

# **BOS/WGS 378: GENDER AND THE LAW**

## **FRANKLIN AND MARSHALL COLLEGE DEPARTMENTS OF BUSINESS, ORGANIZATIONS, AND SOCIETY AND WOMEN AND GENDER STUDIES**

**SPRING SEMESTER 2009**

### **SYLLABUS**

**Instructor:** Laurie T. Baulig, Adjunct Assistant Professor of Business, Organizations, and Society

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**Office Hours and Location:** Tuesdays and Thursdays 10:30 am – 12:30 p.m.; Fridays 10:00 am – 12:00 p.m., and by appointment; Goethean 106.

**Course Description:** This course will address the role that the courts have played in treating women and men differently in all aspects of American society: in the workplace, in education, in the family, and in the criminal justice system. Students will read, critically analyze, and discuss the major U.S. Supreme Court and other court decisions that have both reflected traditional roles of the sexes, as well as shattered them. Students will also learn how to summarize or “brief” judicial decisions and how to use Westlaw® to find opinions and conduct basic legal research.

**Required texts and other readings:** Lindgren, J.R., Taub, N., Wolfson, B.A., & Palumbo, C.M. *The Law of Sex Discrimination*, 3<sup>rd</sup> edition (Thomson Wadsworth 2004); Cochran, A., *Sexual Harassment and the Law* (University Press of Kansas 2004). The texts will be supplemented with leading U.S. Supreme Court decisions involving gender discrimination (available under the “Course Documents” section of Blackboard®, noted as “Bb” in the schedule below).

**Attendance and Punctuality:** Two excused absences are permitted, but must be approved in advance, if at all possible. Students should be on time to class. (Also, please avoid non-urgent restroom or water breaks during class. They are distracting and disruptive.) Violations of this policy will result in deductions from your class participation grade (1/3 letter grade for each *unexcused* absence).

**Course Evaluation:** Grades for the course are based on class participation, completion of assigned case “briefs,” a 3-5 page (short) paper on an assigned topic, a 10-15 page (term) paper on a topic of your choice, a midterm exam, and a final exam, as broken down below. Late assignments will be penalized one third of a grade for each day past the due date. I also expect strict adherence to the Franklin and Marshall College

guidelines on “Academic Honesty.” See *Franklin & Marshall Catalog* (2008-09) at pp. 185-86.

**Grading:**

|                     |     |
|---------------------|-----|
| Class Participation | 10% |
| Case Briefs         | 10% |
| Short paper         | 15% |
| Midterm             | 20% |
| Term paper          | 20% |
| Final               | 25% |

**Syllabus:** The syllabus below represents the anticipated schedule of lecture topics, readings, and assignments for the course. I reserve the right, however, to deviate from this schedule (including the readings and assignments) if I believe it will advance the learning objectives for the class. I will also provide as much notice as possible regarding such deviations and modify the syllabus accordingly. The current syllabus will be posted on Blackboard (noted as “Bb” in the table below) under both “Course Description” and “Course Documents.”

| DATE                                      | TOPIC(S)  | READINGS, ASSIGNMENTS  |
|---|---|--|
| Tues., Jan. 20                            | <ul style="list-style-type: none"> <li>• Course overview and objectives</li> <li>• Class discussion: what is gender?</li> </ul> | Bb: “Some in Fla. Fight Transgender Restroom Rule,” <i>Lancaster Intelligencer-Journal</i> (AP), Jan. 10, 2009 |
| Thurs., Jan. 22                           | Early historical and legal justifications for differential treatment of women and men   | Lindgren, pp. 1-17; 25-38  |
| Tues., Jan. 27                            | Overview of the U.S. courts system, introduction to case law analysis, and intro to on-line legal research (Westlaw®)           | Lindgren, Appendices B-D (pp. 429-38)  |
| Thurs., Jan. 29                           | The jurisprudence of “equal protection”: the 14 <sup>th</sup> amendment to the U.S. Constitution                                | Lindgren, pp. 42-60  |
| <b>GENDER INEQUALITY IN THE WORKPLACE</b> |   |  |
| Tues., Feb. 3 – Thurs., Feb. 5            | Introduction to Title VII of the Civil Rights Act of 1964   | Lindgren, pp. 79-132; Cochran, <i>Sexual Harassment and the Law</i> , pp. 7-56                                 |

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|---|--|--|
| Tues., Feb. 10 – Thurs., Feb. 12                        | Sexual harassment in the workplace   | Cochran, pp. 57-127; Bb: <i>Vinson v. Meritor Savings Bank</i> , 477 U.S. 57 (1986) <b>(Paper #1 assigned)</b>                                 |
| Tues., Feb. 17  | Guest lecturer: Prof. Sally J. Kenney, Director, Center of Women and Public Policy, Univ. of Minnesota (mandatory attendance at evening lecture) | Bb: <i>UAW v. Johnson Controls</i> , 499 U.S. 187 (1991)   |
| Thurs., Feb. 19   | Pay equity   | Lindgren, pp. 161-76; Bb: <i>Ledbetter v. Goodyear</i> , 127 S.Ct. 2162 (2007), briefs of <i>amicus curiae</i> and transcript of oral argument |
| <b>GENDER INEQUALITY IN EDUCATION</b>                   |  |  |
| Tues., Feb. 24  | Introduction to Title IX of the Educational Amendments Act of 1972   | Lindgren, pp. 189-98; <i>Grove City College v. Bell</i> , 465 U.S. 555 (1984)  |
| Thurs., Feb. 26   | Single-sex schools   | Lindgren, pp. 198-206; paper #1 due  |
| Tues., Mar. 3   | School sports  | Lindgren, pp. 206-24   |
| Thurs., Mar. 5  | Sexual harassment of students  | Lindgren, pp. 224-35   |
| Tues., Mar. 10  | Review   |  |
| Thurs., Mar. 12   | <b>MIDTERM EXAMINATION</b>   |  |
| Tues., Mar. 17; Thurs., Mar. 19                         | <b>NO CLASS SPRING BREAK</b>   |  |
| <b>GENDER INEQUALITY IN THE FAMILY</b>                  |  |  |
| Tues., Mar. 24 – Thurs., Mar. 26                        | Marriage   | Lindgren, pp. 236-57   |
| Tues., Mar. 31  | Same-sex marriage: legal and public policy issues  | Lindgren, pp. 291-301; <i>Bowers v. Hardwick</i> , 478 U.S. 186 (1986)   |
| Thurs., Apr. 2  | Reproduction   | Lindgren, pp. 303-34   |
| Tues., Apr. 7   | Women's rights/fetal rights<br>Guest lecturer: Prof. Alison Kibler, Chair, Women and Gender Studies, Franklin and Marshall College               | <i>Gonzales v. Carhart</i> , 550 U.S. 124 (2007)   |
| Thurs., Apr. 9  | TBA  | TBA  |
| <b>GENDER INEQUALITY IN THE CRIMINAL JUSTICE SYSTEM</b> |  |  |
| Tues., Apr. 14 – Thurs., Apr. 16                        | Sexuality and sexual violence  | Lindgren, pp. 360-91   |
| Tues., Apr. 21  | Pornography  | Lindgren, pp. 391- 400;  |

|                 |                    |  |
|-----------------|--------------------|--|
|                 |                    | <i>Miller v. California</i> , 413 U.S. 15 (1973) |
| Thurs., Apr. 23 | Hate crimes        | TBA  |
| Tues., Apr. 28  | TBA                | TBA; <b>Term papers due</b>                      |
| Thurs., Apr. 30 | Wrap-up and review |  |