This course uses sexual harassment as a lens through which to view the interaction between theory and practice.

- How do we think about gender, sexuality, work, agency, respect?
- How do these ideas inform laws and policies in workplaces and schools?

We will explore how it is that sexual harassment came to be seen as wrong, what kinds of arguments have been put forward about the nature and extent of its wrongness, and to what sorts of relations sexual harassment applies.

We will look at sexual harassment theoretically, legally, politically and empirically. You will read court cases, philosophical arguments, legal theories, empirical studies and political analyses all centering around sexual harassment.

Students will be expected to write response papers every week and one long paper analyzing a recent sexual harassment case. Papers are described in more detail at the end of the syllabus. There are also two exams and I expect active participation.

OAKS will be used for some readings and all response papers will be submitted via OAKS. Students will access court cases through Lexis-Nexis a legal database available through the library’s database site. Court cases are searched through Lexis-Nexis by clicking Databases on the CofC Library page, Lexis Nexis (under L), click “Look up a legal case” at the bottom, middle of the page. Input the citation number for the case (listed on the syllabus) in the search line. Press go and only the citation you want will display.

Course Objectives:

We will be reading legal cases and legal scholarship. We will also be reading scholarship on sexual harassment from sociologists, political scientists and feminist scholars. Likewise we will read philosophical arguments about work, equality and sexuality. Upon successful completion of this course students can:

- Demonstrate knowledge of the law, theory and primary issues concerned with sexual harassment.
- Analyze legal cases
- Apply knowledge of these theories to new situations.

These learning outcomes will be assessed in exams and papers.

Accommodations: Any students who have special learning needs or concerns are urged to speak with me during the first week of the semester if accommodations are needed. The Center for Disability Services provides a comprehensive list of accessibility resources available at the College on the following website: http://spinner.cofc.edu/~cds.
Required Books:

Gillian Thomas  
Because of Sex
Nancy Levit and Robert R. M. Verchick  
Feminist Legal Theory, A Primer (2nd edition)
Catherine MacKinnon  
The Sexual Harassment of Working Women
James E. Gruber and Phoebe Morgan  
In the Company of Men: Male Dominance and Sexual Harassment

Course requirements:

2 exams 15% each
12 response papers
   6 before to Spring break 15%
   6 after Spring break 15%
1 long paper (18-20 pages) 20%
   (proposal and rough draft) 5% each
Class participation 10%

Schedule of Readings

M, 1/11: Introduction
W, 1/13: Because of Sex, Introduction and Feminist Legal Theory, Introduction

M, 1/16: No Class, Martin Luther King Jr. Day
W, 1/18: Feminist Legal Theory, Chs. 1 and 2
F, 1/20: Reading above continued

M, 1/23: Abigail Saguy “The Making of a Concept” and Angela P. Harris, “Race and Essentialism in Feminist Legal Theory” (OAKS)

Early Cases

Title VII of the Civil Rights Act. (EEOC webpage).

Theorizing Work

F, 1/27: Introduction to The Oxford Book of Work, Edited by Keith Thomas (OAKS)

M, 1/30: Michael Walzer, selections from “Office” and “Work” in Spheres of Justice on OAKS
W, 2/1: Feminist Legal Theory, Ch. 3 (Workplace, Wages, and Welfare)

Constructing a legal theory against sexual harassment

F, 2/3: Williams v. Saxbe (413 F. Supp. 654), Henson v. City of Dundee (682 F. 2d 897)
M, 2/6: Catherine MacKinnon, *Sexual Harassment of Working Women*  
Introduction and Women’s Work (Chs 1-2 in *SHWW*)

W, 2/8: Catherine MacKinnon, *SHWW*, Chs. 3-4

F, 2/10: Catherine MacKinnon, *SHWW*, Ch. 5

**Paper proposals due (OAKS dropbox)**

M, 2/13: Catherine MacKinnon, *SHWW*, Chs. 6, 7

W, 2/15: Catherine MacKinnon, *SHWW*, Appendix A and B

F, 2/17: EEOC guidelines on sexual harassment. (EEOC webpage)

M, 2/20: Exam

**Anita Hill era**

W, 2/22: Clarence Thomas Judiciary Committee Hearings: Anita Hill (video in class, no readings for this day)

F, 2/24: Anita Hill and Baker, Race, Class and Sexual Harassment (OAKS)

M, 2/27: Black and Allen, Legacy of Anita Hill (OAKS)

W, 3/1: *Meritor Savings Bank v. Vinson* (477 U.S. 57) and *Because of Sex*, Ch. 4

F, 3/3: *Harris v. Forklift* (510 U.S. 17) and *Because of Sex*, Ch. 8

M, 3/6: Spring Break

W, 3/8: Spring Break

F, 3/10: Spring Break

M, 3/13: Continued discussion of *Meritor* and *Harris*

W, 3/15: Sex Stereotyping, *Because of Sex*, Ch. 6

**Masculinity**


M, 3/20: Robert S. Done “Just Men out of Control?” and Beth A Quinn “Toward a Criminology of Sexual Harassment” in *In the Company of Men* ,

W, 3/22: Kristen Yount, “Sexualization of Work Roles Among Men Miners: Structural and Gender-Based Origins of ‘Harazzment’” in *In the Company of Men* ,


**Same Sex SH**


F, 3/31: Michael Kimmel and Tyson Smith, “The ‘Reasonable Woman’ and Unreasonable Men: Gendered Discourses in Sexual Harassment Litigation” in *In the Company of Men*
M, 4/3: Exam
W, 4/5: Reading TBD

**Rough Drafts Due**

F, 4/7: Rene v. MGM Grand Hotel (305 F.3d 1061)

M, 4/10: Doe v. City of Belleville (119 F.3d 563)

Peer editing due

**Cyber-harassment**

F, 4/14: Franks, Cyber-Harassment (OAKS)

M, 4/17: Talbot, Taking Trolls to Court (OAKS)

**SH in schools**

W, 4/19: “Crossing the Line” (on OAKS)
F, 4/21: Davis v. Monroe County Board of Education (526 U.S. 629)

**Rethinking the anti-discrimination paradigm:**

M, 4/24: Reading TBD
W, 4/26: Martha Albertson Fineman “Beyond Identities: The Limits of an Antidiscrimination approach to equality” 92 B.U.L Rev. 1713 (Lexis Nexis)

**Final Paper Due in my office by 11am Friday, April 28**
Response Papers

You will write short reading responses each week (you can choose which day of the week to submit it). These response papers will be submitted in the OAKS dropbox (there are two separate dropboxes, a pre-Spring Break and a post-Spring break dropbox, each has 6 folders). In one page you will write a focused and informed reaction to some portion of that day’s reading. Response papers need to address the reading prior to that day’s class discussion. Response papers can take a number of forms:

1) Passage explication. Frame your response around a key passage in the reading. Explain the passage. Relate that explanation to the theme of the reading as a whole or explain the ways in which that passage reflects a key argument. Or use the passage to highlight something you find confusing or problematic.

2) Relate the reading to an earlier reading or class discussion. Explain how this reading responds to or furthers that earlier discussion. Use specific examples from the reading you are discussing and from the earlier reading or discussion.

3) Relate the reading to something you have read or seen outside of class. Explain how the reading illustrates this incident or issue in a wider setting – readings in the newspaper or other media, an experience on campus or off, a conversation with a family member or friend. Be specific!

<table>
<thead>
<tr>
<th>Responding to reading</th>
<th>Good</th>
<th>Acceptable</th>
<th>Unacceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Response is posted before class and based on the reading for that day.</td>
<td>Response is posted in the week of the reading and relevant to that week’s reading (but done after class discussion)</td>
<td>No response or unconnected to reading/discussion.</td>
</tr>
</tbody>
</table>

| Asking questions | Response asks questions about the reading or relates the reading to previous discussions. | Response repeats questions about the reading discussed in class and expands on discussion. | No response or simply reiterates a point made in class with no expansion. |

| Analysis | Response is analyzing reading using examples and wrestling with the ideas. | Response analyzes reading with no use of examples | No response or no connection to content of reading |

Long Paper

This paper aims to do three things: 1) to examine in greater depth a particular area or setting for thinking about sexual harassment (for example, sexual harassment in the military, in police or fire departments, in high schools, religious institutions, restaurants, other countries or in a particular circumstance: women sexually harassing men, children sexually harassing one another, sexual harassment of minorities, etc.), 2) to ground that analysis in a recent (past seven years) legal case that exemplifies the setting area chosen above, and 3) to focus your skills in analysis: how does the research inform what is happening in the legal decision on the case? How might you argue this case?

This paper includes handing in a proposal and a rough draft. The paper proposals for these projects, which includes both the area of concern (with at least three potential articles) and a few options for cases, are due on 2/10 (OAKS dropbox). A rough draft of the paper is due in
class on April 5. You will be doing peer reviews of these papers so bring two copies of the paper in on April 5. The review of your peer’s paper is due April 12. The final paper is due in my office by 11am on April 28 (this is the date of the final exam). There is no final exam for this class).

The paper should include the following:

1) Explain the setting of your sexual harassment case, taking into consideration any issues particular to that setting (working from research)

2) Explain the case itself – what happened, how was it decided, what principles were used in the decision (describing facts, etc. of the case)

3) Analyzing the meaning of the case – why does it matter? What does it illustrate about sexual harassment? Was it correctly decided? Why or why not? How might one of the legal theorists we have read interpret this decision? (Normative assessment and analysis of setting + case)

Citations from authors and articles we have read can be given parenthetically after any quotation or paraphrasing using the page number of the text. Papers must be cited in full in accordance with the rules set out in the political science guidelines. Any failure to cite outside materials used for papers in this class is considered plagiarism. Plagiarism is pretending as if the words and ideas of another are in fact yours. This includes a failure to use quotations, a failure to indicate when you are paraphrasing, the failure to give credit to the author whose ideas you are using and the purchasing or copying of papers or portions of papers, from the Internet. Plagiarism is a violation of the Honor Code and will be treated as such. Any student who plagiarizes in this class will be turned in to the Honor Board and will fail the class.

Guidelines for Class Discussion

This is a class where lots of people have lots to say and the material we will read and discuss involves scenarios and language that may make some people uncomfortable. So I think it is important to set out a few rules:

1) There will be disagreement

2) Given that there will be disagreement we must agree to listen when someone is speaking: No Sidebar Conversations

3) Everyone will get a chance to speak their mind; but everyone will not get a chance to always speak their mind all the time

4) Given that there will be disagreements, try to express your opinions in a way that reflects the ideas at hand and not the personalities of your colleagues.

5) There is no reason for any racist, sexist, homophobic or otherwise bigoted commentary

6) Please talk to me if you are uncomfortable about the material we are discussing or the nature of our discussions.