “due date” of each of your legal briefs. Please see the information on Canvas for the assignment description as well as list of Supreme Court cases eligible for assignment completion.

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.) 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.
- 2.) Gluck, Mezey. (2017). *Beyond Marriage Continuing Battles for LGBT Rights*. Lanham, Maryland, Rowman and Littlefield.
- 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.

It should be noted that through university libraries both the Frank book and the McBride and Perry book are available for all CU students to read digitally either online or through chapter downloads FOR FREE. The link to the free digital books via the University library is available on Canvas.

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.

Along with course readings, several days require students to come to class familiar with certain court cases. These court cases can also be found on Canvas. It should be noted that I do not expect you to thoroughly read every court case listed. However, I do expect you to come to class knowing the key details of each case.

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.

- **Tuesday, January 15th, 2019** *Course Introduction*

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

- **Thursday, January 17th, 2019** *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 1: Isolation, Oppression, and Emergence (1945-1992). pp. 7-31.
 - **Court Cases to Know:**
 - *Muller v. Oregon (1908)*
- **Tuesday, January 22nd, 2019** *Policy Process and Policy Making*
 - *Dahl, R. A. (1957). Decision-making in a democracy: The Supreme Court as a national policy-maker. *J. Pub. L.*, 6, 279.
 - 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: Isolation, Oppression, and Emergence (1945-1992). 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.
- **Thursday, January, 24th, 2019** *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.
 - **Cases to Know:**
 - *Craig v. Boren (1976)*
- **Tuesday, January 29th, 2019** *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.
- **Cases to Know:**
 - *Reed v. Reed* (1971)
 - *Kahn v. Shevin* (1974)

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

- **Thursday, January 31, 2019** ***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. 211-248.
 - *Zeigler, S.L. (2006). "Litigating Equality the Limits of the Equal Pay Act." *Review of Public Personnel Administration* 26(3). 199-215.
 - **Cases to Know:**
 - *Frontiero v. Richardson* (1973)
 - *Personal Administrator of Massachusetts v. Feeney* (1979)

- **Tuesday, February 5, 2019** ***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*.
 - **Cases to Know:**
 - *Johnson v. Transportation Agency* (1987)
 - *California Federal Savings & Loan Association v. Guerra* (1987)
 - *UAW v. Johnson Controls, Inc.* (1991)

- **Thursday, February 7, 2019** ***Gender and Military Service***
 - *Bartlett, K. T. & Rhode, D. L., (2010). *Gender, Law, and Policy*. Wolters Kluwer Law & Business.
 - Pages: 364-365.
 - *Thompson, M. (2015). Pentagon Opens All Frontline Combat Jobs to Women. *Time*.

- **Tuesday, February 12, 2019** *Sexual Orientation 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 1-51.
 - **Cases to Know:**
 - *Onacle v. Sundowner Offshore Services (1998)*
 - *Price Waterhouse v. Hopkins (1989)*

- **Thursday, February 14, 2019** *Gender Identity, Sexual Orientation, and Military Service*
 - 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.
 - *Marimow, A.E. (2018) Trump administration: It's 'extraordinary' judges won't let military restrict transgender troops. *New York Times*.
 - **Cases to Know:**
 - *Witt v. Department of the Air Force (2008)*

- **Tuesday, February 19, 2019** *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.
 - **Cases to Know:**
 - *United States v. Virginia (1996)*

- **Thursday, February 21, 2019** *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.
 - Gluck Mezey, S. (2017). *Beyond Marriage Continuing Battles for LGBT Rights*. Lanham, Maryland, Rowman and Littlefield.
 - Chapter 2: Transgender Rights. pp. 71-92.

MIDTERM

- **Tuesday, February 26, 2019** *Midterm Review*
- **Thursday February 28, 2019** *Midterm*

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

- **Tuesday, March 5, 2019** **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.
 - **Cases to Know:**
 - *Orr v. Orr (1979)*

- **Thursday, March 7, 2019** **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.
 - **Cases to Know**
 - *Goodridge et al v. Department of Public Health (2003)*
 - *United States v. Windsor (2013)*

- **Tuesday, March 12, 2019** **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.
 - **Cases to Know**
 - *Obergefell v. Hodges (2015)*

- **Thursday, March 14, 2019** **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

- **Tuesday, March 19, 2019** **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*.
 - **READING ON BODY AUTONOMY TBD**

- **Thursday, March 21, 2019** ***Gender, Sexuality, Sexual Harassment, and Violence***
 - 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: 326-343.
 - **READING ON DOMESTIC VIOLENCE TBD**
 - **Cases to Know:**
 - *Harris v. Forklift Systems, Inc. (1993)*
 - *Rene v. MGM, Inc. (2002)*

- **Tuesday, March 26, 2019** **Spring Break: NO CLASS**
- **Thursday, March 28, 2019** **Spring Break: NO CLASS**

- **Tuesday: April 2, 2019** **The Right to Not Have Children: The Birth Control Movement**
 - 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.
 - **READING ON BIRTH CONTROL PILLS AND PRIVACY AND AUTONOMY TBD**
 - **Cases to Know:**
 - *United States v. One Package (1936)*

- **Thursday, April 4, 2019** **NO CLASS**

- **Tuesday, April 9, 2019** **Reproductive Rights**
 - *Friend, K. (2012). Birth Control and the Right to Privacy, a 50 year Constitutional Debate Rages On. *Legal News Archive*.
 - **Cases to Know:**
 - *Griswold v. Connecticut (1965)*
 - *Eisenstadt v. Baird (1972)*
 - *Burwell v. Hobby Lobby Stores, Inc. (2014)*

- **Thursday, April 11, 2019** **The Private Right to An Abortion**
 - 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. 106-32.
 - *Siegal, N.S., & Siegal, R.B. (2013). Equality Arguments for Abortions. *UCLA Review Discourse*.
 - **Cases to Know:**
 - *Roe v. Wade (1973)*
 - *Planned Parenthood of Southeastern Pennsylvania v. Casey (1992)*

- *Gonzales v. Carhart* (2007)
- *Whole Women's Health v. Hellerstedt* (2016)

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

- **Tuesday, April 16, 2019** **Understanding Gender and Sexuality in a Legal Framework**
 - *Gilreath, S. & Lavelle, L.E. (2016). *Sexual Orientation and Identity Political and Legal Analysis*. St. Paul, Minnesota. *West Academic Publishing*.
 - pp. 207-208, 459-463.

- **Thursday, April 18, 2019 A Right to Sexual Privacy**
 - *Mohr, Richard. *The Long Arc of Justice : Lesbian and Gay Marriage, Equality, and Rights*, Columbia University Press, 2005.
 - Chapter 2: Sexual Privacy
 - **Cases to Know:**
 - *Bowers v. Hardwick* (1986)
 - *Lawrence v. Texas* (2003)

- **Thursday, April 23, 2019 LGBT Rights: Anti-Discrimination**
 - 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
 - Feuer, A. (2017) Justice Department Says Rights Law Doesn't Protect Gays. *New York Times*.
 - **Cases to Know:**
 - *Romer v. Evans* (1996)
 - *Craig and Mullins v. Masterpiece Cakeshop, Inc.* (2015)

- **Thursday, April 15, 2019** **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*.
 - **Cases to Know:**
 - *Nabozny v. Podlesny* (1996)

- **Tuesday, April 30, 2019 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

- **Thursday, May 2, 2019** **Final Exam Review**
- **Tuesday, May 7, 2019** **Final Exam**
1:30-4:00pm

I reserve the right to change the syllabus.