

POL SCI 464 - WOMEN AND THE LAW
****ONLINE EDITION, D2L****
University of Wisconsin-Milwaukee
Spring 2008

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COURSE DESCRIPTION

This online course explores developments with respect to gender and the law in select areas of employment, education, family, criminal, and constitutional law. Specific topics examined in the course include: equal employment opportunity, sexual harassment, affirmative action, educational opportunity, marriage and divorce, child custody, domestic violence, and reproductive rights. In this context, students will analyze court cases, statutes, and the writings of legal scholars. Students will also have the opportunity to participate in online discussions and debates involving contemporary issues relating to gender and the law.

REQUIRED TEXTBOOK

Lindgren, J. Ralph, Nadine Taub, Beth Anne Wolfson, and Carla M. Palumbo. 2005. The Law of Sex Discrimination. Third Edition. Cengage Learning.

CLASS REQUIREMENTS AND POLICIES

General Class Conduct

It is imperative that you always maintain a professional tone in all online postings and that you keep your response in line with the question being asked. You should feel free to challenge the ideas expressed by those in the class, but discussion forums (described below) are not venues for personal attacks and non-scholarly commentary. Please take the time necessary to convey your ideas in a respectful and thoughtful manner. Failure to do so (even once) will result in a significant deduction in your discussion postings grade.

Class Structure

This class will be conducted exclusively online via Desire2Learn (D2L); there are no face-to-face class discussions. The course will be structured on a weekly basis. For our purposes, a given week begins on Monday at 12:00 am and ends on Sunday at 11:59 pm. **Exam periods, discussed below, do not follow this traditional structure.** The exams will be available online during the time periods specified in the relevant sections of this syllabus.

Assigned Reading and Framing Notes

Our class will center on the assigned reading of court cases and associated material from the Lindgren et al. text. To complement your reading, we will engage in detailed discussions of the cases and their implications. In addition, we will spend a fair amount of time debating contemporary issues relating to gender and the law.

As noted below, I have assigned reading for most weeks of the semester. Throughout the semester, I will post framing notes for the assigned reading associated with that week of class. These notes will be posted under “Content” on D2L and will highlight important themes, issues, and concepts in hopes of fitting the cases and other materials into a broader framework. The notes will be available for your review by Monday evening of each week.

Regular Weekly Discussion Questions & Postings (“Regular Weekly Posts”)

With the exception of those weeks in which you are taking the mid-term or final examinations as well as the week of Spring Break, I will post one discussion question in the “Discussion Forums” section of our D2L course page that is based on that week’s assigned reading. Each student will be required to respond directly to the question that I pose each week (“regular weekly posts”).

In this process, I expect you to seriously engage the assigned reading and to develop thoughtful remarks to the questions I pose. I suggest you think of these “posts” as short essay assignments. Consequently, your responses should be approximately two to three paragraphs (single-spaced) and should clearly indicate that you have read and thought about the assigned reading. These weekly posts will be assigned one of three grades (0, 75, or 100%). In order to receive a 100%, you must submit a thoughtful response that thoroughly answers all parts of the question, is free of major grammatical and spelling errors, is of a scholarly nature with a highly professional tone, and does not veer from the topic of the question posed. Simple bullet point posts will not suffice for this purpose. Further, your writing should be free of any online lingo, abbreviated words, contractions, and slang. Any reference to the assigned or outside reading must be properly cited with in-text parenthetical citations. As with all postings, I highly suggest that you type your posts using a word processing program and then copy and paste your remarks into D2L. Do not post your response as an attachment.

Your regular weekly discussion responses must be posted no later than **Sunday at 11:59 pm** of the relevant week of the discussion. You should submit only one direct response to my discussion question for grading purposes each week. If you submit two responses to the question, you must designate which of the two you would like to be graded. To do this, please note “I submit the following response to be graded” in the first line of the text of your post (not the subject line). Otherwise, the TA will grade your first post. Late responses (even by one minute) to the regular weekly discussion questions will be assigned a grade of zero. Students will, however, have the opportunity to drop two of their lowest grades (i.e., two zeros) in this category of postings (and in this category only).

Reactions to the Posts of Other Students (“Reaction Posts”)

In addition to directly responding on a weekly basis to a question that I pose, in at least two separate weeks this semester, you must also post a response (approximately one paragraph, single-spaced) to a “regular” (i.e., non-debate forum) posting of another student. Specifically, your “reaction post” should take the major point your peer expressed in his or her regular weekly discussion post and elaborate on it or critique it in some way (positive critique is welcome). You may react and respond to multiple postings in a given week, and you may respond to more than two student postings over the semester. However, the TA will only grade one of your reactions per week and a total of two “reaction posts” per student this semester. Thus, you must indicate which of your reaction posts you would like graded. In order to do this, you should include “I submit this reaction post to be graded” in the first line of the text in your reaction post. Responses to student postings (“reaction posts”) are due no later than **Sunday at 11:59 pm**

of the relevant week of the discussion. In the event that you submit multiple reactions in a given week without clearly noting which one you would like graded, the TA will grade your first reaction post. In the event that you submit more than two reaction posts over the semester and do not indicate which two you want graded, the TA will grade the first two reactions (across separate weeks). Reaction posts will be assigned one of three grades (0, 75, or 100%). Only those students who seriously engage the comments of another student in a meaningful and clear way (i.e., the student provides a well-developed response that is free of spelling and grammatical errors) will receive full credit (i.e. 100%). Late reaction posts will receive a grade of zero.

Online Debate, Position Paper, & Debate Postings (“Panelist and Nonpanelist Posts”)

Each student will be assigned to participate in one debate presentation that will take place in select weeks throughout the semester. Students will be randomly assigned to a particular side of one debate. Each side (i.e., the pro-side and con-side) of a given debate will be required to submit a “position paper” that summarizes, at most, four major arguments to support its position. The position paper, the text of which should not exceed four pages (double-spaced, typed, 12-point font, one-inch margins), should clearly indicate that the students have conducted research in preparing for the debate. Any articles or books used in constructing the arguments must be cited appropriately throughout the paper using in-text parenthetical citations, footnotes, or endnotes, and the paper should include a bibliography with full citations. The bibliography and any tables or graphs are not included in the page limitation.

This is a group project, and the paper should reflect a group effort. Each group will have a discussion forum designated in D2L (see “Debate Team Forums”) for the purpose of facilitating communication and to assist teams in the development of the group’s paper. To prevent significant deductions (and possibly a failing grade, including a grade of “0”), each student must make his or her contributions to the group project evident on the student’s D2L debate team forum. Thus, students should make contact with their groups in these forums early in the semester. Students should also use team forums for brainstorming purposes and to suggest arguments and scholarly references for the paper. Finally, I expect to see the circulation of drafts on these forums. The final draft of a team’s paper should present a cohesive case for the group’s position and should be free of any spelling and grammatical errors. Please note that each student will be asked to provide an evaluation of each team member’s contribution to the development of the position paper, and these evaluations will be considered in the assignment of grades. If you are having difficulty making contact with a group member or are experiencing other problems working together as a group, you should notify the instructor immediately! Students who do not participate in a meaningful way in the completion of their group project will receive a grade of 0.

Early in the semester, each group will designate the name of one member who has agreed to submit the final copy of the paper to the dropbox. Your side’s position paper (which must be submitted as a Microsoft Word document or PDF file) will be due in the **D2L dropbox by 12:00 pm (noon) on Monday of the week of your debate**. Late deductions (see below) will apply for any paper received after that time.

Soon after the position papers are received by the instructor, they will be posted in a special debate forum. The instructor will then pose a follow up “debate discussion question.” All members of the panel (pro-side and con-side) are required to submit a response to this question (“panelist debate discussion question response”). Given that debate panelists will have done extensive research on the topic, I will expect a very informative and well-developed response to this question (e.g., two to three paragraphs).

Panelist debate discussion question responses will be graded in accordance with a grading rubric that will be posted on our D2L site, and they must be posted in the designated debate forum by **Sunday at 11:59 pm** during the week of the debate. If a panelist submits more than one response to the debate discussion

question I pose, the TA will grade the first response (unless the student denotes otherwise in the first line of the text). Late debate discussion question posts *by panelists* will be subject to a ten percentage point deduction for each day they are late.

Finally, over the course of this semester, each student is required to submit at least two responses to questions that I pose in two separate debates in which the student is not a panel member (“nonpanelist debate discussion question responses”). These responses are graded with the same criteria employed for your regular weekly discussion posts. Thus, as nonpanelists, you will receive a grade of 0, 75, or 100% on your posts. As nonpanelists, I will not expect you to reveal the level of detail in your responses as would be expected of panelists. Consequently, a one paragraph response for nonpanelists will suffice. Since you have a fair number of opportunities to participate as a nonpanelist in this respect, late responses will receive a grade of zero.

Nonpanelist debate question responses are also due by **Sunday at 11:59 pm** of the week of the relevant debate. The TA will only grade one nonpanelist debate response per student in a given week and only two nonpanelist debate postings per student over the course of the semester. Consequently, it is your responsibility to denote which responses you submit for grading purposes via a note in the first line of the text of your response (e.g., “I submit the following nonpanelist debate post for grading”). If you submit more than two nonpanelist debate postings in a given week without this designation, the TA will grade your first post. If you submit more than two debate postings over the semester without a designation for which two you would like graded, the TA will grade the first two postings only

The debate topics, assignments, a more detailed set of instructions, and grading criteria will be posted on D2L.

Legal Briefs

To complement your assigned reading and class discussion, each student will be assigned the task of constructing two legal/case briefs. Please see the legal brief assignments link under “Content” on our D2L page for these assignments. For the purposes of our class, I would like you to organize your legal briefs in the following manner:

1. Name of the case and the citation (court cases are always underlined or italicized)
2. A summary of the facts of the case
3. The legal question or questions presented to the court
4. The majority’s answer to the question/s (i.e., yes or no)
5. A summary of the legal reasoning of the majority opinion
6. Summary of each concurring opinion (if applicable)
7. Summary of each dissenting opinion (if applicable)
8. Your assessment of the significance of the case (e.g., How does it contribute to the development of the law in the relevant area?)

Given that legal briefs are summaries of court decisions, a one-page brief is perfectly acceptable! For the purposes of this class, your briefs should not exceed two pages (typed, double-spaced). Please note that you are required to brief the excerpts of cases provided in your textbook or those available on our D2L site. You are not required to locate and read the full opinion for the purposes of this assignment. Moreover, as with any writing assignment, it is important to properly cite any source material utilized in the construction of a legal brief, including your textbook or other sources you consult. Treat this assignment as you would any writing assignment and, thus, utilize footnotes, endnotes, or parenthetical citations as needed. Provide a works cited list at the end of your brief. If you directly quote language, you must indicate this by including quotation marks and the page/s in the source material where this language can be found. Your briefs should be free of grammatical and spelling errors.

All legal briefs must be submitted to our course D2L dropbox by Monday at 12:00 pm (noon) during the week they are to be discussed. The weeks and due dates are noted on the syllabus, and your specific case assignments will be posted on our D2L Web page. The assignments are required to be submitted as Microsoft Word documents or PDF documents. The file name should be the name of the case with *your* last name in parentheses. For example, Marty Sarver’s brief of *Roe v. Wade* would be given the filename: RoevWade (Sarver). You may abbreviate the party names for this purpose, but please clearly indicate the case to which you are referring. Your name should be on your brief as well. Please note that I will be posting a number of these briefs on our course Web page along with the framing notes for that week of class. Please consider this before you submit your brief for grading. These can be fantastic tools in preparing for course exams, but they are only helpful if they are clear, well-written, highlight all the relevant legal arguments, and are free of factual errors.

Exams

There will be two exams in this course. Exam material will be drawn from the assigned reading, the discussion forums, and the online debates. Both exams will include a series of multiple choice and true/false questions and will be administered through our D2L Web page in a timed setting. The amount of time that will be allotted will be posted on D2L at least one day before the exam period begins.

The mid-term exam will be available online beginning **Monday, March 10 at 12:00 am until Wednesday, March 12 at 11:59 pm.** You may select the day and time in which you take the exam within this time frame, but you are strongly advised to give yourself the full amount of time that I will permit in order to complete the exam.

The final exam will be available beginning **Monday, May 12 at 12:00 am until Wednesday, May 14 at 11:59 pm.** Please note that the final exam will not be cumulative in nature. It will emphasize material covered since the mid-term examination.

Once you begin an exam, the clock begins, and you will have to complete the exam during the period allotted. Thus, it is your responsibility to ensure that you have a secure Internet connection and a functioning computer before you begin the exam. Moreover, you will have a very limited amount of time to answer each question. Consequently, you should prepare for these online exams as you would a closed-book exam in a regular classroom environment. The exams are designed so that you will not have time to consult your notes or the book.

Make-up examinations will be allowed under very limited circumstances. In order to qualify for a make-up exam, you will have to supply documentation that demonstrates that you were not able to take the exam during the time frame offered due to an illness, family emergency, or a University-excused absence. Students who seek a make-up opportunity must make a reasonable effort to contact me in a timely fashion (no later than 24 hrs. after the last scheduled day of the exam).

Grades

Mid-term exam	25%
Final exam	30%
Discussion postings (regular, reaction, & nonpanelist debate posts)	25%
Legal briefs (5% each)	10%
Debate project (position paper (8%), panelist debate post (2%))	10%

Point Scale

A	93-100	C	73-76
A-	90-92	C-	70-72
B+	87-89	D+	67-69
B	83-86	D	63-66
B-	80-82	D-	60-62
C+	77-79	F	...-59

Grading Concerns

If you have questions or concerns regarding the grading of a discussion posting, please contact the TA within one week of receiving the grade for the posting. If you are not satisfied with the TA's response, please contact the instructor. If you have questions or concerns regarding the grading of the position papers or the exams, please first consult with the instructor.

Academic misconduct

I do not tolerate acts of plagiarism or any forms of cheating. Students who are caught engaging in academic misconduct will receive an "F" (zero percentage points) for the assignment or exam. It is also possible that a student who is caught engaging in academic misconduct will receive an "F" for the course. If I suspect a case of academic misconduct, I will follow the academic misconduct and reporting policies of the University of Wisconsin-Milwaukee.

Dropping the Course & Incompletes

The decision to drop the course is the responsibility of the student, and each student should become familiar with all relevant drop deadlines (please see the UWM calendar for further details). An incomplete may be given to a student who is unable to complete the course requirements due to extenuating circumstances (e.g., serious illness, injury, family emergency, etc.). Students seeking an incomplete must submit supporting documentation.

Late Assignment Policy & Penalties

As noted above, late assignments with respect to regular discussion posts, reaction posts, and nonpanelist debate discussion question posts will receive a grade of zero. Debate position papers, legal briefs, and panelist debate postings, however, will be graded if they are submitted after their due date/time. These assignments will be subject to a ten percentage point deduction for each day they are late (including weekends). Assignments submitted on the appropriate due date but after the designated time will be treated as one day late.

Student Accommodations

If you will need accommodations in order to meet any of the requirements of this course, please contact me as soon as possible. Students should also contact a Student Accessibility Center (SAC) counselor on campus (414) 229-6287.

COURSE SCHEDULE

WEEK 1 (BEGINNING JANUARY 21): INTRODUCTORY MATERIAL

No assigned reading. Please consult course content for a PowerPoint presentation on the judicial process & legal research.

- Students are required to post brief introductions by the end of the week (See “Introductions” discussion forum).

WEEK 2 (BEGINNING JANUARY 28): GENDER DISCRIMINATION IN HISTORICAL CONTEXT

Read pgs 1-36

Legal briefs to be submitted in week 2 (Due to dropbox by Monday, January 28 at 12:00 pm (noon)):

- *Bradwell v. Illinois*
- *Minor v. Happersett*
- *Muller v. Oregon*
- *Goesaert v. Cleary*
- *Hoyt v. Florida*

WEEK 3 (BEGINNING FEBRUARY 4): EQUAL PROTECTION ANALYSIS I

Read pgs. 38-58

PRACTICE QUIZ: Students are required to take a practice online quiz by the end week 3.

Legal briefs to be submitted in week 3 (Due to dropbox by Monday, February 4 at 12:00 pm (noon)):

- *Reed v. Reed*
- *Frontiero v. Richardson*
- *Craig v. Boren*
- *Orr v. Orr*

WEEK 4 (BEGINNING FEBRUARY 11): EQUAL PROTECTION ANALYSIS II

Read pgs 58-78; 36-38

Legal briefs to be submitted in week 4 (Due to dropbox by Monday, February 11 at 12:00 pm (noon)):

- *Personnel Adm’r of Mass v. Feeney*
- *Michael M. v. Super. Ct. of Sonoma Cty.*
- *Miss. University for Women v. Hogan*
- *J.E.B. v. Alabama*

WEEK 5 (BEGINNING FEBRUARY 18): EQUAL EMPLOYMENT OPPORTUNITY I

Read pgs 79-91 and 94-103

Legal briefs to be submitted in week 5 (Due to dropbox by Monday, February 18 at 12:00 pm (noon)):

- *EEOC v. Brown & Root, Inc.*
- *Nichols v. Azteca Restaurant Enterprises, Inc.*
- *Los Angeles Dept. of Water & Power v. Manhart*
- *Texas Dept. of Community Affairs v. Burdine*
- *Price Waterhouse v. Hopkins*
- *Lindahl v. Air France*

WEEK 6 (BEGINNING FEBRUARY 25): EQUAL EMPLOYMENT OPPORTUNITY II

Read pgs 104-132

Legal briefs to be submitted in week 6 (Due to dropbox by Monday, February 25 at 12:00 pm (noon)):

- *Griggs v. Duke Power Co.*
- *Dothard v. Rawlinson(part I)*
- *Cheatwood v. So. Cent. Bell Tel. & Tel. Co*
- *Diaz v. Pan Am. World Airways*
- *Dothard v. Rawlinson (part II)*
- *U.A.W. v. Johnson Controls*
- *Healey v. Southwood Psychiatric Hospital*

WEEK 7 (BEGINNING MARCH 3): SEXUAL HARASSMENT

Read pgs. 133-159

Legal briefs to be submitted in week 7 (Due to dropbox by Monday, March 3 at 12:00 pm (noon)):

- *Tomkins v. Public Service Electric & Gas Co.*
- *Bundy v. Jackson*
- *Meritor Savings Bank v. Vinson*
- *Faragher v. City of Boca Raton*
- *Ellison v. Brady*
- *Robinson v. Jacksonville Shipyards, Inc.*

WEEK 8 (BEGINNING MARCH 10): MID-TERM EXAM

No assigned reading

The mid-term exam will be available online beginning **Monday, March 10 at 12:00 am until Wednesday, March 12 at 11:59 pm.**

WEEK 9 (BEGINNING MARCH 17): SPRING BREAK

No assigned reading

WEEK 10 (BEGINNING MARCH 24): PAY EQUITY & AFFIRMATIVE ACTION

Read pgs. 161-188

Legal briefs to be submitted in week 10 (Due to dropbox by Monday, March 24 at 12:00 pm (noon)):

- *Corning Glass Works v. Brennan*
- *Grutter v. Bollinger*

DEBATE 1: Are affirmative action policies for women necessary? Are these policies desirable?

WEEK 11 (BEGINNING MARCH 31): EQUAL EDUCATION OPPORTUNITY

Read pgs. 189-219

Legal briefs to be submitted in week 11 (Due to dropbox by Monday, March 31 at 12:00 pm (noon)):

- *U.S. v. Virginia*
- *Mercer v. Duke University*
- *Cohen v. Brown University*

DEBATE 2: Do Title IX's compliance regulations with respect to gender equity in athletic programs result in discrimination against males?

WEEK 12 (BEGINNING APRIL 7): MARRIAGE & FAMILY

Read pgs. 236-249

Legal briefs to be submitted in week 12 (Due to dropbox by Monday, April 7 at 12:00 pm (noon)):

- *McGuire v. McGuire*
- *Glover v. Glover*
- *Kline v. Ansell*
- *Kirchberg v. Feenstra*

DEBATE 3: Is the gender wage gap a function of discrimination against women?

WEEK 13 (BEGINNING APRIL 14): INTIMATE PARTNER VIOLENCE

Read pgs. 249-257

Castle Rock v. Gonzales (excerpt available on our course D2L Web page)

Legal briefs to be submitted in week 13 (Due to dropbox by Monday, April 14 at 12:00 pm (noon)):

- *U.S. v. Morrison*
- *Castle Rock v. Gonzales*

WEEK 14 (BEGINNING APRIL 21): DIVORCE, CHILD CUSTODY, PARENTAL RIGHTS

Read pgs. 257-276; 278-286

Legal briefs to be submitted in week 14 (Due to dropbox by Monday, April 21 at 12:00 pm (noon)):

- *Ex Parte Devine*
- *Beck v. Beck*
- *Lehr v. Robertson*

DEBATE 4: Should states eliminate “no fault” divorce?

WEEK 15 (BEGINNING APRIL 28): REPRODUCTIVE RIGHTS I

Read pgs. 303-317

Legal briefs to be submitted in week 15 (Due to dropbox by Monday, April 28 at 12:00 pm (noon))

- *Griswold v. Connecticut*
- *Roe v. Wade*

DEBATE 5: Should *Roe v. Wade* be overturned?

WEEK 16 (BEGINNING MAY 5): REPRODUCTIVE RIGHTS II

Read pgs. 317-331

Gonzales v. Carhart (excerpt available on our course D2L Web page)

Legal briefs to be submitted in week 16 (Due to dropbox by Monday, May 5 at 12:00 pm (noon))

- *Planned Parenthood of Southeastern Pennsylvania v. Casey*
- *Gonzales v. Carhart*

WEEK 17: FINAL EXAM

No additional reading assigned

Final exam available beginning Monday, May 12 at 12:00 am until Wednesday, May 14 at 11:59 pm.