

Political Science 514  
Winter 2007  
Mr. Baum

Office: 2026 Derby Hall  
Hours: Wed 10:30-11:50, 1:30-5:30  
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## **WOMEN AND THE LAW**

This course examines legal issues that are especially relevant to women, issues that range from abortion to employment discrimination. We will consider this set of issues for their own sake, because of their importance, and as a means to illuminate the workings of government and politics. The course material will focus on three aspects of these issues: the content of major legal rules affecting women and the development of those rules over time; the forces that shape those legal rules; and the impact of those rules on the situation of women and on society generally. The course objectives, then, are to learn about the substance of government policies relating to women and to gain a better understanding of the causes and consequences of government policy in general.

### **Class Format**

The course begins with a brief introductory section on law, policy, and politics on issues affecting women. A second section focuses on constitutional principles of equality. The remainder of the course examines several specific categories of legal policy. The topics and subtopics are listed below, first with the readings on each subtopic and then with the tentative schedule for the classes on each subtopic.

The required readings are contained primarily in two sources: Judith Baer and Leslie Friedman Goldstein, The Constitutional and Legal Rights of Women, 3rd ed. (available at the Student Book Exchange and possibly other bookstores); and a course packet (available at the UniPrint--formerly Cop-Ez--center at Tuttle Park Place, near the University Bookstore, and on Neil Avenue south of campus; you can order a packet at their website, <http://uniprint.osu.edu/>).

I will also distribute some handouts to be read. Two of them are listed in the schedule of readings that begins on p. 3 of this syllabus.

The Baer-Goldstein book includes a large number of short excerpts from court decisions and other materials. Certain cases in the book (along with all the cases and other materials in the course packet) are especially important to understand, and I have designated those cases in the schedule of readings. I will give you guidelines on what to emphasize in reading the important cases and other course materials.

Class sessions are in a lecture-discussion format, and class participation is encouraged. Sessions will be used to expand on some of the topics covered in the readings and to take up additional topics. There is only limited overlap between readings and material presented in class sessions, and careful attention to both is needed to gain a full understanding of the course material.

You are familiar with university policies on academic misconduct and accommodations for disabilities. But as you know, we are asked to restate those policies on our syllabi (with the statement on disability in a larger font).. The statements are as follows:

**Academic Honesty:** I expect all of the work you do in this course to be your own. No dishonest practices on the examinations or in the course will be acceptable, and any suspected cases of dishonesty will be reported to the university committee on academic misconduct and handled according to university policy.

**Disability:** If you need an accommodation based on the impact of a disability, you should contact me to arrange an appointment as soon as possible. At the appointment we can discuss the course format, anticipate your needs, and explore potential accommodations. I rely on the Office for Disability Services for assistance in verifying the need for accommodations and developing accommodation strategies. If you have not previously contacted the Office for Disability Services, I encourage you to do so.

### **Grading**

Grades in the course will be based on two midterm examinations and a third examination that is part midterm, part comprehensive final exam. The three exams will have a total of 100 points: 30 points for the first examination and 35 points each for the other two examinations. I will not use a fixed scale to convert points into grades; rather, I will set a scale for each examination after the exam and add the three scales together to obtain the scale for the class.

The first two examinations are scheduled tentatively for January 25th and February 15th. The third examination will be held at 3:30 on March 13th (Tuesday of finals week). The examinations will consist of short-answer and short-essay questions.

I will make special arrangements for students who must miss an exam for very good reason, but you must give me a note describing the reasons that you have to miss the exam as well as the times during the week that you could take a makeup exam, and you must obtain my permission to miss the exam prior to the time for the test. If you miss an exam without prior

permission, ordinarily you will receive a score of zero on that examination. If you have very good reason for missing the examination without prior permission, I will allow you to take the makeup with a penalty of five points for each day after the exam before you notified me (including the day of the exam).

## **Outline of Subjects and Schedule of Readings**

### 1. A First Look at the Issues

#### A. Exploring legal equality

No readings

#### B. An overview of politics and policy

Readings: Baer, pp. 1-9  
Notes on the Legal System (handout)

### 2. Interpreting Equal Protection

Readings: Baer, pp. 11-23, 46-56, 58-134

Important cases:

Frontiero v. Richardson (1973)

Nguyen v. INS (2001)

Personnel Administrator v. Feeney (1979)

### 3. Education

#### A. Title IX and its interpretation

Readings: Baer, pp. 533-535  
Packet, pp. 1-6: U.S. Code, Title 20, Ch. 38 (Title IX)

#### B. Admissions to schools

Readings: Baer, pp. 498-533  
Packet, pp. 7-9: Code of Federal Regulations, Title 34, sec. 106.34

Important case: United States v. Virginia (1996)

C. Treatment of students in schools

Readings: Packet, pp. 10-17: Chipman v. Grant County School District (E.D. Ky. 1998)

D. Athletics

Readings: Baer, pp. 535-543  
Packet, pp. 18-20: "Further Clarification..." letter from Department of Education (2003)

Important case: Cohen v. Brown University (1st Cir. 1993)

4. Employment

A. The laws, their background, and their impact

Readings: Summary of Employment Laws (handout)

B. Applying Title VII

Readings: Baer, pp. 142-150, 167-238

Important cases:

U.A.W. v. Johnson Controls (1991)

Geduldig v. Aiello (1974)

Johnson v. Transportation Agency (1987)

C. Issues of pay equity

Readings: Baer, pp. 140-142

Packet, pp. 21-32: American Nurses Association v. State of Illinois (7th Cir. 1986)

D. Sexual harassment

Readings: Baer, pp. 150-166, 543-564

Important cases:

Burlington Industries v. Ellerth (1998)

Gebser v. Lago Vista (1998)

## 5. Family

### A. The law of marriage

Readings: Baer, pp. 264-280

Packet, pp. 33-48: In re Marriage of Bonds (Calif. Sup. Ct. 2000)

Packet, pp. 49-50: California Family Code, Sec. 1615

Packet, pp. 51-56: State, ex rel. Krupa, v. Green (Ohio Ct. App. 1961)

### B. Alternatives to marriage

Readings: Baer, pp. 241-264, 297-319

### C. Divorce and its consequences

Readings: Baer, pp. 280-297

Packet, pp. 57-69: Stevens v. Stevens (Ohio Sup.Ct. 1986)

## 6. Abortion

### A. Legal developments through Roe v. Wade

Readings: Baer, pp. 352-382

Important case: Roe v. Wade (1973)

### B. Issues in the post-Roe era

Readings: Baer, pp. 382-446

Important cases:

Planned Parenthood v. Casey (1992)

Gonzales v. Carhart (2007) (if decided in time)

### **Tentative Schedule by Day**

January 4	1A Exploring legal equality
January 9	1B An overview of politics and policy
January 11	2 Interpreting equal protection
January 16	2 Interpreting equal protection (cont.)
January 18	3A Title IX and its interpretation

January 23	3B Admissions to schools
January 25	FIRST MIDTERM
January 30	3C Treatment of students in schools 3D Athletics
February 1	3D Athletics (cont.)
February 6	4A The laws, their background, and their impact 4B Applying Title VII
February 8	4B Applying Title VII (cont.)
February 13	4C Issues of pay equity 4D Sexual harassment
February 15	SECOND MIDTERM
February 20	5A The law of marriage 5B Alternatives to marriage
February 22	5C Divorce and its consequences
February 27	5C Divorce and its consequences (cont.)
March 1	6A Legal developments through <u>Roe v. Wade</u>
March 6	6B Issues in the post- <u>Roe</u> era
March 8	6B Issues in the post- <u>Roe</u> era (cont.)
March 13	FINAL EXAMINATION (3:30)