

SEXUAL HARASSMENT SEMINAR–8896.22

Professor L. Camille Hébert
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Fall 2019
2:00 to 3:50 p.m. T
Room 245

Course Materials

Hébert, Materials on Sexual Harassment (Fall 2019).

Course Information

This seminar focuses on sexual harassment in the employment setting and in academic settings. We will start the semester with a discussion of the issues concerning the prevalence of sexual harassment, including recent attention to sexual harassment caused by the “MeToo” movement, as well as information about its causes and effects. We will then turn to the legal prohibitions of sexual harassment and study the standards that must be met for plaintiffs alleging sexual harassment in connection with employment, as well as the defenses asserted by employers to claims of sexual harassment. Next, we will discuss issues of harassment on the basis of gender and on the basis of sexual orientation and gender identity. We will then turn to special issues of sexual harassment in education, including issues concerning sexual harassment between students and intimate relationships between students and faculty members. Next, we will address conflicts between the law of sexual harassment and the First Amendment. Finally, we will turn to issues of comparative analysis of sexual harassment laws, looking at how sexual harassment is conceptualized in different countries.

Course Expectations

Each student will be required to complete a paper on a topic related to sexual harassment. You may select one of my suggested topics or, with my prior approval, select a topic of your own. You are expected to do significant research beyond the materials assigned for the course and to engage in a thoughtful analysis of your topic. Your paper should be in the neighborhood of 20 to 25 pages, including footnotes, and should comply with blue book form for law review articles.

You will be required to follow the following schedule with respect to the paper:

Research outline	Tuesday, September 17, 2019
First draft	Tuesday, November 12, 2019
Final draft	Wednesday, December 18, 2019

The research outline and first draft requirements are expected to be taken seriously and will be considered in the final course grade. Extensions will be granted only upon prior request and for exceptional circumstances. The paper will represent 75 percent of your course grade.

Students will also be expected to be active participants in class discussions. In addition, during the last four or five weeks of class, students will be expected to make a presentation (10-15 minutes) on their paper topic. Your presentation and other class participation will represent 25 percent of your course grade. In conformity with College Rule 9.08 and ABA Standard 308, I expect you to be in class and prepared every day. I reserve the right to drop a student from the class or to reduce a student's grade based on excessive absences.

Learning Goals

1. Students will demonstrate an understanding of the core concepts of the law of sexual harassment.
2. Students will demonstrate the ability to use effective legal research strategies to find relevant legal sources related to the topic of their research paper.
3. Students will demonstrate the ability to engage in effective legal analysis and to communicate that legal analysis effectively orally and in writing.

Students will demonstrate their mastery of these learning goals through class discussion and their completion and presentation of a substantial research paper.

Academic Misconduct

Academic integrity is essential to maintaining an environment that fosters excellence in teaching, research, and other educational and scholarly activities. Thus, The Ohio State University and the College of Law expect that all students have read and understand the Moritz College of Law Honor Code (https://moritzlaw.osu.edu/registrar/docs/honor_code.pdf) and that all students will complete all academic and scholarly assignments and examinations with fairness and honesty. Students must recognize that failure to follow the rules and guidelines established in the Honor Code and this syllabus may constitute academic misconduct as defined in Article IV.B of the Honor Code. Examples of academic misconduct include, but are not limited to, plagiarism, unauthorized collaboration, copying the work of another student, and possession or use of unauthorized materials during an examination. Ignorance of the Honor Code is never considered an excuse for academic misconduct. If I suspect that a student has committed academic misconduct in this course, I am obligated by College rules to report my suspicions to the College Administration. The sanctions for the misconduct could include a failing grade in this course, suspension or dismissal from the College and University, and a report to the relevant bar authorities. If you have any questions about the above policy or what constitutes academic misconduct in this course, please contact me.

Disability Accommodations

The College of Law is committed to providing an environment that ensures that no individual is discriminated against on the basis of disability. Students with disabilities who may need special academic accommodations should notify the Assistant Dean for Students as soon as possible. The Assistant Dean will work with the student, the University Office of Disability Services, and with me to coordinate reasonable accommodations for students with documented disabilities. The University Office of Disability Services is located in 98 Baker Hall, 113 West 12th Avenue; telephone 614-292-3307, VRS 614-429-1334; <http://www.ods.ohio-state.edu/>

Syllabus

<u>Date</u>	<u>Topic</u>	<u>Assignment</u>
Aug. 20	Incidence, Prevalence, and Effects of Sexual Harassment	Materials 1-56
Aug. 27	Sexual Harassment in Employment Resulting in Tangible Action	Materials 57-91
Sept. 3	Hostile Environment Sexual Harassment Requirements	Materials 92-127
Sept. 10	Standard for Hostile Environment Sexual Harassment	Materials 128-182
Sept. 17	Remedies for Sexual Harassment	Materials 183-260
Sept. 24	Harassment Based on Other Protected Characteristics; Harassment Based on Sexual Orientation and Gender Identity	Materials 261-333
Oct. 1	Sexual Harassment in Education	Materials 334-460
Oct. 8	Sexual Harassment and the First Amendment	Materials 461-524
Oct. 15	Comparative Sexual Harassment Law	Materials 525-555
Oct. 22	Student Presentations	Materials to be distributed

Oct. 29	Student Presentations	Materials to be distributed
Nov. 5	Student Presentations	Materials to be distributed
Nov. 12	Student Presentations	Materials to be distributed
Nov. 19	Student Presentations	Materials to be distributed