

POL SCI 464

## **SEX, GENDER, & THE LAW**

University of Wisconsin-Milwaukee

(Spring 2022)

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### **Instructor: Prof. Erin B. Kaheny (she/her)**

Office: Bolton 638

E-mail: ekaheny@uwm.edu

Office Hours (via Teams): Please e-mail Prof. K. to schedule an appointment (MW are preferred days).

### **Teaching Assistant: Gina Vlach (she/her)**

Office: Bolton 687

E-mail: gnvlach@uwm.edu

Office Hours: Please e-mail Gina to schedule an appointment.

**COURSE MEETING TIMES & LOCATION:** MW 11:00 am - 12:15 pm in Mitchell Hall (MIT) 195

### **COURSE DESCRIPTION**

This course explores developments with respect to sex, gender, and the law in select areas of constitutional, employment, education, family, and criminal law. Specific topics typically examined in the course include: the law of equal protection, reproductive rights, marriage and divorce, child custody, equal employment opportunity, sexual harassment, affirmative action, educational opportunity, domestic violence, and sexual assault. In this context, students will analyze court cases, statutes, and legal and social science scholarship. In addition, students taking this class will gain additional legal and political science research skills.

### **COURSE PREREQUISITE**

Junior or senior status

### **KEY DATES/DEADLINES**

**Legal/Social Science Research and Writing Assignment:** Wednesday, March 2

**POL SCI Article Analysis:** Wednesday, April 13

**Midterm Exam:** Wednesday, March 16 (regular class time)

**Final Exam:** Wednesday, May 18 (10:00 am to 12:00 pm)

**Debate Panel #1 (Presentation and Paper Due):** Monday, May 2

**Debate Panel #2 (Presentation and Paper Due):** Wednesday, May 4

**Debate Panel #3 (Presentation and Paper Due):** Monday, May 9

### **REQUIRED COURSE MATERIALS**

You will not be required to purchase a textbook for this course. I will provide you with reading materials as the semester progresses. Please note that many of these materials will be “draft” chapters from a textbook that I am coauthoring with two other scholars (Erin B. Kaheny, Tammy A. Sarver, and Alixandra B. Yanus. N.d. *Sex and Gender Inequality: Problems and Perspectives* (under contract, West Academic Press)). Chapter drafts from this work that I share on Canvas are not final copies and are subject to

further revision (and, potentially, significant revision). **Under no circumstances are you permitted to share, post, distribute, or disseminate these materials or any portions thereof in any way, shape, or form (either electronically or via printed copy) at any time, including in the future.** Advance versions of these chapter drafts are being used in this spring, 2022 course and are being provided to you for your sole use as students in and for this course this term. Note that I am required to watermark each copy, indicating it is a draft. I apologize if this is disruptive to you as a reader, but these indications are necessary, and you will likely grow accustomed to them. In addition, as these are draft materials, there will be typographical errors that you would not typically see in published work.

## **CLASS REQUIREMENTS AND POLICIES**

### **Panther Community Health and Safety Standards**

UWM has implemented reasonable health and safety protocols, taking into account recommendations by local, state and national public health authorities, in response to the COVID-19 pandemic. As a member of our campus community, you are expected to abide by the Panther [Interim COVID-Related Health & Safety Policy](#). This policy applies to anyone who is physically present on campus, in UWM-controlled facilities, or participating in a UWM-sponsored activity.

**With respect to indoors spaces on UWM facilities** (classrooms, labs, performance spaces, etc.):

- Masks are always required while indoors on UWM campuses and in UWM-controlled facilities, with limited exceptions – environments where hazards exist that create a greater risk by wearing a mask (for example, when operating equipment in a lab with the risk of a mask strap getting caught in machinery, or when flammable materials are being used). Such exceptions must be approved in advance.
- A student who comes to class without wearing a mask will be asked to put on a mask or to leave to get one at a mask handout station. Failure to do so could result in student discipline.
- You should check daily for COVID symptoms by completing the self-check at <https://uwm.edu/coronavirus/symptom-monitor/>. Symptoms may appear 2-14 days after exposure to the virus and include fever, cough, or shortness of breath or difficulty breathing. See the [CDC's Website](#) for more information about COVID-19 symptoms.
- If you test positive for or are diagnosed with COVID-19 based on symptoms, you should complete this [Dean of Students Office self-report form](#). By doing so, you will get information on resources, help UWM identify individuals you may have come into contact with on campus so that UWM can work with the local health department, and allow UWM to clean campus areas you visited.

### **Attendance Policy**

*Do not attend your in-person class if you have COVID-19, if you are experiencing symptoms consistent with COVID-19, if you have been in close contact with others who have symptoms, if you need to care for an individual with COVID-19 or have other health concerns related to COVID-19.*

- You should be aware of each of your course's attendance policies. In case of illness, you should contact me immediately to discuss options for completing course work while ill.
- Notify me in advance of the absence or inability to participate, if possible.
- Participate in class activities online and submit assignments electronically, to the extent possible.
- Reach out to me if illness will require late submission or other modifications to deadlines.
- If remaining in a class and fulfilling the necessary requirements becomes impossible due to

illness, contact me to discuss other options.

As your instructor, I will trust your word when you say you are ill and, in turn, I expect that you will report the reason for your absences truthfully.

Please read the syllabus section below on “submitting course assignments and late penalties” for further details regarding the steps I need you to take if you are seeking an extension on an assignment and a late penalty waiver on an assignment due to illness or a University-excused absence. Protocol for seeking a make-up opportunity on course exams is found under the “Exams” section of this syllabus.

### **Class Recordings (Lecture Capture and Distribution Restrictions)**

This semester, I *may* opt to record class sessions via Kaltura’s “lecture capture” for students who are unable to attend in person on a given day. Students who participate during an in-person class session this semester are agreeing to have their audio/video or image recorded via lecture capture, if employed.

In addition, should our course meet in an online fashion (we will be meeting online through 1/28), online class sessions will be audio-visually recorded for students who are unable to attend at the scheduled time (and made available for viewing at a later time). Students who participate with their camera engaged or who utilize a profile image are agreeing to have their audio/video or image recorded in online sessions. Likewise, students who un-mute during online class sessions and participate orally are agreeing to have their voices recorded.

Students are not permitted to video or audio record class sessions on their own without the permission of the instructor, nor are students permitted to distribute or copy any recorded class sessions posted on the associated course Canvas site (if applicable).

### **Student Conduct**

I seek to create a classroom environment marked by mutual respect. At all times, I expect students to conduct themselves in a professional and courteous manner. Please do not arrive late, leave early, or talk while the instructor is talking or a classmate has the floor. Under no circumstances should students spend class time surfing the Internet, on their cell phones, or reading outside materials, etc. ***The use of cell phones in this class will not be tolerated.*** Please silence the ringer of your cell phone prior to entering the classroom.

If you need to leave a class early, or if you know that you will be late, please inform me in advance whenever possible.

Students are expected to abide by the rules of conduct outlined in the UWM Student Handbook in all class meetings, activities, and e-mail communication surrounding this class.

### **Canvas, E-Mail Communication & Canvas Web Site**

Students are expected to regularly check their UWM student e-mail accounts for messages regarding this class or for responses to e-mail inquiries. In addition, if you wish to contact the instructional staff via e-mail, you should do so using your UWM e-mail account. We will only reply to a student’s UWM e-mail address. Students should allow up to 72 hours (standard *business* days, i.e., M-F) for responses to most e-mail inquiries. E-mail inquiries will typically be answered during regular business hours (i.e., 8 am – 5 pm), Monday-Friday.

Note that I will use Canvas to post important announcements, designate reading assignments for each week, and provide/link reading materials and other assigned content. Therefore, in conjunction with checking your UWM e-mail, you should also regularly consult our course Canvas page. You are expected to do so until the final course grades are posted on PAWS.

### **Class Participation**

While I will not grade you on attendance or participation, it is expected that you will be an engaged and active member of this course. As this is a jurisprudence course focused on the analysis of court cases and the development of legal doctrine, much of your participation can occur through our review of select court cases that will occur in most meetings. I will request volunteers to assist in the summarization/briefing of cases. As part of this process, students will be asked to comment on the facts of the case, the major legal questions, the nature of the majority opinion and any separate opinions featured in the case excerpts.

### **Exams**

There will be two exams in this class. Both exams will be closed book/note and will only include essay questions. Please note that the final exam will not be cumulative in nature. It will emphasize material covered since the midterm examination. Exam responses are required to be written in ink. The instructor will supply blue books for the examinations.

If you are ill, have a University-excused absence on the date of an exam, or believe you have some other legitimate reason for missing a class exam (e.g., family emergency), you should notify me via email prior to the exam to discuss a possible make-up opportunity.

### **Legal/Social Science Research and Writing Assignment**

You will be assigned a legal/social science research and writing assignment. This is distinct from the required debate position paper described below. The purpose of this assignment is to increase student familiarity with key research tools in law and political science. In addition, portions of these assignments will require demonstrated understanding of proper citation practices. The assignment will be posted on our Canvas site by February 16 and will be due by 12:15 pm on **Wednesday, March 2**.

### **Political Science Article Analysis**

As a research experience and political science course, it is important to convey how political scientists might integrate studies of sex, gender, and the law in their research projects. To this end, each student will be expected to analyze one peer-reviewed, political science article among a few articles selected by the instructor. Eligible articles will either be posted on our course Canvas site or will be available (online) through the UWM library. As part of this exercise, students will need to identify the major question addressed in the piece, hypotheses tested, research methods employed, and key findings. In addition, the student will be asked to critique the study, noting perceived strengths and apparent weaknesses. To assist students in constructing their analysis, a questionnaire/template will be posted on our Canvas site by mid-March. It is vital that students thoroughly address all points on this questionnaire. Your assignments should be about two-to-three pages (typed, double-spaced, one-inch margins, 12-point font). As this is a writing assignment, your analysis must be cited appropriately throughout the text using in-text parenthetical citations, and each student should attach a "works cited" list with full reference information. This analysis will be due to Canvas by 12:15 pm on **Wednesday, April 13**.

### **Debate Position Papers and Presentations**

Each student will be randomly assigned to participate in one of three debate panels. Students will need

to develop and submit a debate position paper and deliver a summary of their major findings/arguments during a class discussion on the topic. To ensure that multiple perspectives are shared, students will be assigned to a particular side of one debate. These assignments and topics will be posted on our Canvas site by Monday, February 14.

Students must undertake substantial scholarly research in preparing their papers. Any source used in the development of a student's paper should be cited in the body of the paper using in-text parenthetical citations (wherever that source is used). If you directly quote someone else's language, you must indicate this by way of quotation marks around that language. Such quotations must also be followed (immediately) by a parenthetical citation that also includes the page number on which this language may be found. If you are utilizing an idea from another source, you must still follow that idea immediately with a parenthetical citation! APA, MLA, or APSA styles are acceptable, but you should be consistent in the citation style you employ.

Each paper must also include a "works cited" list in which the student provides full reference information for all sources cited in the body of the paper. All references in the "works cited" list must be cited in the body of the paper. At least five scholarly works (beyond assigned reading for the course) should be cited in your paper. For the purposes of this assignment, this includes books, peer-reviewed journal articles, and law review articles. While scholarly Web pages, newspaper articles, and court decisions may be consulted and referenced, they will not count toward the five required references. Substantial deductions will be applied to papers that do not effectively use the requisite number of required sources.

Your position paper should be approximately 6-8 pages long (12-point font, double-spaced, one-inch margins). The cover page, works cited list, and any tables/figures are not included in this page requirement. All pages must be numbered. Your position paper will be due by 12:15 pm on the day of your assigned debate panel.

On select days toward the end of the term (see page one of the syllabus), we will hold panels to discuss each topic. Students assigned to a given topic will deliver brief presentations (7-10 minutes) highlighting key points and arguments from their research. Presentations should be scholarly (i.e., you are to present *researched* positions) and highly professional in their nature and tone. If you need to miss class on the date of your assigned panel due to a legitimate reason, you should contact the instructor before the missed session for a makeup presentation opportunity. You will be required to prepare a recorded (e.g., PowerPoint) presentation that I will share, on your behalf, on our course Canvas site.

**Grades**

Legal/social science research and writing assignment	10%
Political science article analysis	10%
Midterm exam	25%
Final exam	25%
Debate position paper	20%
Debate presentation	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**

Unless otherwise directed, if you have questions or concerns regarding how your legal/social science research and writing assignment or political science article analysis was graded, your first step should be to discuss the issue with the TA. If you are not satisfied after consulting with the TA, you should meet with the instructor. You may request that I re-grade any assignment in this course; however, I retain the right to raise or lower grades upon review. If you have questions on the grading of your course exams, research papers, or presentations, please directly take those up with me (the instructor). Please allow 7-10 days for turnaround time on all assignments and exams. All students who wish to appeal grading matters should do so within one week of the assignment or exam being returned to the class.

### **Academic Misconduct**

I will not tolerate acts of plagiarism or any form of cheating on exams or assignments. 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**

It is your responsibility as a student to determine if you should drop this course and, therefore, you need to be 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., illness, injury, family emergency, etc.).

### **Submitting Course Assignments & Late Penalties**

Writing assignments are due by the end of class (12:15 pm) on the dates noted on the syllabus. Students may submit writing assignments via hard copy (in class) or electronically on Canvas. Late assignments, however, are required to be submitted on Canvas. For those submitting their assignments on Canvas, the Canvas date and time stamp will determine when the assignment was received. I will consider an extension on all assignments if the student emails me **before** the assignment deadline, clearly stating why the student needs an extension, provides a legitimate reason (per the instructor) for a late submission, and offers a plan for timely completion (within 2-5 days, if possible). If students do not follow the **prior notification protocol** and/or are ineligible for an extension, I will still accept assignments for possible credit, but I will apply a ten-percentage point deduction for each day the assignment is late, including weekends. If a student was not given a late penalty waiver for submitting a late assignment, and the assignment is submitted after class has ended (i.e., after 12:15 pm) on the date it is due, it will be treated as being submitted the next day (i.e., it will be counted as being one day late).

If a student submits their work via Canvas, it is the student's responsibility to ensure they have successfully submitted and uploaded the correct and intended assignment. If a student fails to submit an intended document (on Canvas or in class) or fails to properly upload/post an assignment in this course (if submitting the assignment on Canvas), that is the student's error, and the student assumes all grade consequences that arise from it regardless of when that error is recognized. The TA and I will not accept

late work left in our departmental boxes or slid under our office doors.

### **Time Allocation**

This is a three-credit hour class. Students, on average, should expect to spend nine hours a week on activities related to POL SCI 464.

### **Difficulty with the Course & Curving Policy**

Please seek assistance directly from the course instructor if you are having difficulties with the course material or have substantive questions over the reading etc. I reserve the right to curve any components of the course and/or overall course grades but doing so will be at my discretion. Therefore, there is no guarantee that any curves will be applied.

### **Student Accommodations**

If you will need accommodations to meet any of the requirements of this course, please contact the instructor as soon as possible. Students should also contact an Accessibility Resource Center (ARC) counselor on campus at (414) 229-6287.

### **Religious Accommodations**

I will follow UWM's policy regarding the provision of religious accommodations. This policy can be found at: <https://www4.uwm.edu/secu/docs/other/S1.5.htm>.

### **Military Service**

Please see the following link regarding accommodations for students who are called for military service: <http://www4.uwm.edu/academics/military.cfm>.

### **Potential for Reversion to Fully Online Instruction**

Changing public health circumstances for COVID-19 may cause UWM to move to fully online instruction at some point during the semester. UWM will communicate with students about moving to fully online instruction if the situation develops.

### **Changes to the Syllabus**

In the event the instructor needs to modify the terms of this syllabus, a syllabus addendum or an updated syllabus will be posted on the Canvas course site.

## **OUTLINE OF TOPICS**

Below is an outline of topics that we will aim to cover this semester. The list is subject to change, and we may not reach every unit. Since it may not be possible to determine how much time we will need to spend on each topic ahead of time, specific reading assignments and/or other assigned content will be posted on the course Canvas site after each meeting. While I will make every effort to keep your reading assignments in close alignment to what I think we will be discussing in class on a given day and, while I will try to give you a few reading assignments at a time, there may be days where we do not end up reaching a planned case or topic. Please note, after Unit 5, unit presentation order is subject to change.

Unit 0: Introduction to the Course, Review of the Syllabus

Unit 1: Sex, Gender, the Law, and Political Science: Integrating Theory, Social Science and Politics

Unit 2: The Birth of Sex-Based Classifications and Gender Roles

Unit 3: The Supreme Court, Strategy, and Putting Sex in Equal Protection

Unit 4: Law, Politics, and Reproductive Rights

Unit 5: The Law of Familial Relationships

Unit 6: Sex Equality and the Workplace

Unit 7: Sex Equality in the Classroom and on the Athletic Field

Unit 8: Sexual Orientation, Gender Identity, and the Law

Unit 9: Sex, Gender, and the Criminal law