

Template A

	<p>Critically examines the role of law in regulating sexuality in the United States. Analyzes legal and constitutional questions regarding sex, sexual orientation and identity. Using statutory law and written judicial opinions, the course explores the evolution of legal approaches to issues including: regulation of married and non-married sexual activity; same-sex marriage and sexual orientation; and First Amendment protections of LGBT rights. Emphasizes the role of the Supreme Court’s interpretation of the Constitution, especially of due process and equal protection.</p>
<p>Student Learning Outcomes</p> <p><i>(These should be measurable, appropriate to the course level, and phrased in terms of <u>student achievement</u>, not instructional or content outcomes)</i></p> <p><i>If dual listed, indicate additional learning objectives for the higher level course.</i></p>	<p>Students will be able to</p> <ol style="list-style-type: none"> 1. Read and analyze statutes and written judicial opinions. 2. Demonstrate an understanding of basic concepts of constitutional law related to due process and equal protection. 3. Explain the interplay between law and societal attitudes regarding sexuality. 4. Describe the evolution of constitutional doctrine related to sexual privacy and same-sex marriage. 5. Analyze and discuss landmark legal cases related to sex, gender and sexual orientation. 6. Apply legal reasoning and jurisprudential doctrine to novel factual scenarios. 7. Integrate and synthesize complex information.
<p>Brief Course Outline:</p> <p><i>Give an outline of sufficient detail to communicate the course content to faculty across campus. It is not necessary to include specific readings, calendar, or assignments.</i></p>	<ol style="list-style-type: none"> A. Basic principles of constitutional law <ol style="list-style-type: none"> 1. How to read case law and brief cases 2. Common legal terms 3. Overview of due process and equal protection 4. Role of the judiciary in a liberal democracy B. The queer career of sodomy law in the United States <ol style="list-style-type: none"> 1. Sodomy: the crime not fit to be named 2. Authority to regulate sexual practices 3. Three eras of state sodomy law <ol style="list-style-type: none"> a. Colonial era through 1890s: Protecting procreation b. 1880s to 1960s: Targeting groups and lifestyles c. 1960s to 2003: Decriminalization d. The American Law Institutes Model Penal Code e. State legislative efforts to decriminalize sodomy 4. State courts and sodomy law 5. The new judicial federalism and state sodomy challenges

	<ul style="list-style-type: none">6. An explicit right to privacy in state Constitutions C. State regulation of unmarried sexual practices: Fornication, adultery and sodomy.<ul style="list-style-type: none">1. <i>People v. Onofre</i>2. <i>Kentucky v. Wasson</i>3. <i>Powell v. State</i> D. Privacy: the history of an elusive concept<ul style="list-style-type: none">1. Privacy: What is it?2. General definitions of privacy3. Sources of privacy law4. The “right to be let alone”5. Privacy versus morality E. Constitutional privacy<ul style="list-style-type: none">1. Foreshadowing the penumbras2. Fundamental rights: Finding unenumerated rights3. Unenumerated rights, pre-Griswold4. A fundamental right to use contraceptives?5. <i>Poe v. Ullman</i>6. Striking down a “silly law”: <i>Griswold v. Connecticut</i> F. Expansion of sexual privacy:<ul style="list-style-type: none">1. <i>Stanley v. Georgia</i>2. <i>Eisenstadt v. Baird</i>3. <i>Roe v. Wade</i>4. <i>Planned Parenthood v. Casey</i> G. The “right to be left alone” v. “the crime against nature”: <i>Bowers v. Hardwick</i><ul style="list-style-type: none">1. Pre-<i>Bowers</i> federal judicial opinions on sodomy and homosexuality2. A perfect test case3. The misadventures of <i>Bowers v. Hardwick</i>4. The Court’s opinion in <i>Bowers v. Hardwick</i>5. The impact of <i>Bowers v. Hardwick</i>6. The limits of privacy H. <i>Lawrence v. Texas</i>: A “seismic shift”<ul style="list-style-type: none">1. Another “perfect” test case2. The majority opinion: personal liberty and dignity3. The dissent: dark predictions I. Regulating sex and marriage<ul style="list-style-type: none">1. Competing views of the purpose of marriage2. Federalism and marriage3. Marriage as a fundamental right<ul style="list-style-type: none">a. <i>Skinner v. Oklahoma</i>b. <i>Perez v. Lippold</i>c. <i>Zablocki v. Redhail</i>
--	---

	<ul style="list-style-type: none"> d. <i>Loving v. Virginia</i> 4. Same-sex marriage 5. DOMA 6. Vermont's compromise: Civil unions 7. The new judicial federalism and same sex marriage: state cases 8. Federal District and Appellate Cases <ul style="list-style-type: none"> a. <i>Windsor v. United States</i> b. <i>Hollingsworth v. Perry</i> c. Recent cases J. Equal protection and sexual orientation <ul style="list-style-type: none"> 1. Levels of judicial scrutiny 2. Sexual orientation as a suspect classification 3. <i>Romer v. Evans</i> 4. <i>Boy Scouts of America v. Dale</i> 5. <i>Rumsfeld v. Forum for Academic Institutional Rights</i> K. Law and transgender rights <ul style="list-style-type: none"> 1. The limitations of the male/female dichotomy 2. Application of sexual orientation legal protections to transgender people <ul style="list-style-type: none"> a. <i>Rosa v. Park West Bank</i> 3. Name change and identity documents <ul style="list-style-type: none"> a. <i>Mtr. Of Anonymous v. Weiner</i> b. <i>Darnell v. Lloyd</i> 4. Transgender and marriage issues <ul style="list-style-type: none"> a. <i>M.T. v. J.T.</i> b. <i>Littleton v. Prange</i> c. <i>In re Estate of Gardiner</i> 5. Equal protection and transgender persons <ul style="list-style-type: none"> a. <i>Carroll v. Talman Fed. Savs. & Loan</i> b. <i>Ulane v. Eastern Airlines</i> c. <i>Price Waterhouse v. Hopkins</i> d. Title VII and transgender persons e. Title IX and transgender persons f. <i>Glenn v. Brumby et al.</i> L. First Amendment protection of LGBT rights <ul style="list-style-type: none"> 1. Freedom of Association <ul style="list-style-type: none"> a. <i>GSO v. Bonner</i> M. When the rights of LGBT conflict with other rights <ul style="list-style-type: none"> 1. Religious liberty versus LGBT rights <ul style="list-style-type: none"> a. <i>Elane Photography v. Wilock</i> b. The impact of <i>Burwell v. Hobby Lobby</i>
--	---

Rationale for Proposal	
-------------------------------	--

<p>Why is this course being proposed?</p>	<p>In addition to serving as an elective for departmental majors, this course will also be part of a new interdisciplinary minor program in LGBT studies. Similar courses are included in the curriculum of LGBT majors and minors at other universities.</p>
---	---

Template A

<p>How does it fit into the departmental curriculum? (Check all that apply)</p>	<p> <input type="checkbox"/> Major Requirement <input type="checkbox"/> Minor Requirement <input type="checkbox"/> Core Requirement <i>(Interdisciplinary core – e.g. Business/Education)</i> <input type="checkbox"/> Required Elective <input type="checkbox"/> Liberal Studies <input checked="" type="checkbox"/> Open Elective <input checked="" type="checkbox"/> Other - Pre-law elective </p>
<p>Is a similar class offered in other departments?</p>	<p> <input type="checkbox"/> Yes Please provide comment: Click here to enter text. <input checked="" type="checkbox"/> No </p>
<p>Does it serve the college/university above and beyond the role it serves in the department?</p>	<p> <input checked="" type="checkbox"/> Yes Please provide comment: The course will serve as an elective for major of the Political Science Department, and also as an elective for students in a new interdisciplinary minor program in LGBT studies. <input type="checkbox"/> No </p>
<p>Who is the target audience for the course?</p>	<p> <input checked="" type="checkbox"/> Course Designed for Majors (<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required) <input checked="" type="checkbox"/> Course Designed for Minor <input checked="" type="checkbox"/> Departmental Elective <input type="checkbox"/> Restricted to Majors/Minors <input checked="" type="checkbox"/> Open to Any Student <input type="checkbox"/> Liberal Studies <input type="checkbox"/> Other - Click here to enter text. </p>
<p>Implications for other departments</p>	<p> A. What are the implications for other departments (<i>For example: overlap of content with other disciplines, requirements for other programs</i>)? None B. How have you addressed this with other department(s) involved? What was the outcome of that attempt? (Attach documents as appropriate) Click here to enter text. </p>
<p>For Dean's Review</p>	
<ul style="list-style-type: none"> • Are resources available/sufficient for this course? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA • Is the proposal congruent with college mission? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA • Has the proposer attempted to resolve potential conflicts with other academic units? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA 	
<p>Comments: Click here to enter text.</p>	