14-156 UWUCC AP-4/1/15 Senate Hop-4/28/15

New Course Proposal Template

Steps to the approval process:

- 1. Complete the applicable template(s) and email them to the departmental or program curriculum committee chair.
- 2. The curriculum chair emails the proposal to the curriculum committee, then to the department/program faculty for a vote and finally to the department/program chair.
- 3. The department/program chair emails the proposal to curriculum-approval@iup.edu; this email will also serve as an electronic signature.
- 4. Curriculum committee staff will log the proposal, forward it to the appropriate dean's office(s) for review within 14 days and post it on the X Drive for review by all IUP faculty and administrators. Following the dean's review the proposal goes to the UWUCC/UWGC and the Senate.
- 5. Questions? Email curriculum-approval@iup.edu.

Contact	Gwen Torges	Email	torges@iup.edu
Person:		Address:	
Proposing	Political Science Department	Phone:	724-357-2290
Depart/Unit:			

Course Prefix/Number	See the Registrar's list of Unavailable course numbers at http://www.tup.edu/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=129323, PLSC 405					
Course Title	Sexuality and Law					
Dual/Cross Listed	Dual Listed = Courses listed at two levels, such as undergraduate and graduate, masters and doctoral, etc. Cross Listed = Course has more than one prefix such as GEOG/RGPL 233. Yes No If yes with: Click here to enter text.					
	(UG) Class Hours - 3					
Number of Credits	(UG) Lab Hours - 0					
Prerequisite(s)	Credits - 3 None					
Corequisite(s)	This means that another course must be taken in the same semester as the proposed course					
	None					
Additional Information (Check all that apply. Note: Additional documentation will be required)	 □ Liberal Studies (please also complete Template C) □ Teacher Education (Is it Step 1 a prerequisite or is it part of the Professional Education Sequence If so please also complete Template D) □ Distance Education (Please also complete Template E) 					
	Are you recommending a class size: X Yes No Number: 25					
	If yes: (check one of the following reasons and provide a narrative explanation)					
Recommended	X Pedagogical Physical limitation of classroom					
Class Size (optional)	☐ Accreditation body standards/recommendations					
(provide justification)	□ Other					
	Explanation (required): This is an upper level course; it will require many case study assignments.					
Catalog Description	Guidelines: Do not include pre/co-requisite information here. The registrar prefers a concise description of course content, beginning with an active verb.					

	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.						
	Students will be able to						
	Read and analyze statutes and written judicial opinions.						
Student Learning Outcomes	 Demonstrate an understanding of basic concepts of constitutional law related to due process and equal protection. 						
(These should be measurable, appropriate to the course level, and	Sexuality.						
phrased in terms of <u>student</u> <u>achievement</u> , not instructional or content outcomes)	 Describe the evolution of constitutional doctrine related to sexual privacy and same-sex marriage. 						
If dual listed, indicate additional learning objectives for the higher	Analyze and discuss landmark legal cases related to sex, gender and sexual orientation.						
level course.	Apply legal reasoning and jurisprudential doctrine to novel factual scenarios.						
	7. Integrate and synthesize complex information.						
	A. Basic principles of constitutional law 1. How to read case law and brief cases 2. Common legal terms						
	Overview of due process and equal protection Role of the judiciary in a liberal democracy						
Brief Course Outline:							
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.	 B. The queer career of sodomy law in the United States 1. Sodomy: the crime not fit to be named 2. Authority to regulate sexual practices 3. Three eras of state sodomy law 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 						

- 6. An explicit right to privacy in state Constitutions
- C. State regulation of unmarried sexual practices: Fornication, adultery and sodomy.
 - 1. People v. Onofre
 - 2. Kentucky v. Wasson
 - 3. Powell v. State
- D. Privacy: the history of an elusive concept
 - 1. Privacy: What is it?
 - 2. General definitions of privacy
 - 3. Sources of privacy law
 - 4. The "right to be let alone"
 - 5. Privacy versus morality
- E. Constitutional privacy
 - 1. Foreshadowing the penumbras
 - 2. Fundamental rights: Finding unenumerated rights
 - 3. Unenumerated rights, pre-Griswald
 - 4. A fundamental right to use contraceptives?
 - 5. Poe v. Ullman
 - 6. Striking down a "silly law": Griswold v. Connecticut
- F. Expansion of sexual privacy:
 - 1. Stanley v. Georgia
 - 2. Eisenstadt v. Baird
 - 3. Roe v. Wade
 - 4. Planned Parenthood v. Casey
- G. The "right to be left alone" v. "the crime against nature": Bowers v. Hardwick
 - 1. Pre-Bowers federal judicial opinions on sodomy and homosexuality
 - 2. A perfect test case
 - 3. The misadventures of Bowers v. Hardwick
 - 4. The Court's opinion in Bowers v. Hardwick
 - 5. The impact of Bowers v. Hardwick
 - 6. The limits of privacy
- H. Lawrence v. Texas: A "seismic shift"
 - 1. Another "perfect" test case
 - 2. The majority opinion: personal liberty and dignity
 - 3. The dissent: dark predictions
- I. Regulating sex and marriage
 - 1. Competing views of the purpose of marriage
 - 2. Federalism and marriage
 - 3. Marriage as a fundamental right
 - a. Skinner v. Oklahoma
 - b. Perez v. Lippold
 - c. Zablocki v. Redhail

- d. Loving v. Virginia
- 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
 - a. Windsor v. United States
 - b. Hollingsworth v. Perry
 - c. Recent cases
- J. Equal protection and sexual orientation
 - 1. Levels of judicial scrutiny
 - 2. Sexual orientation as a suspect classification
 - 3. Romer v. Evans
 - 4. Boy Scouts of America v. Dale
 - 5. Rumsfeld v. Forum for Academic Institutional Rights
- K. Law and transgender rights
 - 1. The limitations of the male/female dichotomy
- 2. Application of sexual orientation legal protections to transgender people
 - a. Rosa v. Park West Bank
 - 3. Name change and identity documents
 - a. Mtr. Of Anonymous v. Weiner
 - b. Darnell v. Lloyd
 - 4. Transgender and marriage issues
 - a. M.T. v. J.T.
 - b. Littleton v. Prange
 - c. In re Estate of Gardiner
 - 5. Equal protection and transgender persons
 - a. Carroll v. Talman Fed. Says. & Loan
 - b. Ulane v. Eastern Airlines
 - c. Price Waterhouse v. Hopkins
 - d. Title VII and transgender persons
 - e. Title IX and transgender persons
 - f. Glenn v. Brumby et al.
- L. First Amendment protection of LGBT rights
 - 1. Freedom of Association
 - a. GSO v. Bonner
- M. When the rights of LGBT conflict with other rights
 - Religious liberty versus LGBT rights
 - a. Elane Photography v. Wilock
 - b. The impact of Burwell v. Hobby Lobby

Rationale for Proposal

Why is this course being proposed?

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.

Template A

	☐ Major Requirement	☐ Minor Requireme	ent \square	Core Requirement (Interdisciplinary core – e.g Business/Education)			
	☐ Required Elective	☐ Liberal Studies	\boxtimes	Open Elective			
curriculum? (Check all that apply)	X Other - Pre-law elective						
offered in other	☐ Yes Please provide comment: Click here to enter text. ☑ No						
above and beyond the	 ✓ 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. ☐ No 						
	⊠ Course Designed for Majors (□ Required						
	☐ Course Designed for Minor ☐ I		□ Depart	Departmental Elective			
Who is the target audience for the course?	☐ Restricted to Majors/Mine	o Any Student					
	☐ Liberal Studies						
	☐ Other - Click here to enter text.						
	A. What are the implications for other departments (For example: overlap of content with other disciplines, requirements for other programs)? None						
departments	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.						
For Dean's Review							
• Are resources available/sufficient for this course? □ Yes □ No □ NA							
■ Is the proposal congruent with college mission? Yes No NA							
 Has the proposer attempted to resolve potential conflicts with other academic units? ☐ Yes ☐ No X NA 							
Comments: Click here to enter text.							