

BLAW 391

Women & the Law

Course Description

Business Law 391 involves the study of several areas of law affecting the past and current legal status of women, including constitutional, employment, and health law.

Overview

Women & the Law (BLAW 391) is designed to provide students with an understanding of the legal environment and culture in which the rights of women and men developed. Students will develop cognitive skills that will allow them to become more integrated and well-rounded individuals by examining particular social and cultural issues from different perspectives. Students will then apply those perspectives to real-world situations and explain the deleterious impact and privileges sustained by sexism, as well as homophobia, in areas such as legal rights, home life, and work life through analysis both of court decisions and current events.

You will prepare written analyses of court decisions, answer hypothetical questions in open class discussion, and apply the frameworks to past and current issues to explain how sex and gender in particular impact life experiences and social relations. Ethical issues related to class topics will also be discussed.

Class Preparation

The first set of assignments are listed below. Be prepared to complete one to two assignments each class. If we begin but do not finish an assignment, prepare the next full assignment for the next class. Assignments include reading from the text, and writing briefs of cases and answers to problems and syllabus questions.

Handouts with instructions on how to brief a case, approach homework problems, and prepare for exams will be posted separately on Canvas.

You are required to bring your written briefs (typed or handwritten) of the cases and your answers to the problems and questions to class on the day for which they are assigned and until we have gone over them. Assigned briefs, problems, and questions must be submitted on Canvas **no later than 11:00 a.m.** on the day they are due in order for you to receive homework credit.

It is your responsibility to be prepared for every class. If you do miss class, you are responsible for the material covered on that day and should find out what you missed from another student. Twice during the term, you may turn in a note at the start of class stating that you are unprepared for class discussion and no negative mark will be made. You must be present in class to give such a note – it is not available as an excuse for an absence or for homework submitted online. If you are unprepared (and have not submitted a note) or absent when called upon, you will receive an “unprepared” mark and a deduction will be made from your attendance/participation grade.

Fall 2017 – Section 13396
Mon/Wed 11:00 a.m. – 12:15 p.m.

Instructor: Professor Nina Golden

E-Mail: nina.golden@csun.edu

Phone: 818/677-3437

Office: BB 3245

Office Hours: M 12:15 p.m. – 1:45 p.m.

W 3:15 p.m. – 3:45 p.m.

And by appointment

Prerequisite: UDWPE score of 8 or higher

Textbook

FEMINIST JURISPRUDENCE: CASES AND MATERIALS, 4TH EDITION, Bowen *et. al*, (Please be aware that an older text will not match the assignment list.) The textbook is available in hardcopy at the campus bookstore and elsewhere.

Classroom Policies/Professionalism

You are expected to show respect for your classmates, your professor, and the university, and not to engage in disruptive behavior. Common courtesy is expected.

1. Cell phones should be silent.
2. **DO NOT** text or use your laptops during lecture, unless accessing an e-book.
3. **Use of electronics for non-class related use will result in a deduction in the student's participation grade and the student may be asked to leave the class.**
4. Arrive on time; barring emergencies, please do not walk out in the middle of class.
5. Wait until the end of lecture before packing up and leaving.

You may be asked to leave class for disruptive behavior and you may be required to speak with the Student Conduct Coordinator before returning to class.

Reading Homework in Class and Submitting Through Canvas

You will be called on at random throughout the semester to answer questions or read your briefs or answers to problems in class. You will receive a participation point simply for reading your homework, regardless of whether or not you answered the question correctly. However, if you are unprepared or absent, as noted above, this will affect your grade. **Bring the homework assignment to class until we have reviewed it.**

Homework is due on Canvas no later than the beginning of class on the day they are due. **Do not submit assignments in person or via email** unless requested to do so. Do not wait until the last minute to turn in an assignment only to be frustrated by a technical difficulty. You will receive points for completing the homework – the assignments will not be graded. However, in order to receive credit, your answers must be more than a couple of sentences long. Answers to problems should be at least a paragraph long. You must show a good faith effort to answer all homework thoroughly. Students must submit their own work. Identical answers will trigger plagiarism penalties.

Interview Report

Interview a woman who is your grandparents' generation or older.

- summarize her life story (include things such as age, birthplace, education, work experience, marital and parental status, effect of a war, such as Korean, Vietnam, Iraq, Afghanistan);
- discuss her view of women's issues in the home, workplace, society from when she was growing up; include whether or not where she grew up had any impact on issues such as family, work, politics;
- discuss her view of (including whether or not she experienced) sex discrimination in any form (e.g., treated differently than a brother, male co-worker);
- discuss her view of the current state of women's roles in society;
- discuss any unusual circumstances she may have encountered (e.g., arranged marriage, officer in the armed forces). Further instructions and a grading rubric will be posted on Canvas.

DUE: submit on Canvas by Friday, Sept. 22nd at 10PM

Movie Analysis

After viewing the movie *Pink Ribbons, Inc.* you will be asked to apply concepts discussed in class to analyze the movie. You will provide examples of specific issues raised in the movie and your analysis of them. Further instructions and a grading rubric will be posted on Canvas.

DUE: submit on Canvas by Monday, November 11th at 10PM

Current Event Report

You will be provided with articles relevant to topics discussed in class and will apply concepts learned to analyze the articles. Further instructions and a grading rubric will be posted on Canvas.

DUE: submit on Canvas by Wednesday, November 29th at 10PM

Communication

I am generally accessible via email; please allow 24 hours for a response. When sending an email, please treat it like a business communication and address me appropriately, indicate which class you are in, and sign your email.

Plagiarism

Plagiarism and cheating will not be tolerated on homework or exams. Any student found to have either submitted work not his/her own (this includes another student's work, information from an uncredited, on-line source, or the textbook) or cheated on an exam will be given an "F" on the assignment/exam, potentially in the class, and may be referred to the Office of Student Affairs for further discipline. You are responsible for following the academic regulations of the University and the standards of academic honesty applicable to all students.

Grading

Grades are based on a 100-point scale, and plus/minus grading will be used. **NO LATE PAPERS WILL BE ACCEPTED AND NO MAKE-UP EXAMS WILL BE GIVEN.**

The grade allocation is as follows:

Attendance/Participation:	10%
1 Midterm	15%
1 Quiz	10%
Homework:	15%
Interview Report	5%
Movie Analysis	5%
Current Event Report	10%
Final exam:	30%

(12/13 from 10:15 a.m. – 12:15 p.m.)

The grade reached after averaging the factors listed in bold above will be the minimum grade you can receive in the course. At the professor's sole discretion, your course grade may be raised based on class participation and improvement.

Attendance

Arrive to class on time. Extra points will be awarded to those students with perfect attendance records. Every three late arrivals will be treated as an absence. Being late, absent, or unprepared when called on will have a negative impact when calculating your final grade.

Exams

Exams are composed of multiple-choice questions and one or more essay questions which require you to analyze factual situations, identify legal issues and apply the law in determining the outcome of hypothetical cases.

Canvas

Legal Advice

Faculty members may not provide legal advice or legal services to students. If you need legal advice or information regarding the law, resources can be found on the Department of Business Law web page at <http://www.csun.edu/blaw/student-resources>

Questions

If you have any questions about the material contained in this syllabus, please contact Professor Golden.

Your continued enrollment in the course indicates your agreement to the policies contained in this syllabus. Any changes made to this syllabus will be announced in class and on Canvas.

Mission Statement, Learning Goals and Objectives

The mission of the Department of Business Law is to equip students with the academic knowledge, problem solving, analytical and professional skills in the areas of business law, business ethics, and real estate necessary to achieve their personal and professional goals.

Classes are taught using the Socratic method, with its goal of participatory learning and the development of reasoning skills. This active learning process requires students to articulate, develop and defend positions, to think critically and to engage in problem-solving. Students learn to formulate an effective legal analysis by synthesizing information, identifying legal issues, distinguishing relevant from irrelevant facts, using facts and law to support argument, reasoning by analogy and reaching conclusions based on analysis. In addition, students in all BLAW courses study ethical issues in a business context, with actual topics depending on course content.

LIFE LONG LEARNING OVERALL GOAL: Students will develop cognitive, physical and affective skills that will allow them to become more integrated and well-rounded individuals within various physical, social, cultural, and technological environments and communities.

GE SLO #3: Students will describe and explain how race, ethnicity, class, gender, religion, sexuality and other markers of social identity impact life experiences and social relations.

BLAW 391 helps students understand the diversity and multiplicity of cultural forces that shape the world through the study of gender and sexuality, as well as race and class, with special focus on the contributions of and differences between women and men. You will do so by examining different approaches to interpreting how women have been viewed and treated in the legal context, and then learn to analyze case law and legislation using those different theoretical frameworks.

GE SLO #4: Students will analyze and explain the deleterious impact and the privileges sustained by racism, sexism, ethnocentrism, classism, homophobia, religious intolerance or stereotyping on all sectors of society.

BLAW 391 teaches students to analyze information and ideas carefully and logically from multiple perspectives and work towards developing reasoned solutions to problems. You will do so by learning to recognize the similarities and the differences in the law, determine the weight and importance of each factor, and develop logical arguments.

IT IS YOUR RESPONSIBILITY TO CHECK CANVAS REGULARLY FOR ANNOUNCEMENTS AND OTHER INFORMATION RELATED TO THE COURSE.

No recording class; No photos

You may not audio or video record the class, nor take any photos in the classroom.

Disability Resources and Educational Services

If you have a disability and need accommodations, please register with the Disability Resources and Educational Services (DRES) office or the National Center on Deafness (NCOD). The DRES office is located in Bayramian Hall, room 110 and can be reached at 818/677-2684. NCOD is located on Bertrand Street in Jeanne Chisholm Hall and can be reached at 818/677-2611. If you would like to discuss your need for accommodations with me, please contact me to set up an appointment.

Klotz Student Health Center

Klotz Student Health Center offers health services at little to no cost. The Center is located on campus off of Bertrand Street, near Chaperral Hall and parking structure G3, and can be reached at 818/677-3666.

Course Topics and Assignments

Homework: We will be covering one to two assignments per class. To allow for some flexibility in how much time is spent on each topic, the assignments are numbered rather than dated. If we are close to completing an assignment, move on to the next one for the following class.

Briefs, Questions, and Problems: Bring your written answers to the briefs, problems (P), and questions (Q) listed for each assignment to class until we have gone over them. The Notes listed, which appear at the end of each section, are part of the reading and may or may not be discussed in class. You do not have to answer the questions listed in the Notes, only what is noted in the homework section below. Additional reading may be assigned from on-line sources.

Assignment	Homework
1	<p>Chapter 1: The Historical Background of Feminist Legal Theory</p> <p><u>Read:</u> p. 1 – 16</p> <p><u>Questions:</u></p> <ol style="list-style-type: none"> 1.1 What were some important characteristics of the early woman movement? Originally, what movement was it closely tied to and why? 1.2 What was the purpose, as well as some of the topics, included in the Seneca Falls Declaration? How does the content of the Declaration compare to your view of the current state of feminism? 1.3 Why were married women considered “civilly dead”? What was the process by which women were able to gain some rights, and the problem they faced even after gaining those rights? 1.4 What was the significance of Sojourner Truth’s speech? 1.5 What was the difference between the NWSA and the AWSA? What argument could be made in favor of each group’s approach to women’s rights? 1.6 What happened in the Supreme Court case brought by Virginia Minor? 1.7 Why did the suffrage movement become racist? Did it help the movement to become racist? 1.8 How was lynching an issue related to the feminist movement? Looking at the overall difference between Black and white suffragists, which group do you think is more similar to feminists today? 1.9 When did the suffragists succeed? What finally led to their success? 1.10 What led to the split in the women’s movement after the passage of the 19th Amendment?
2	<p>Chapter 2: Constitutional “Equality” – Formal Equality</p> <p><u>Read:</u> p. 17 – 25</p> <p><u>Questions:</u></p> <ol style="list-style-type: none"> 2.1 When was the ERA first introduced into Congress? What famous historic document did it echo? 2.2 How did state and federal laws treat women and men differently? 2.3 Why was it relevant that women couldn’t serve in the armed forces prior to WWII (except for the Navy in WWI)? 2.4 Were there any advantages to protectionist legislation? What were some disadvantages? 2.5 Who supported and who opposed the passage of the ERA and why? Who do you think would support and oppose the passage of the ERA today and why? 2.6 What was the compromise that overcame the division in the women’s movement over the ERA? Explain why it appealed to both ERA proponents and opponents. 2.7 What impact did the passage of Title VII of the 1964 Civil Rights Act have on the ERA movement? 2.8 Did the House and Senate pass the ERA and was it ratified by the states? 2.9 What were the main reasons opposition to the ERA grew? Given the PCSW compromise, do you think it mattered that the ERA didn’t pass?

3	<p><u>Read:</u> p. 25 – 34 <u>Notes:</u> p. 34 – 40 1, 4, 6, 8, 11 <u>Questions:</u></p> <p>3.1 What is the rational basis test? If this test is applied to legislation, what is the likelihood that the legislation will stand? 3.2 What is the strict scrutiny level of review? If this test is applied to legislation, what is the likelihood that the legislation will stand? 3.3 Why was the <i>Reed</i> case important? What did the Supreme Court hold? 3.4 What was the issue in <i>Frontiero</i>? 3.5 What standard did the Supreme Court ultimately apply in <i>Frontiero</i>? Which standards were discussed?</p> <p><u>Brief:</u> <i>Geduldig v. Aiello</i> p. 30 <u>Problems</u></p> <p>P3.1 Apply both the rational basis test and heightened review to the insurance exclusion in <i>Geduldig</i>. Determine if changing the test impacts the outcome of the case. P3.2 A maximum-security prison advertises for prison guards, listing two requirements: a. applicants must be at least 5'5", weigh 125 pounds and be able to bench press 70 pounds and b. applicants must be male. Determine what type of claim under Title VII someone would bring to protest the first rule? The second rule?</p>
4	<p><u>Read:</u> p. 40 – 43 <u>Notes:</u> p. 43 – 45 1, 2, 4, 5 <u>Brief:</u> <i>Craig v. Boren</i> p. 40 <u>Discussion Question:</u> (for in-class discussion – do not submit on Moodle)</p> <p>DQ What is your opinion of how this case focuses on discrimination against men instead of against women? Do you think the Court would have reached the same conclusion if women had been discriminated against?</p> <p><u>Problems:</u></p> <p>P4.1 The City of Podunk, in an effort to attract more tourists, passes an ordinance stating that all city employees hired to work in the city's visitor's bureau must wear make-up at all times, and either a skirt or a dress when working at the information desk. George, who's worked in the visitor's bureau in other cities, applies for a job when an opening is advertised. He brings a lawsuit when he discovers that Martha, a recent college graduate with no work experience, gets the job instead of him. What standard of review will the court apply when considering the constitutionality of the city's ordinance? Explain your answer. P4.2 New York City has a stop and frisk rule to cut down on street crime. A civil rights organization brings a lawsuit when it becomes apparent that more Latino and African American men are being stopped than white men. What standard should the court apply when considering the rule? Explain your answer</p>
5	<p><u>Read:</u> p. 45 – 51 <u>Brief:</u> <i>Personnel Administrator of Massachusetts v. Feeney</i> p. 45 <u>Problem:</u></p> <p>P5.1 How was formal equality applied in <i>Feeney</i>? What are some of the problems with the application of formal equality to this situation?</p>
6	<p><u>Read:</u> p. 51 – 55 NY Times: Supreme Court Weighs Cases Redefining Legal Equality, http://tinyurl.com/msdphs3 SCOTUSblog: Details on <i>Shelby County v. Holder</i>: In Plain English, http://tinyurl.com/pj3zxl1 Military Times: Women in combat units: Final decision due http://tinyurl.com/nle27cf</p> <p><u>Notes:</u> p. 55 – 57 3, 4, 6, 7, 8 <u>Brief:</u> <i>Rostker v. Goldberg</i> p. 51 <u>Problems:</u></p> <p>P6.1 Explain how the Supreme Court applied formal equality to reach different conclusions. (Assignment continued on the next page.)</p>

	<p>P6.2 Compare the outcome in <i>Rostker</i> with the Pentagon's decision to allow women in combat. What were the significant differences? How does the decision exemplify formal equality?</p>
7	<p>Chapter 8: Women and Education – Substantive Equality</p> <p><u>Read:</u> p. 68 – 77 <u>Notes:</u> p. 77 3, 4 <u>Brief:</u> <i>United States v. Virginia</i> p. 68 <u>Questions:</u></p> <p>7.1 What standard of review did the Court apply in this case? What must the State show? What would have been the likely outcome of this case if the rational basis test had been applied?</p> <p>7.2 How does a classification based on sex differ from a classification based on race or national origin? When can sex classifications be used?</p> <p><u>Problem:</u></p> <p>P7.1 How would formal equality apply to a school like VMI? (Consider issues such as entrance requirements, physical ability tests, etc. and determine who would most likely be accepted to the school.) Would it make a difference if substantive equality were applied instead?</p>
8	<p><u>Read:</u> p. 758 – 764; 766 – 768; p. 773 – 775 Chicago Tribune: Women in trades make good money, but getting in can be tough http://tinyurl.com/h38xflb</p> <p><u>Brief:</u> <i>Mississippi University for Women v. Hogan</i> p. 762 <u>Discussion Questions:</u> Text Note p. 766 (for in-class discussion – do not submit on Moodle)</p> <p>D8.1 What were Tidball's conclusions when she re-analyzed her data? D8.2 What were the criticisms of those studies by opponents of single-sex education? D8.3 What is one consistent conclusion regarding single-sex education and one consistent effect?</p> <p><u>Questions:</u> Text Note p. 773</p> <p>8.1 How did the boys and girls in the 7th grade study describe their differences? Did they think their differential treatment was fair? Why or why not? 8.2 Which educational environment benefits girls? Boys? 8.3 What are some of the conversational differences between women and men? 8.4 What is the problem that women face regarding communication patterns when in a coeducation environment?</p> <p><u>Problems</u></p> <p>P8.1 Referencing the Chicago Tribune article, discuss how women are treated differently from men in the trades. Explain how formal equality would be applied to the situation. Explain if and how substantive equality be applied to level the playing field.</p> <p>P8.2 Texas Western Institute of Technology (TWIT) was founded in 1920 as a men's engineering school. Over the years it developed a reputation as the best school of its kind in the country. Relying on studies that showed that men have better spatial and mathematical skills than women, TWIT remained a men's only school until sued by a group of women, half of whom had perfect math SAT scores. What would be the formal equality argument for allowing women into TWIT? What would be the substantive equality argument?</p>

9	<p><u>Read:</u> p. 799 – 803; p. 804 – 807; p. 816 – 824 LA Times: American Women are Dominating the Games, and it Didn't Happen by Accident http://tinyurl.com/jhw7pof</p> <p><u>Notes:</u> p. 803 1 – 4; p. 824 1, 2, 4, 5</p> <p><u>Brief:</u> <i>Gebser v. Lago Vista Independent School District</i> p. 816 <i>Davis v. Monroe County Board of Education</i> p. 820</p> <p><u>Discussion Questions:</u> Athletic Programs p. 799 (<i>for in-class discussion – do not submit on Moodle</i>)</p> <p>D9.1 How did plaintiffs challenge sex inequality in school athletics? D9.2 Are boys and girls permitted to play on either a boys' or a girls' team? D9.3 What impact did the passage of Title IX have on girls' and women's participation in athletics? Is it now equivalent to boys' and men's participation?</p> <p><u>Questions:</u> LA Times article</p> <p>9.1 How did the Olympics differ from women's sporting events during the year? 9.2 What are some possible explanations for women's sports not being more popular?</p> <p><u>Problem:</u></p> <p>P9.1 Katy, a student at Teenage Dream Middle School, befriends Russell, a janitor at the school. She begins to stay after school to help Russell clean up after everyone has gone home. Unfortunately, Russell takes advantage of her and begins a sexual relationship with her. When Katy's mother finds out, she (Katy's mother) sues the school. Determine whether or not the school will be liable for Russell's actions. Explain if it would make a difference if the harassment occurred during school hours, in the janitor's closet, with school personnel witnessing Katy and Russell emerging from the closet.</p>
MIDTERM	<i>Tentatively scheduled for October 16th</i>