This course examines how the U.S. legal system shapes-- and is shaped by-- gender. Topics include sex discrimination in the workplace and educational institutions, single-sex education, women in military combat, domestic violence, same-sex marriage, and reproductive legal rights and responsibilities. Our discussions will reflect the many factors that influence how individuals view and encounter the law, including race, ethnicity, socioeconomic status, sexual orientation, gender identity, religion, political outlook, etc.

Our academic focus will be on legal analysis, public policy writing and respectful dialogue about emotionally complex topics. There will be many opportunities to practice these skills during the semester.

This class is part of the Doyle Seminar Program, which fosters deepened learning about diversity through research and dialogue. As a Doyle Seminar, the course has access to supplemental curricular resources that support dialogue between students, faculty, other scholars, and policy experts. Students will critically engage complex problems and dialogue with others in a free and candid exchange of ideas and from a variety of perspectives.
EXPECTATIONS/CLASS POLICIES

If you need to miss class for religious observance, illness or family emergency please let me know as soon as possible. Missing class for any other reason will impact your grade. It will also be your responsibility to ensure you understand the material covered for missed classes. Late work will be accepted only in extraordinary circumstances.

The ability to effectively communicate in writing will likely be one of the most important skills you will need in the workforce—regardless of your career. Since writing is a valued part of this class, I will be encouraging you to visit the Writing Center (217a Lauinger) and work with one of the Center’s trained consultants. Just as I share my own writing with people I trust before making it public (many times), you can share your writing with student peers at the Writing Center at any stage of your writing process, from brainstorming a thesis to revising, editing and proofreading. To set up an appointment, visit http://writingcenter.georgetown.edu.

ACADEMIC INTEGRITY

Collaboration is an important life skill and I encourage you to seek out --and offer-- help in all course assignments. On the other hand, I expect your work products to be your own. If I become aware of a violation of the university honor code, I will report it to appropriate authorities. If you have any questions about academic integrity please do not hesitate to ask.

SUPPORT

I want you to succeed in my class. If you have special needs that will optimize your learning, please let me know. I also want you to be healthy—and your emotional health is as important as your physical health. If you are struggling, please let me know. You do not have to wait for a problem to become “serious” before asking for help. And you do not have to have a problem to reach out either. And if you are actually reading this syllabus closely then please put a star next to your name when you sign in for the first class.

This course will touch on complicated and sensitive issues. As you may know, there is a law referred to as “Title IX” that, among many other things, requires most professors on campus to report any knowledge they have of sexual misconduct (sexual assault, sexual harassment, dating violence, domestic violence, or stalking) to Georgetown’s Office of Title IX Compliance. (If you have no idea what Title IX is, don’t worry, we will learn all about it in this course). Professors and faculty who are required to report this information are called “mandatory reporters.”

Because of the nature of the material being taught in this class, and in an effort to not stifle conversation, I have been approved as a “semi-confidential” resource. That means that if there is a disclosure of sexual misconduct, I am required to report only non-identifying information to the Office of Title IX Compliance. Since that information is non-identifiable, the Title IX Coordinator will not follow up with you.
In other words, if you share information about sexual misconduct with me and do not want any names (yours or others) to be shared with the University, I can do that. Of course I will encourage you to make use of all the resources available to you. More information about Title IX and resources can be found on the following website: sexualassault.georgetown.edu. If you would like to speak to someone confidentially, you may contact one of the confidential counselors within Health Education Services at sarp@georgetown.edu.

**LEARNING OUTCOMES**

Students successfully completing this course will be able to:

1. Explain the key constitutional issues that have special relevance to sex and gender
2. Explain the purpose of key laws/regulations relating to sex and gender
3. Apply a public policy analysis to current gender issues
4. Respectfully articulate the reasoning behind public policies with which they do not agree.

**ASSIGNMENTS AND GRADING**

Announcements, assignments and grades will be posted on blackboard. Your grade will be determined in this way:

- Class Contribution (20%)
- Reading Reflections/Quizzes (20%)
- Student-Led Lesson (10%)
- Two Research Legal/Public Policy Memos (25% each)

**Class Contribution**

Class discussion will be a primary learning tool so participation will be essential to success in this class. Sharing ideas and actively listening to others are equally valued. *All viewpoints, courteously expressed, are respectfully welcomed*. From time to time students will be asked to research state based legislation on various topics. This research will be part of class contribution grade. An estimated grade for class participation will be given mid-course to allow students to respond to feedback.

**Reading Reflections/Quizzes**

There will be ten writing reflection assignments to ensure comprehension and to encourage retrospection. These reflections should be about 300 words and are due *MONDAYS at 9pm* via Blackboard. This feedback will help me design the classes to meet your needs; for this reasons late submissions cannot be accepted. If you have to miss a class you can still submit reading reflections on time to receive credit. There will also be a couple quizzes, which will be announced at least a week in advance.

**Student Lesson**

Each student will be assigned one additional reading/research and asked to present a short lesson to the class at one point during the semester. Visuals required; a grading rubric will be provided.
Two Legal/Public Policy Memos
Each student will craft a legal/policy professional memo on a topic related to sex/gender (first about 2500 words, second one will be shorter). Details will be provided early in the semester.

Percentages will be translated to letter grades following this format:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Range</th>
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<tbody>
<tr>
<td>A</td>
<td>95-100</td>
<td>C+</td>
<td>77-79</td>
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<td>A-</td>
<td>90-94</td>
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<td>73-76</td>
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<td>B+</td>
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<td>B</td>
<td>83-86</td>
<td>D+</td>
<td>68-69</td>
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<tr>
<td>B-</td>
<td>80-82</td>
<td>D</td>
<td>66-67</td>
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COURSE OVERVIEW

Overview
Sept 6  The Fight for Gender Equality from Reconstruction to the ERA

Sex Discrimination in Education
Sept 13 The Promise And Problems of Single-Sex Education
Sept 20 Gender Identity and Harassment in School
Sept 27 Sexual Harassment/Assault and Affirmative Consent in School

Sex Discrimination at Work
Oct 4  The Legality Stereotyping
Oct 11 Gender and the Military
Oct 18 Sexual Harassment at Work
Oct 25 Pregnancy and Parenting at Work

Bodily Autonomy and Intimacy
Nov 1  Reproductive Rights and Responsibilities
*Legal/Policy Memo #1 DUE 3PM
Nov 8  Religious Freedom to Discriminate/from Discrimination
Nov 15 Gendered Violence
Nov 22 Current Events

The Big Picture
Nov 29 Gender and Marriage
Dec 6 Bringing it Together
*Legal/Policy Memo #2 DUE 3PM
ASSIGNMENTS BY WEEK

**For Sept 13 Class**
Please complete the following:
Watch [Crash Course on US Government and Politics #18](#) and 19
Skim [Title IX, Education Amendments of 1972](#)
Complete personal questionnaire (on blackboard)
Complete reading reflection (on blackboard)
ALL-- Search for the most compelling evidence you can find (peer reviewed research) to support single-sex education. Please bring in the article to class.

**For Sept 20 Class**
Please complete the following:
Watch [Crash Course on US Government and Politics #20](#)

[Friday, May 13, 2016 U.S. Departments of Justice and Education Release Joint Guidance to Help Schools Ensure the Civil Rights of Transgender Students](#)


The Federalist By Stella Morabito MARCH 27, 2014 [If we can pick our gender can we pick our age?](#)

Complete reading reflection (on blackboard)

**For Sept 27 Class**

Foundation for Individual Rights in Education (FIRE) Spotlight on Speech Codes 2017: The State of Free Speech on Our Nation’s Camp

[Georgetown’s Sexual Assault and Misconduct Climate Survey](#) Review these three sections: 1) Key Findings of the Sexual Assault and Misconduct Survey, 2) Frequently Asked Questions and 3) Ongoing Work

Complete reading reflection (on blackboard)

Student Lessons: Sinead and Jeanine

**Visitor: Georgetown’s Title IX Coordinator Laura Cutway. Please come prepared for some thoughtful questions for her.**
For Oct 4 Class

Title VII of the Civil Rights Act (skim)


The Simple Truth about the Gender Pay Gap (AAUW Spring 2017)

Complete reading reflection (on blackboard)

Student Lessons: Ida and Will

For Oct 11 Class


Military and Sex Discrimination Fact Sheet (under docs on blackboard)

One additional reading will be announced Oct 4th.

Complete reading reflection (on blackboard)

Student Lessons: Laura, Alex and Victoria (these will be first, before our guest speakers join us)

**Visitors: Mary Renwald, Dan O’Brien, Kate Germano (Military Leaders)

For Oct 18 Class

MOVING FORWARD, LOOKING BACK: A RETROSPECTIVE ON SEXUAL HARASSMENT LAW


Watch Anita (2014)- (1 hour 16min) It is free to amazonprime members … perhaps some of you could organize a time to watch it together?

Complete reading reflection (on blackboard)

Student Lessons: Casey D., Emma I., Abigail

October 25 Class

Read EEOC OVERVIEW OF THE PREGNANCY DISCRIMINATION ACT-- PDA Coverage


Student Lessons: Kennedy, Allison S and Kelsey
Complete reading reflection (on blackboard)

**Visitor: Carol Miaskoff, Senior Attorney at the Equal Employment Opportunities Commission
Nov 1 Class *(Legal/Policy Memo #1 DUE 3PM)*

Read three articles from the SCOTUSBlog on [Whole Women’s Health](https://www.scotusblog.com/search/Whole Women’s Health)

Complete reading reflection (on blackboard)

Student Lessons: Elena I and Michaela P.

Nov 8 Class

SCOTUSBlog [Wedding cakes v. religious beliefs?: In Plain English](https://www.scotusblog.com/search/Wedding cakes v. religious beliefs?: In Plain English)

Burwell v. Hobby Lobby ([Oyez summary here](https://www.oyez.org/cases/2014/14-556))

Ginsburg’s comments about [her dissent](https://www.scotusblog.com/search/her dissent)

Student Lessons: Eva and Sierra

Visitor, Keven Gallager, JD, WilmerHale (Pro-Life Religious Freedom Advocate)

Nov 15


Please watch the following 19 min clip: Violence against women—it’s a men’s issue: Jackson Katz at TEDxFiDiWomen, [https://youtu.be/KTvSfeCRxe8](https://youtu.be/KTvSfeCRxe8)

Student Lesson: Sally J, Charles C, Teresa C.

Nov 22

No student lessons

Readings TBD

Nov 29


[The Social Costs of Abandoning the Meaning of Marriage](https://www.scotusblog.com/search/The Social Costs of Abandoning the Meaning of Marriage)

Student Lesson: Haley

Dec 6 (*Legal Memo #2*)

TBD
# First Research/Writing Assignment

For your first legal (policy) memo please select one of the following topics.

<table>
<thead>
<tr>
<th>#1 Incarceration</th>
<th>Your boss, a legislator from Arizona, was upset to learn that incarcerated pregnant women are being shackled during labor. She has asked you to write a memo explaining the issue. She wants to know if this practice violates either the Arizona or US Constitution, if other states have effectively banned this activity and any recommendations you have for her to address the issue.</th>
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<tr>
<td>#2 Pregnant Minor</td>
<td>You work for a legislator in Maine. A young woman calls with this story: she is 16 and a new mother of a 5-month baby. She has not gone back to school because she can’t find childcare and there are no high schools that offer childcare within two hours of her house. The principal of her high school also specifically told her she was not welcome back. Her family was just summoned to appear in District Court for violation of truancy laws. Your boss wants to know what legal (state law, federal law and constitutional) issues are at stake -- and what she should do.</td>
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<td>#3 Abortion Access</td>
<td>You work for a newly elected legislator in Texas with a pro-life constituency. Your boss is generally pro-life but believes that some abortions should be allowed—rape or incest, for example. She is also a strong fiscal conservative, so any law that will increase costs for taxpayers is a no-go for her. She also believes that passing laws that will end up in court and likely get struck down are a colossal waste of taxpayer dollars. Your boss has asked you to send her recommendations for how to handle current or upcoming abortion-related legislation. She is very busy with other issues so be sure to prioritize your recommendations.</td>
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<td>#4 Equal Pay</td>
<td>You live in Louisiana and work for a legislator who is not convinced that there is a problem with equal pay (“So women choose to different jobs- what’s wrong with that?”) He is going to a meeting with a woman’s group. To prepare, he has asked you to write a memo explaining the issue to him, and your recommendation on what Louisiana should do about this issue (if anything).</td>
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<td>#5 Paid Maternity Leave</td>
<td>You work in the Trump administration and your boss is meeting with House Speaker Paul Ryan to discuss a new bill that would require all employers with more than 15 employees to provide six weeks of paid leave for new mothers. Your boss needs a memo to help him prepare for the meeting. He wants to know if similar state laws are working and if there are constitutional issues to consider.</td>
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<td>#6</td>
<td>Rights of Muslim Women</td>
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<td>It's November 2017 and Georgia Republican Jason Spencer (180th District, Woodbine) is re-introducing his bill that would make it illegal for Muslim women to wear a veil in public. As his legislative aide, you have been asked to summarize “whatever he needs to know” about potential problems with this bill. Have other states passed similar bills successfully? Are there constitutional issues to consider? If you want to, you can try to convince him to drop or modify the bill.</td>
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<th>#7</th>
<th>Family Law</th>
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<td>[Consider the possibility that] The Trump administration is advocating that Congress repeal the Preventing Sex Trafficking and Strengthening Families Act of 2014 (H.R. 2980). President Trump thinks it is federal overreach violating the Constitution's separation of federal and state powers, and that it creates a bunch of useless bureaucratic hoops for states to jump through, but he is willing to read your memo defending all (or part) of it.</td>
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<th>#8</th>
<th>Sexual Assault</th>
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<tr>
<td>You work for a Georgia legislator. Your boss has been asked to support a piece of legislation relating to sexual assault (HB 51). She needs to understand the purpose of the legislation, why proponents support it and why others oppose it. Are there constitutional issues at stake here? Have other states proposed or passed similar legislation? If so, what has their experience been?</td>
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| #9 Women without documentation and violence | You are working for a state legislator in Arizona and you have learned about a woman in your district who has been - and still is being-- sexually assaulted by her employer. She is in the country without proper documentation and is too scared to come forward with her story. |
You boss wants to help but is aware that her colleagues are committed to deporting "illegals." She has heard that the Violence Against Women Act (VAWA) extends to undocumented women-- she knows this because she heard some colleagues say that if anyone in Arizona ever tried to protect illegals with that law, they would sue the federal government because they believe that part of the law is unconstitutional. |
Your boss wants to know how to help this individual, and whether there are any constitutional problems with this part of the law. |

| #10 Sexual Orientation Discrimination | Imagine the Justice Department filed an amicus brief saying that Title VII of the Civil Rights Act of 1964 does not cover employment "discrimination based on sexual orientation." (Actually you don't have to imagine it. It happened.) You work for a judge who is not sure if he agrees and has asked you to explain the reasoning for including sexual orientation as a form of sex discrimination, the reasoning for excluding it, and your recommendations for how to address the issue should it come before him in court. |
Student-Led Lessons

Every student will select one recent (2014 or later) article from a law journal and share the highlights with the class. You may select your own article from any law journal. Here are few great ones, but there are certainly many others and gender issues are not only covered in gender-focused journals so don’t feel limited by this list:

*Georgetown Journal of Gender and Law (of course!)*
*Berkeley Journal of Gender, Law & Justice (my favorite but not because its best)*
*Yale Journal of Law and Feminism*
*Michigan Journal of Gender and Law*
*Columbia Journal of Gender and Law*
*Harvard Journal of Law & Gender*
*UCLA Women’s Law Journal*
*The Journal of Gender, Race & Justice (University of Iowa School of Law)*
*Hastings Women’s Law Journal* *American University Journal of Gender, Social Policy, and the Law*

Step One-- Go to the discussion board and let everyone know which class/topic you would like. Three students is the maximum for any particular day/topic, so if one topic is full please find another. I will post an announcement of the assignments so you can see what is available. Please do this asap.

Step Two-- Get online and have some fun browsing. Don’t panic if you see 40 or 50 pages-- lawyers are in/famous for tons of footnotes… Since this is likely the first time you will attempt to analyze a law article, it may look a little daunting. You are not expected to understand every aspect of the article. Select an article, then return to the discussion board and provide the citation.

Step Three-- Contact the other students who are presenting on the same day as you (I can help you with that) and set up a FACE-to-FACE meeting. I know, very old-fashioned. Everyone should come to that meeting having read -- and at least sort of understanding -- their articles. At that meeting share, what you have learned, try to tease out themes, and then determine a logical/efficient/helpful way for each of you to present this material to the class. You will each have 5-7 minutes to explain to the class one or two interesting things you learned. The point is NOT to summarize the entire article, but rather to provide a quick lesson so, even though you were the only one in the class who had a chance to read that article, everyone else understands the basic take-home messages. Imagine that this article will be on an upcoming exam and you are helping each other cram for the test (except don’t worry about the exam part).

Step Four-- Each student needs to create some visuals-- 3-4 slides that do NOT summarize everything you are going to say, but that help your students understand your material. The visual should include the name/author of the article, but charts, graphs, and other visuals as well as key-words are great. Now here comes the really challenging part. The group has to somehow coordinate and combine the visuals into a powerpoint -- or prezi or haiku or whatever-- and submit it to me by Wednesday at noon on the day you are presenting.

Step Five-- Show up. Rescheduling is kind of not an option. In the case of health emergencies etc. we’ll figure it out, but for obvious reasons it will be much easier to keep to our schedule. If you have anxiety or concerns about public presentations I am happy to meet/discuss/practice etc.