

GOV312L: Sex, Gender, & the U.S. Constitution

GOV312L (Unique: 38360)
Fall 2022

Instructor: A.C. Kuhn,
M.A. Constitutional Law Studies,
Ph.D. Candidate in US Politics & Public Policy

Meeting Times: MWF (12:00PM-1:00PM)
Location: Par. 203

Office Hours: TBD; My Office, Zoom, by Appointment.

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I reply to email during normal business hours (9-5, M-F). You may expect a reply within 24 hours on business days.

Course Description:

What is sex? Who is a family? What rights do we have to determine who we are and pursue what we want? Throughout the semester, we will explore these questions through a series of court cases surrounding sex, gender, sexual orientation discrimination, and civil rights. This course is modeled after law school courses, wherein we will read over cases and discuss the legal standards, theory, outcomes, and implications of judicial decisions. Many courses examining the sex/gender/queer rights movement in the US center on gay marriage- they treat *Obergefell v. Hodges* as an inevitability and the solution to all sex discrimination problems while discarding the hodgepodge of case law surrounding sex, the family, and our rights to make families, control our bodies, and know ourselves. This class examines sex, sexual orientation, and gender law from a historical perspective, first exploring the legal origins, definitions, and confines of sex, then we explore the widespread patchwork of cases that made up sexual orientation and gender identity rights prior to *Bostock v. Clayton County* and *Obergefell*, before identifying and exploring some loose ends and current legal questions in the realm of modern sex and gender politics in the U.S.

My specialty is in U.S. sex/gender civil rights law; through this course, I utilize a number of texts to examine how the U.S. court system has understood sexual and gendered rights to privacy, speech, sex/reproduction, movement, and family. Expect to participate in class discussions.

Because much of the history of civil rights is turbulent, the material we engage with may be difficult to read (it can be for me!), but I have done my best to choose cases that exemplify the difficult circumstances and realities that real people were put into and continue to face today, not to prod or doubt the wounds, but to examine its circumstance. This course assumes you have taken and passed GOV310L.

COURSE OBJECTIVES:

- 1) Evaluate and discuss the legal relationship between sex, sexual orientation, and gender identity.
- 2) Identify key areas of the law where sex, sexual orientation, and gender identity rights have been pushed forward and also limited
- 3) Evaluate arguments about making legal distinctions based on sex, sexual orientation, and gender identity
- 4) Summarize and present relevant factual, legal, and judicial arguments about critical cases in sexual orientation/gender identity/sexual civil rights history

ASSIGNMENTS & GRADES:

As of the beginning of the semester, ALL assignments, quizzes, and tests will be ONLINE and uploaded to CANVAS.

****Keep a copy of all work you submit.****

<u>Assignment</u>	<u>Due Date</u>	<u>Percent of Grade</u>
Quizzes	Fridays at 11:59PM, as assigned	10%
Brief 1	Mon. Sept 19 at 11:59 PM	10%
Test 1	Wed. Oct. 19th, at 11:59 PM	25%
Brief 2	Mon. Oct. 10 at 11:59 PM	15%
Brief 3	Mon. Nov. 14, at 11:59 PM	15%
Test 2	Wed. Dec 4, at 11:59	25%

*****Last Day to Turn in ALL Missing Assignments: Nov. 28, 2022*****

Grade Scale: Here is the scale I will use for the class for grades. Because of the plus/minus system, grades are NOT rounded up or down. You earn your grade based on performance. It is your responsibility to ensure you achieve the grades that you 'need' to maintain scholarships, team participation, etc.

A: 93-100	C: 73-76.99
A-: 90-92.99	C-: 70-72.99
B+: 87-89.99	D+: 67-69.99
B: 83-86.99	D: 63-66.99
B-: 80-82.99	D-: 60-62.99
C+: 77-79.99	F: Less than 60

Grade Appeals: Grade appeals must be made in writing no later than two weeks after the disputed grade has been posted online. It is your responsibility to check your grades promptly. Written appeals must include reasoning as to why the grade is being appealed, related to substantive concerns about performance/work quality.

LATE WORK: Please let me know if you need extra time or flexibility. I am happy to work with you. Part of my job is helping y'all learn to budget your time and energy and to communicate your needs to colleagues. You are encouraged to reach out when you feel you may need extra time or support. Your request may or may not be granted, or I may offer another solution, however you will not be penalized for asking (nor will I think poorly of you). Life happens.

*****If I do not hear from you,***** five percent (5%) will be deducted each calendar day (every day, including weekends) after the due date, with a maximum late penalty of 50%-- meaning you will not lose more than 50% of the assignment's grade due to lateness, but you may get a lower grade due to wrong answers, etc. The last day that late work will be accepted in the course is **Nov. 28, 2022**. Exams are not included. Exams must be turned in at the agreed upon time, otherwise a 0 may be assigned.

QUIZZES: Quizzes will be due on FRIDAYS at 11:59 PM, representing a total of 10% of your final grade. Quizzes will be posted online on CANVAS. Passing the Syllabus Quiz is required to pass the course. The lowest quiz grade will be dropped. Quizzes test understanding of key concepts, terms, cases, and ideas.

BRIEFS: You will complete THREE (3) graded legal-style briefs for this class, the first worth 10% of your grade, the second and third each worth 15%. We will discuss expectations further in class for this style of assignment, but here are the basic components of a legal brief. There are six sections to a brief 1) Case Name/Citation, 2) Procedural History, 3) Facts, 4) Issue, 5) Holding, and 6) Reasoning. Case briefs are meant to be short descriptions of a case, what happened, the legal issue, the decision reached, and why. These should be no more than 1-2pg, single space, Times New Roman, or similar font. It is important to use clear, brief, meaningful language to accomplish this well. A rubric can be found in the FILES section of CANVAS, under the RUBRICS subfolder in the ASSIGNMENTS file.

- Here is a guide with helpful brief writing tips for students from the University of Wisconsin Law School: [A Student's Guide to Case Briefing](#)

TESTS: There will be TWO (2) tests in this course, each worth 25% of your final grade. Due to the nature of the law, these tests are somewhat cumulative- in that, knowledge from the first half of the course will be necessary and relevant to the second half of the course. These tests will be posted online (on CANVAS) on the dates announced in the syllabus, online, and/or in lecture. You will have approximately 72 hours to complete each exam, which should take you approximately 90 minutes to complete. They will likely be a combination of essay and matching though I reserve the right to change the format. They will cover material presented in lectures and in the readings from the text, as well as any other material assigned/presented in class (including podcasts).

You will be expected to work independently on each exam with zero collaboration while taking the exam.

These tests will be ONLINE this semester and completed exams will be uploaded to Canvas.

MAKE-UP POLICY: Absences on exam days may be excused if the student provides verifiable documentation of accident, illness, or university or legal obligation. Unexcused absences from examinations will result in a score of zero for that exam.

I **STRONGLY** encourage you not to miss an exam. The make-up may be different from the exam given to the rest of the class. It may include a long essay format, but the exam format is at my discretion.

******If a true emergency occurs that you know you can document, take care of yourself first and we will sort it out later. You do not need to call me from the hospital or jail to let me know you won't be there. In those situations, you have bigger problems than this class at that moment in time.******

ATTENDANCE & PARTICIPATION: Although I do note attendance via sign-in, as of the beginning of the semester, attendance is *strongly encouraged*, but absence will not be penalized. I reserve the right to alter this policy at my discretion and to implement an attendance grade, in-class pop quizzes, etc. if attendance or participation should lag. Much of the tested material and interpretation of readings will only be available in lectures and so it is in your utmost interest to attend consistently and regularly.

LAPTOPS: Please note it is my **strong preference** that you take notes by hand during lectures, as able. Taking notes by hand encourages you to summarize and paraphrase information instead of verbatim note-taking. By rephrasing notes in your own words and writing them by hand, you retain more information. If you prefer to use a laptop for whatever reason, please situate yourself such that your screen will not be a distraction to other students (e.g., sit in the back row if you are

prone to distraction so no one else sees your shopping/instagram/tiktoks-- I cannot compete with all the new dances/leggings/clickbait lists).

*****IMPORTANT*** READING INSTRUCTIONS FOR THIS CLASS:** There are a lot of dense readings for this course. It is my expectation that you do not waste your time/energy reading every word. Note big ideas, questions, and key words. I encourage you to experiment with notation styles, with the “amount” of reading you do, etc. In class, I will show you how my lectures are laid out and how I notate, what sort of questions I will be asking in discussion, on exams etc. What I want you to take from readings is big ideas, questions, concepts, and discussions in the academic/legal literature. My lectures are intended to “flesh out” readings- to add detail, context, analysis, and improve understanding/comprehension of the readings.

MATERIALS:

Books:

- AVAILABLE ONLINE @ UT Library: Fradella & Sumner, *Sex, Sexuality, Law, and (In)Justice* (2016); 1st Ed. (eBook ISBN: 9781315723754)
- AVAILABLE ONLINE @ UT Library: Leonard, A., *Sexuality and the Law*, (1993, eBook 2013); 1st Ed. (eBook ISBN: 9781315055831)
- FIND ON YOUR OWN (buy, rent): Fleming, et al., *Gay Rights and the Constitution*, (2016) 1st Ed. (ISBN: 9781634602686)
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Other Materials:

- Other readings will be posted or linked to on CANVAS or in the syllabus
- A few episodes of RadioLab Presents MORE PERFECT (podcast) will be assigned (transcripts available online)
 - These are included to give more perspectives, an interesting history and context, and interviews with key figures. (I enjoy a good podcast while I cook, do chores, exercise, etc.- feel free to do the same, I do not expect you to listen & take notes, but rather listen & think, maybe reflect afterwards). Some information from these podcasts may be included on quizzes and tests
- You may find www.oyez.com & www.justia.com useful resources in researching and understanding cases as we progress through the semester. (Oyez also has audio recordings of SCOTUS arguments!)

A note on language and mistakes:

Terminology is ever-shifting, as is our understanding of sex, sexuality, gender, and our relationships to one another. In this classroom, our goal is to discuss sex, sexuality, gender, and the law respectfully, frankly, and carefully. We all make mistakes, and here in the class, these moments are not only forgivable, but they are also important moments to learn. We may have moments this semester where we do not all agree or understand each other’s positions. We can, however, assume and acknowledge that we are all here to learn and to grow and that we need not understand each other or agree to respect one another.

I will do my best as your instructor to facilitate useful, respectful discussions and to hear your concerns. It is important that we all come together ready to listen and hear one another. We must all trust that our colleagues do not intend to be hurtful, malicious, or derogatory in their use of language. That said, it is important that we address our colleagues with respect and when we have discussions about language, we all be open to hearing perspectives about its usefulness, its respectfulness, and its context. Class discussion guidelines are included in the FILES section on CANVAS.

Class Calendar: The readings for this day are the readings I expect you to have done PRIOR to that day. This calendar is based on my best estimation of how long it will take to go through the material. On occasion through the semester, we may get behind a day or two depending on how long it takes to cover the topic. However, I will try to refrain from getting ahead.

	Classroom Schedule	Assignments
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August 22 Monday	Classes start. Pass out Syllabus and Overview Title: <u>Course Overview, Overarching Questions, & What is Sex?</u>	
August 24 Wednesday	Title: <u>Legal History of Sex</u> *Classroom Discussion Rules Agreement* Readings: <ul style="list-style-type: none"> ● Fradella & Sumner, Ch 2 (46 pg) 	
August 26 Friday	Title: <u>U.S. LGBT History Overview</u> Readings: <ul style="list-style-type: none"> ● Fleming, et al. Ch 1 (57pg) 	Syllabus Quiz DUE @ 11:59PM
Aug. 29 Monday	Title: <u>Due Process- Procedure, Systems, Ritual</u> Readings: <ul style="list-style-type: none"> ● Fradella & Sumner, Ch. 3 (46pg) <p>Suggested: LISTEN TO: RadioLab Presents MORE PERFECT: “The Political Thicket” (transcript & podcast available here.)</p>	
September 2 Friday	Title: <u>Equal Protection- Equity, Equality, Sameness</u> Readings: <ul style="list-style-type: none"> ● Fradella & Sumner, Ch 4 (29pg) ● Leonard, in Ch 5 <ul style="list-style-type: none"> ○ “83. Can Local Laws Ban Federal Discrimination?” (4pg) <p>Cases: <i>U.S. v. City of Philadelphia</i> (1986)</p>	
September 5 Monday	No Class, Labor Day	
September 7 Wednesday	Title: <u>Scrutinizing Sex</u> Readings: <ul style="list-style-type: none"> ● Fleming, et al. Ch 3 (24pg) AND Ch 4 PARTS I-III (12pg) <p>Cases: <i>Glenn v. Brumby</i> (2011); <i>Andersen v. King</i> (2006); <i>Romer v Evans</i> (1996)</p>	
September 9 Friday	Title: <u>Parsing Sex & Sexuality</u> Readings: <ul style="list-style-type: none"> ● Fradella & Sumner, Ch 1 (30pg) 	QUIZ DUE: @ 11:59

September 12 Monday	<p>Title: <u>The Right to Closed Doors</u></p> <p>Readings:</p> <ul style="list-style-type: none"> Leonard, in Ch 1 <ul style="list-style-type: none"> “4. Modern Right of Sexual Privacy is Born” (pg 4) “5. Reproductive Freedom for the Individual” (pg 6) <p>Cases: <i>Griswold v Connecticut</i> (1965); <i>Eisenstadt v. Baird</i> (1972)</p>	
September 14 Wednesday	<p>Title: <u>Sex & Privacy</u></p> <p>Readings:</p> <ul style="list-style-type: none"> Leonard, in Ch 1. <ul style="list-style-type: none"> “6. Abortion and the Right to Privacy” (11pg) “7. Kids Can Get Condoms, Too!” (9pg) <p>Cases: <i>Roe v. Wade</i> (1973); <i>DOBBS v. JACKSON WOMEN’S HEALTH ORGANIZATION</i> (2022)</p>	
September 16 Friday	<p>Title: <u>No Constitutional Right to Homosexual Conduct</u></p> <p>Notes: Brief Writing Tips & Instructions</p> <p>Readings:</p> <ul style="list-style-type: none"> Fleming, et al. Ch 4- PART IV (33pg) Leonard, in Ch. 2 <ul style="list-style-type: none"> “29. A Sodomy Law Withstands Federal Constitutional Privacy Challenge” (12pg) <p>Cases: <i>Bowers v. Hardwick</i> (1983)</p>	QUIZ DUE @ 11:59PM
September 19 Monday	<p>Title: <u>The Right to Sodomy</u></p> <p>Readings:</p> <ul style="list-style-type: none"> LISTEN TO: RadioLab Presents: More Perfect- "The Imperfect Plaintiffs" (Podcast and transcript available here.) Leonard, in Ch2: <ul style="list-style-type: none"> “33. Whither Heterosexual “Sodomy”?” (9pg) <p>Cases: <i>Lawrence v. Texas</i> (2003)</p>	BRIEF 1: DUE @ 11:59PM
September 21 Wednesday	<p>Title: <u>“Obscene, Lewd, Lascivious, and Filthy”</u></p> <p>Readings:</p> <ul style="list-style-type: none"> Fradella & Sumner, Ch. 8 (38pg) Leonard, in Ch 3, <ul style="list-style-type: none"> “35. Prurience and the Supreme Court” (5pg) “36. The Right to Mail Homosexually Oriented Publications” (8pg) “37. Obscenity in the Privacy of the Home” (4pg) 	

	<i>Cases: Roth v. U.S. (1957); ONE, inc. v. Olesen (1958)</i>	
September 23 Friday	<p>Title: <u>Fighting for the Right to Party</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Leonard, in Ch 3. <ul style="list-style-type: none"> ○ “34. The Gay Bar and the Right to Hang Out Together” (6pg) ○ “41. Empowering Sexual Minorities Through Legal Organization” (3pg) ○ “43. Standing on the Corner, Watching the Parade Go By” (6pg) 	
September 26 Monday	<p>Title: <u>What Does Sex Discrimination Look Like?</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Leonard, in Ch. 5: <ul style="list-style-type: none"> ○ “73. Government ‘About Face’ On Sexual Orientation Discr.” (6pg) ○ “75. Does Title VII Protect ‘Effeminate’ Men?” (4pg) ○ “86. Does Title VII Protect ‘Masculine’ Women?” (13 pg) <p><i>Cases: Price Waterhouse v. Hopkins (1989); Jespersen v. Harrah’s Operating Co. (2006); D.C. & M.S. v. City of St. Louis (1986)</i></p>	
September 28 Wednesday	<p>Title: <u>Gay Sex Discrimination?</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Leonard, in Ch. 5, 6: <ul style="list-style-type: none"> ○ “76. Discrimination Against Gays is not Sex Discrimination” (4pg) ○ “77. Protecting Openly Gay Californians” (8pg) <p><i>Cases: Oncale v. Sundowner (1999) DeSantis v. Pacific & Telegraph Co (1979)</i></p>	
Sep. 30 Friday	<p>Title: <u>Private Employment</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Leonard in Ch. 5, <ul style="list-style-type: none"> ○ “72. A Homosexual’s Fitness to Practice Law” (3pg) ○ “81. A Transsexual Airline Pilot Fights For Her Job” (7pg) ○ “85. Are Transvestites ‘Disabled’?” (4pg) <p><i>Cases: Ulane v. Eastern Airlines (1984); Blackwell v. US Dept of Treasury (1987); Soroka v. Dayton Hudson Co. (1991)</i></p>	QUIZ DUE @ 11:59
October 3 Monday	<p>Title: <u>Public Employment - Military & Security</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Leonard, in Ch. 6: <ul style="list-style-type: none"> ○ “93. The Case of the ‘Model Gay Soldier’” (pg 12) ○ “94. Can We Talk About It? Discharge for Speaking Out” (5pg) ○ “97. Heightened Scrutiny of Gay Security Clearances” (9 pg) <p><i>Cases: High Tech Gays v. DISCO (1990); Thomasson v. Perry (1995); Watkins v. US Army (1988); BenShalom v. Marsh (1989);</i></p>	

October 5 Wednesday	<p>Title: <u>Public Employment- Teachers</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • Leonard, in Ch. 7 <ul style="list-style-type: none"> ◦ “105. A Violation of Due Process Against A Gay Teacher” (9pg) ◦ “108. Can Educators Speak About their Sexuality?” (8pg) <p>Cases: <i>Weaver v. Nebo</i> (1998); <i>Rowland v. Mad River Local School Dist.</i> (1984)</p>	
October 7 Friday	<p>Title: <u>Sex v. SOGI in Discrimination Law</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • (CANVAS) Ball, et al. “Bostock v. Clayton County” (37pg) • LISTEN TO: RadioLab Presents MORE PERFECT: "Sex Appeal" (Podcast and transcript available here.) <p>Cases: <i>Macy v. Holder</i> (2012); <i>Bostock v. Clayton County</i> (2020); <i>Grimm v. Gloucester County School District</i></p>	
October 10 Monday	<p>Title: <u>History of Partnerships</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • Fradella & Sumner, Ch. 9 (46pg) • Leonard, in Ch. 4 <ul style="list-style-type: none"> ◦ “48. The Right of Marital Choice” (3pg) <p>Cases: <i>Loving v. Virginia</i> (1967)</p>	BRIEF 2 DUE @ 11:59 PM
October 12 Wednesday	<p>Title: <u>Perspectives on Marriage</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • Leonard, in Ch. 4, Ch 9 <ul style="list-style-type: none"> ◦ “59. Creating ‘Gay Families’ Through Adult Adoption” (3pg) ◦ “117. Undue Influence and the Homosexual Testator” (7pg) ◦ “119. Can Gays Claim Spousal Shares From Their Lovers’ Estates?” (3pg) <p>Cases: <i>Frances B v. Mark B.</i> (1974); <i>M.T. v. T.J.</i> (1976);</p>	
October 14 Friday	<p>Title: <u>States’ Rights, Interstate Rights</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • Fleming et al, Ch 4. PART V (45pg) • Leonard, in Ch 4 <ul style="list-style-type: none"> ◦ “51. Must the State Authorize Same-Sex Marriage?” (15pg) <p>Cases: <i>Baker v. Nelson</i> (1971); <i>Baker v. State of Vermont</i> (1999); <i>Goodridge v Dept of Public Health</i> (2003); <i>Lewis v. Harris</i> (2006)</p> <p>Test 1 Released</p>	QUIZ DUE @ 11: 59

October 17 Monday	<p>Title: <u>Federal Issues</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Fleming et al, Ch 4, PART VI (50pg) <p>Cases: <i>Perry v. Schwarzenegger</i> (2012); <i>U.S. v. Windsor</i> (2013); <i>Obergefell v. Hodges</i> (2015);</p> <p>Test 1 is due October 17 by 11:59 pm</p>	TEST 1 DUE @ 11:59 PM
October 19 Wednesday	<p>Title: <u>The Legal Structure & Right to the Family</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Leonard in Ch 1, Ch 5: <ul style="list-style-type: none"> ○ “2. Can the State Sterilize Criminals?” (5pg) ○ “53. Family Diversity and the Single-Family Zoning Law” (6pg) ○ “67. Defining New Family Forms” (4pg) <p>Cases: <i>Braschi v. Stahl</i> (1989);</p>	
October 21 Friday	<p>Title: <u>Custody Disputes</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Leonard, in Ch 4: <ul style="list-style-type: none"> ○ “70. A Lesbian Couple As A ‘Family of Affinity’” (6pg) ● Justia.com: Trans Parents & Their Rights (link here) <p>Cases: <i>Kantaros v. Kantaras</i> (2004); <i>In Re: Guardianship of Sharon Kowalski</i> (1991);</p>	QUIZ DUE @ 11:59 PM
October 24 Monday	<p>Title: <u>Parenthood & Genetic Contributions</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Leonard, in Ch. 1: <ul style="list-style-type: none"> ○ “8. Is Surrogate Parenting “Baby Selling”?” (5pg) ○ “9. Rights of the Donor & Recipient of Semen” (6pg) ● ABA: Who is a Parent? (link here) <p>Cases: <i>Thomas S. v. Robin Y.</i> ; <i>Rafotopol v Ramey</i> (2011); <i>In: Re Baby M</i> (1988)</p>	
October 26 Wednesday	<p>Title: <u>Adoption</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ● Leonard, in Ch. 5: <ul style="list-style-type: none"> ○ “65. Gays as Adoptive or Foster Parents” (8pg) ● Oyez.com: Fulton v. City of Philadelphia (link here) ● Lambda Legal: Mize v. Pompeo (link here) <p>Cases: <i>Mize-Gregg/Kitivi v Pompeo</i> (2020, 2020); <i>Fulton v. City of Philadelphia</i> (2021)</p>	

October 28 Friday	<p>Title: <u>The First Amendment & Gay Rights</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • Fleming et al, Ch 5 PART I up to <i>Harper</i> (283-320) • Leonard, in Ch 5. <ul style="list-style-type: none"> ◦ “82. Privileged Discrimination or Common-Law Right?” (5pg) <p>Cases: <i>Boy Scouts v. Dale</i> (2000);</p>	QUIZ DUE @ 11:59PM
October 31, Monday	<p>Title: <u>Religious Liberties & Sincerely Held Beliefs</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • Fleming et al, Ch 5, PART II (343-392) • Ball et al, (CANVAS) <ul style="list-style-type: none"> ◦ <i>Masterpiece CakeShop v. Colorado Civil Rights Commission</i> (2018) (p.46) ◦ <p>Cases: <i>Masterpiece Cake Shop c. CCRC</i> (2018);</p>	
November 2 Wednesday	<p>Title: <u>Anti-Queer Speech</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • (CANVAS) Boso, L. “Anti LGBT Free Speech and Group Subordination” (2021) • Lambda Legal: (Students) Anti-Gay and Anti-Equality Speech (link here) • Stempel, J. (2020) “Florida bans on conversion therapy for children voided by U.S. appeals court (link here)” • Pierson, B. (2021) “Md. governor, AG immune from challenge to gay 'conversion' ban (link here)” 	
November 4 Friday	<p>Title: <u>Schools & Speech</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • Fleming, et al. Ch 5, PT I: <i>Harper v. Poway</i> (p.320) • Leonard, in Ch 7 <ul style="list-style-type: none"> ◦ “107. The Prom Date and the Principal” (3pg) <p>Cases: <i>Fricke v. Lynch</i> (1980); <i>Harper v. Poway United School Dist.</i> (2006); <i>Doe v. Yunitz</i> (2002); <i>McMillen v. Itawamba County School Dist.</i> (2010)</p>	
November 7 Monday	<p>Title: <u>Institutional Discrimination</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • Leonard, in Ch. 6, 7, 8: <ul style="list-style-type: none"> ◦ “98. What is the Army’s Rationale for Discrimination?” (6pg) ◦ “109. Can Public Schoolteachers Advocate Sodomy Law Reform?” (5pg) ◦ “116. Parsing the Immigration Law: When is a ‘Psychopath’ Not?” (10pg) 	

November 9 Wednesday	<p>Title: <u>Exemptions from Equality</u></p> <p>Readings:</p> <ul style="list-style-type: none"> Fleming, et al. Ch 5 PART III (p329-437) <p>Cases: <i>Burwell v. Hobby Lobby</i> (2014); <i>Elane Photography v. Willock</i> (2013)</p>	
November 11 Friday	<p>Title: <u>Immigration</u></p> <p>Readings:</p> <ul style="list-style-type: none"> Leonard, in Ch. 8 <ul style="list-style-type: none"> “115. A Gay Family Battles the Immigration Service” (4pg) <p>Cases: <i>Adams v. Howerton</i> (1982); <i>Matter of Toboso-Alfonso</i> (1994); <i>Velasquez-Banegas v. Lynch</i> (2017); <i>Avendano-Hernandez v. Lynch</i> (2015)</p>	QUIZ DUE @ 11:59
November 14 Monday	<p>Title: <u>Intersex Issues</u></p> <p>Readings:</p> <ul style="list-style-type: none"> ON CANVAS: Greenberg, J.: The Legal Status of Intersex Persons ON CANVAS: Berghausen, M: Intersex Employment Discrimination Haug, O. (2021): “The State Dep’t Will Finally Allow X [on IDs]...” (link) <p>Cases: <i>Zzyym v. Pompeo</i> (2020); <i>Darnell v. Lloyd</i> (1975); <i>Wilma Wood v. C.G. Studio</i> (1987)</p>	Brief 3 DUE @ 11:59PM
November 16 Wednesday	<p>Title: <u>Exclusion</u></p> <p>Readings:</p> <ul style="list-style-type: none"> Leonard, in Ch. 5 <ul style="list-style-type: none"> “74. A Transsexual in a Tennis Tournament” ACLU: Grimm v. Gloucester County School Board (2021) (link here) Block, M: (2021) “Caster Semenya Wants to Compete, Not Defend Her Womanhood.” (link) <p>Cases: <i>Grimm v. Gloucester County School Board</i> (2021); <i>Richards v. US Tennis Assoc.</i> (1977)</p>	
November 18 Friday	<p>Title: <u>Trans & Intersex Kids</u></p> <p>Reading:</p> <ul style="list-style-type: none"> Honerich, H. (2019) Texas Parents Battle in Court for Custody of Trans Child (link) Munce, M. (2021) Gender Affirming Medical Care Would Be Child Abuse Under New Law (link) Neus, N. (2020) Major Children’s Hospital Apologizes for Performing Cosmetic Genital Surgeries on Intersex Infants (link) 	LAST QUIZ DUE @ 11:59
November 21 Monday	No Class, Fall Break	

November 22 Wednesday	No Class, Fall Break	
November 24 Friday	No Class, Fall Break	
November 28 Monday	<p>Title: <u>The Limits of the Court and Law</u></p> <p>Reading:</p> <ul style="list-style-type: none"> • Facts and Case Summary — Korematsu v. US United States Courts (link) <p>LISTEN TO:</p> <ul style="list-style-type: none"> • RadioLab Presents MORE PERFECT: The American Pendulum I (transcript & audio link) <p>Case: <i>Korematsu v. U.S.</i> (1944);</p>	Last day to turn in any missing assignments
November 30, Wednesday	<p>Title: <u>What Does Justice Look Like?</u></p> <p>Reading:</p> <ul style="list-style-type: none"> • Dred Scott Foundation: About Dred Scott (link here) • Oyez.com: Dred Scott v. Sanford (link here) <p>LISTEN TO:</p> <ul style="list-style-type: none"> • RadioLab Presents MORE PERFECT: The American Pendulum II (transcript & audio link) <p>Case: <i>Dred Scott v. Sanford</i> (1857)</p>	
December 2 Friday	Catch up (if necessary)	Release Test 2
December 5 Monday	<p>Last Day of Classes</p> <p>Catch up (if necessary)</p> <p>Test 2 due by 11:59pm</p>	DUE: Test 2 @ 11:59PM

Additional Important Course Information:

Title IX Statement: The University of Texas at Austin (“University”) is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act). Sex discrimination (including discrimination on the basis of sexual orientation, gender identity or gender expression), sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), and stalking will not be tolerated and will be subject to disciplinary action. The University encourages you to promptly report violations of sexual misconduct to the Title IX

Coordinator, a Deputy Title IX Coordinator, or a Responsible Employee. You can find more information about UT's Title IX policy here: [UT Title IX Resource PDF \(link here\)](#).

- Guidance on Title IX & LGBTQ+ Identity: [Title IX Protections for LGBTQ Students \(link here\)](#)
 - Intentional misgendering (calling the wrong gender) or 'dead-naming' (calling the wrong name) and inappropriate sexual comments/questions can all be considered examples of sexual/sex-based harassment/discrimination.
- Important Note: As a university employee, I am a mandated reporter and must report any Title IX violations I am told about or witness to the University Title IX Office.

Class Recordings: Class recordings are reserved only for students in this class for educational purposes and are protected under FERPA. The recordings should not be shared outside the class in any form. Violation of this restriction by a student could lead to Student Misconduct proceedings

Academic Dishonesty/Cheating: You will be expected to adhere to the UT Honor Code: *The core values of the University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the University is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community.*

Though obvious, cheating is not allowed on any assignments. Plagiarism is prohibited. It refers to copying any work from any source (electronic, paper, etc.) without noting/citing its original source. It is important to note that using ideas (and not just quotes) from other sources without proper citation also counts as plagiarism. For additional information on these items, see the University General Information Catalog at: [General Information Catalog](#) and [Ch. 11: Student Discipline and Conduct](#). **Any assignments turned in will be assumed to be the final version of the assignment and any inappropriate material will be considered intentional and not accidental.**

No class materials be uploaded onto 3rd party websites without the professor's explicit permission. If you do so, it will be considered a violation of the honor code. The professor has the right (even after the class is completed) to submit these violations to Judicial Affairs for adjudication.

Sharing of Course Materials is Prohibited: No materials used in this class, including, but not limited to, lecture hand-outs, videos, assessments (quizzes, exams, papers, projects, homework assignments), in-class materials, review sheets, and additional problem sets, may be shared online or with anyone outside of the class unless you have my explicit, written permission. Unauthorized sharing of materials promotes cheating. It is a violation of the University's Student Honor Code and an act of academic dishonesty. I am well aware of the sites used for sharing materials, and any materials found online that are associated with you, or any suspected unauthorized sharing of materials, will be reported to Student Conduct and Academic Integrity in the Office of the Dean of Students. These reports can result in sanctions, including failure in the course.

Students who violate University rules on scholastic dishonesty are subject to disciplinary penalties, including the possibility of failure in the course and/or dismissal from the University. Since such dishonesty harms the individual, all students, and the integrity of the University, policies on scholastic dishonesty will be strictly enforced. For further information, [click here \(link to UT Policy\)](#)

Canvas Stuff: *I will attempt to use Canvas as a way to provide information to the class- e.g., assignment dates and information, rubrics, files, etc. If we encounter problems, we may shift to another platform within university guidelines.*

I will try to post on Canvas review sheets prior to each exam. These sheets should not be considered the definitive study guide for the test. Rather, they are a list of major concepts and ideas you should definitely know for the exam.

Additional information: Do NOT phone or email me about a grade (i.e. "What did I get?"). I will post grades electronically as soon as practical.

If you need extra time on a test and/or require special physical accommodations, please contact me in confidence as soon as possible at the beginning of the course. Every effort will be made to accommodate your needs within the guidelines set forth by the University.

Students with disabilities: The University of Texas at Austin provides, upon request, appropriate academic accommodations for qualified students with disabilities. For more information, contact the Division of Diversity and Community Engagement, Services for Students with Disabilities, 512-471-6259 (Videophone: 512-410-6644) or [SSD Center Link](#).

Accessible/Compliant Statement: If you are a student with a disability, or think you may have a disability, and need accommodations please contact Services for Students with Disabilities (SSD). You may refer to SSD's website for contact and more information: [SSD Site \(link here\)](#). If you are already registered with SSD, please deliver your Accommodation Letter to me as early as possible in the semester so we can discuss your approved accommodations.

Accessible, Inclusive, and Compliant Statement: The university and I are committed to creating an accessible and inclusive learning environment consistent with university policy and federal and state law. Please let me know accessibility needs so I can work with you to ensure you have equal opportunity to participate fully in this course. If you are a student with a disability, or think you may have a disability, and need accommodations please contact Services for Students with Disabilities (SSD). Please refer to SSD's website for contact and more information: [Services for Students with Disabilities \(link here\)](#). If you are already registered with SSD, please deliver your Accommodation Letter to me as early as possible in the semester so we can discuss your approved accommodations and needs in this course.

Course Instructor Survey/Evaluation: An evaluation of the course and instructor will be conducted at the end of the semester using the approved UT Course/Instructor evaluation forms.

Undergraduate Student Drop Policy: From the 1st through the 12th class day, an undergraduate student can drop a course via the web and receive a refund, if eligible. From the 13th through the university's academic drop deadline, a student may Q drop a course with approval from the Dean, and departmental advisor.

Religious Holy Days: By UT Austin policy, you must notify me of your pending absence at least fourteen days prior to the date of observance of a religious holy day. If you must miss a class, an examination, a work assignment, or a project in order to observe a religious holy day, I will give you an opportunity to complete the missed work within a reasonable time after the absence [\(link to University of Texas policy\)](#).

Emergency Evacuation Policy: In the event of a fire or other emergency, it may be necessary to evacuate a building rapidly. Upon the activation of a fire alarm or the announcement of an emergency in a university building, all occupants of the building are required to evacuate and assemble outside. Once evacuated, no one may re-enter the building without instruction to do so from the Austin Fire Department, University of Texas at Austin Police Department, or Fire Prevention Services office.

Students should familiarize themselves with all the exit doors of each room and building they occupy at the university, and should remember that the nearest exit routes may not be the same as the way they typically enter buildings.

Students requiring assistance in evacuation shall inform their instructors in writing during the first week of class. Information can be found here for preparedness: [Emergency Terms \(link here\)](#). Information regarding emergency evacuation routes and emergency procedures can be found [here \(link\)](#).

Restricting Information: If you want your personal information restricted in the directory, the information is located here: <https://registrar.utexas.edu/students/records/restrictmyinfo>