

**First Year Seminar 188C**  
**The State of the Family: Constitutional Law**  
**and the American Family**  
**Spring 2009**

Tuesday and Thursday 8:30-10:00 AM – Valentine 202  
Tuesday 2:20-3:50 PM – Valentine 117

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Instructor office hours are by appointment

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Mentor office hours in the WORD Studio in ODY: Sunday 8-11 PM and Wednesday 7-9 PM

### **Overview of the Course**

What power should the state have within the private realm of the family? What rights do parents have to decide how they will raise their children? Does the right to marry apply to opposite sex couples only? In this course, we will examine the controversies that arise when constitutional rights collide with state and federal laws governing the family. We will begin with an exploration of the basic concept of liberty. We will then explore the foundational U.S. Supreme Court cases that established the fundamental right to parent and then look at the situations when recognition of that right is complicated by the alleged abuse and/or neglect of the parents. We will turn then to the right to marry and the debate currently raging in the United States over same-sex marriage. As we explore these issues as a group, you will be exploring another issue about constitutional rights and the family through your own research project. During the last third of the semester, you will be sharing what you have learned with each other through discussions and activities you will lead on the topic of your project.

A major goal of this course is to challenge and expand your critical thinking skills by requiring you to grapple with the texts of actual U.S. Supreme Court cases; you will read the full text of at least seven U.S. Supreme Court cases this semester. Importantly, this course will not give you “the” answer to the Constitutional questions we will explore. Rather it will provide you with some ideas for determining what questions are important and how to find and understand the resources available to construct possible answers of your own.

The content work of the course will generally take place during the Tuesday and Thursday morning sessions. The Tuesday afternoon period will be used mostly for working on your communication skills. Just as the fall was devoted to sharpening your reading, writing and speaking skills in general, the spring will be devoted to sharpening your research skills.

However, we will continue to work on improving your ability to read texts critically and write and speak effectively. One of those Tuesday afternoon meetings will be a library workshop, while others will involve classroom work and others will involve one-on-one conferences with me.

We have an outstanding mentor for this course, Larysa Balysky. Larysa will join us in class about once each week and will be available for several office hours as well. Larysa is a senior psychology major who was in this First-Year Seminar when she was a first-year student; this is the second time she has served as mentor for this class and the fourth time she has been a mentor. Larysa is also a WORD studio tutor. Clearly, she has a ton of experience and expertise to bring to this position. She also has a strong interest in issues regarding families and the law, strong skills and a whole lot of patience. Take advantage of her expertise and her desire to help you reach your potential.

### **First-Year Program Philosophy and Goals 2008-09**

*The First-Year Program has a common philosophy and goals for its courses. All FYP and FYS syllabi contain the statement below that summarizes that philosophy and goals. In the spring, FYS syllabi also contain the goals for the research project. Please read the following carefully and think about these goals as you begin your work in our seminar.*

The First-Year Program (FYP) and First-Year Seminar (FYS) are the first steps in a four-year process of helping you meet the University's Aims and Objectives and the broader goals of a liberal education. The faculty of the FYP and FYS see themselves as partners and mentors in the process of working with you to acquire the intellectual habits of mind, the writing, speaking, and research skills, and the ethical self-reflection that are at the core of a liberal education. The FYP and FYS will ask you to consider new perspectives on the world and your place in it and will challenge you to confront many of the hidden assumptions you bring to college with you. We hope to open you to new ideas, help you to see the complexity of the way in which knowledge gets produced and used in society, and encourage you to see yourself as an active contributor in making the world a better place. The course topics, the texts you will read, listen to, and watch, the in-class and out-of-class activities you will engage in, and the writing, speaking, and research assignments you will work on are all designed to introduce you to the depth of critical thinking and the quality and complexity of the communication skills that will be expected of you at SLU and as a citizen of an increasingly diverse society.

First and foremost among our goals are those related to your abilities as a communicator. The work of the FYP and FYS asks you to design and deliver written, spoken, performed and/or visual texts that demonstrate basic skills in the relevant modes of communication and with an increasing degree of rhetorical sensitivity. Our focus on "rhetorical sensitivity" means that we expect you to cultivate the awareness that all of your communication, whether formal or informal, involves having to make choices about your messages, whether written, spoken, aural or visual. To become a good communicator, you need to recognize that the creation of meaningful and powerful written, spoken, performed, or visual texts involves both a creator and an audience, and that therefore the voice you adopt in your communication, the audience you imagine yourself communicating to, and the social and ethical context of the content, matter a great deal in creating such texts. One important way to become a better communicator is to

become a better critical reader, viewer, and listener, which is why we will ask you to engage challenging materials in a variety of forms and work with you to learn how to interpret them.

Learning to read, listen, write, speak, do research and/or perform well also requires feedback. As faculty, we submit our work for feedback from colleagues all the time, and giving and receiving constructive feedback from both friends and strangers is central to collaborative work in any field and is itself a form of critical thinking and learning. We further recognize that this feedback process is not linear and that good communication requires that you continually rethink, restructure, and revise your work in order for it to be your best. This is why we require that your writing, speaking, and performance assignments be “projects” that include preparatory exercises and multiple drafts or rehearsals, all of which ask you to continue to reflect critically on the choices you have made in the texts that you produce. Furthermore, we see all of these forms of communication as complementary and intertwined, which is why many of your assignments will ask you to integrate elements of the written, spoken, performed, and visual. Finally, developing good habits of critical inquiry and communication also means reflecting on the ethical dimensions of how your work represents that of others, thus one of our goals is to help you to understand both the nature of academic integrity and the social processes by which knowledge is produced and represented.

To ensure that the program is meeting its stated goals, all FYP and FYS syllabi are read by other faculty in the program to determine if they include a variety of assignments that foster the writing, speaking, research, and critical thinking goals of the program. All FYP and FYS courses have to be approved by faculty in the program before they are offered.

### **First-Year Seminar Research Project Learning Goals**

With respect to research skills specifically, our learning goals for the spring are that students should:

- Be introduced to ways of conducting productive and imaginative inquiry and research in order to become a part of the various conversations surrounding issues.
- Learn to differentiate among the various ways that information is produced and presented, between popular and scholarly journals and books, between mainstream and alternative publications, between primary and secondary sources.
- Learn how to evaluate and synthesize information, whether gathered from traditional sources, such as books and journals, or from websites or electronic media.
- Begin to develop the skills of critical analysis in the interpretation and use of information gathered from any source.
- Be introduced to the ethical obligations that scholars have to both responsibly represent their sources and inform their readers of the sources of their information, as well as learning, and being held responsible for the proper use of, the conventions of scholarly citation and attribution.

- Present the results of your research through writing, speaking, visual elements, or other multimedia forms in such a way that you demonstrate the ability to communicate effectively using the rhetorical conventions of the chosen form.

## Course Texts

The following is the list of required readings. The required books are available in the bookstore. Links are provided on Angel to the court cases. Two additional readings will be available on Electronic reserves; I will explain how to access those when those become due. See the course schedule, found later in the syllabus, for when readings are due. You will also be required to complete short readings for the Sharing Your Research Days (see below) that occur later in the semester; for these days, electronic versions of the readings and/or links to the readings will be posted on Angel.

### **Required Books:**

Davis, J. P. (2007). *The Rowman & Littlefield Guide to Writing with Sources* (3<sup>rd</sup> ed.). New York, NY: Rowman & Littlefield Publishers, Inc.

Hacker, D. (2004). *A pocket style manual* (4<sup>th</sup> ed.). New York, NY: Bedford/St. Martin's.

Mill, J.S. (1859/1869/2006). *On Liberty and The Subjection of Women*. New York, NY: Penguin Books.

Perrin, R. (2008). *Pocket guide to APA style* (5<sup>th</sup> ed.). Boston: Houghton-Mifflin.

### **Electronic Reserves:**

Gerstmann, E. (2004). *Same-sex marriage and the Constitution*. New York: Cambridge. [Chapters 4 & 5]

Rauch, J. (2004). *Gay marriage: Why it is good for gays, good for straights, and good for America*. New York: Times Books. [selected sections]

### **U.S. Supreme Court Cases:**

*Deshaney v. Winnebago*, 489 U.S. 189 (1989).

*Lassiter v. Department of Social Services*, 452 U.S. 18 (1981).

*Lawrence v. Texas*, 539 U.S. 558 (2003).

*Meyer v. Nebraska*, 262 U.S. 390 (1923).

*Pierce v. Society of Sisters*, 268 U.S. 510 (1925).

*Prince v. Massachusetts*, 321 U.S. 158 (1944).

*Santosky v. Kramer*. 455 U.S. 745 (1982).

## Assignments and Grades

Assignment	% of Final Grade
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Class preparation and participation – other (including Tuesday PM sessions)	15%
Class preparation and participation – SYR Days	7%
<i>On Liberty</i> case decision and group presentation	10%
Research skills exam	8%
Sharing Your Research assignment	15%
Research project:	
Notes on sources/Précis	10%
Functional outline	10%
Full draft	10%
Final draft	10%
Research binder and reflective essay	5%
	Total of: 100%

Class preparation and participation: The First-Year Program considers students to be partners in the search for knowledge. Much of your learning in this course will occur through articulating your own thoughts, beliefs, and knowledge as well as listening to the ideas of your colleagues. Class participation is also an opportunity for you to practice oral communication skills. As such, you will be asked to engage in more structured speaking as part of our classroom activities on occasion. These dialogues and other oral communication activities in the classroom are central to fulfilling our goals for the course, and I expect every member of the class to engage fully in classroom activities, coming prepared and ready to participate. Attendance and participation will be monitored very closely and on a daily basis.

Simply talking a lot in class is not good participation. Good participation is about the quality and seriousness of your engagement in the course; it is about speaking to *learn* not to hear yourself speak. Quality class participation includes coming to class every day well-prepared, paying attention, making *meaningful* contributions to class discussions, and being a pleasant, productive member of this class. You can participate in the intellectual and social experience of this course in multiple ways, and I will try and provide many different ways for you to participate. Expecting students to speak in class is not meant to penalize those of you who are shy or reticent to speak up. It is meant to reward you for attempting, in your own personal way, to engage in the learning process and to make this class an effective as well as enjoyable intellectual and social experience for you and your fellow students. Note that the above applies to our Tuesday afternoon meetings and the Sharing Your Learning Days as well as our regular Tuesday and Thursday morning classes.

*On Liberty* case decision and group presentation: Our examination of J.S. Mill's *On Liberty* will be foundational to our understanding of liberty—a concept which lies at the center of issues regarding constitutional law and the family. For this project, you will write and revise a paper in which you render a decision on a hypothetical case using Mill's arguments on liberty. In addition, you will work with a group to develop a group decision on this same case which you

will present and discuss with the rest of the class. A separate assignment sheet will be provided on this assignment.

Research skills exam: After you have done the bulk of your research, you will take an exam on the skills necessary to conduct library-based research effectively. The exam will be open book and open notebook. Its purpose is to make sure that you have proficiency in the research skills on which we have been working so that you can then apply them in the future. You find the date of the exam in the course schedule.

Sharing your research (SYR) assignment: A significant component of this class is for you to learn from each other; the SYR assignment is the cornerstone of that learning. Specifically, on several days of class during the second half of the semester (SYR Days), each of you will be responsible for conducting 30 minutes worth of class. You will not be lecturing on your topic, but rather creating an environment wherein your classmates can learn some key lesson about the topic of your research project through their engagement with the topic. Prior to your SYR, you will choose a short (i.e., 5 pages or fewer) reading from your research for everyone to read. I would encourage you to begin thinking about what part or parts of articles or court cases you will use for that purpose early in the research process, so that we can prepare for it in advance. You will be provided with a detailed assignment sheet, and we will spend two class periods preparing for this assignment.

Research project: Obviously we will talk a great deal about the research project during the semester as it is the main assignment of the course. As you can see from the grade table, the project will be broken down into pieces that build toward a complete full draft and revised final draft. The total weight of the research project is 45% of your final course grade. You will complete some graded and some ungraded *but required* assignments for the project. The due dates for each component can be found in the course schedule. We will talk about the various assignments in more detail as they approach, and I will provide you with a separate handout for all but the research question. Here is a quick overview:

Research question: The first part of the project is developing a research question from the topic for your project. A research question is the focused, arguable and researchable question (i.e., the starting point for developing your focused, arguable and researchable thesis) you wish to explore within the topic. For example, a paper on interracial adoption might explore the question of why fewer black families than white families adopt black babies. Or perhaps it could explore the relationship between the efficacy of foster care and interracial adoption. Each topic has a variety of questions you can formulate from it.

Notes on sources and précis: One of the key portions of the research project will be keeping notes on your sources. Rather than providing me with a running bibliography or an annotated bibliography, you will be asked to fill out a worksheet on every source you are considering using for your project. These worksheets are designed to help you begin the process of sifting through the sources you find, evaluating them and determining how useful they may be; they will also help you keep track of the searches that you have conducted and provide you with practice in citation format. You will be asked to turn in worksheets for at least 10 sources during the semester along with histories of your searches. Finally, you will complete a précis (a specific type of summary) for at least two sources that you expect to figure prominently in

your project. You will also turn in a revised version of your research question each time you turn in your notes on sources.

Thesis, claims and evidence: Once the bulk of your research, reading and note-taking is completed, you will begin the process of moving from the body of literature you have amassed to your own scholarly paper. The first step in this process will be to structure your argument. To do so, you will develop a working thesis and will identify the claims that you will need to establish to support that thesis. After you have identified your thesis and claims, you will need to evaluate the evidence for those claims found within the literature you have uncovered. This process will inevitably lead to revising your claims and hence your thesis. Ultimately, you will have the structure of your argument in the form of a thesis, a set of claims, and the support for each claim, which you will submit to me for my feedback. With the thesis, claims and evidence, you will submit a current list of references in American Psychological Association (APA) format; we will discuss APA format extensively in class.

Functional outlines: After creating a structure for your argument, you will then organize that argument through a functional outline. A functional outline is an organizational strategy in which the writer discusses the purpose of each section and each paragraph of his or her paper and the content to be covered. You will turn in two drafts of your functional outline on which I will give you feedback. With the first draft, you will also provide a cover letter, discussing the strengths and weaknesses of your outline at that point, and with both drafts, you will provide an updated list of your references in APA format.

Polished partial or full and final draft: I will provide you with more information on what I mean by a “polished draft” when we are approaching that point in the process, but please note that it certainly does not mean “first draft.” On the other hand, if you have taken good notes on your sources and taken the thesis, claims and evidence and functional outline assignments seriously, the actual drafting of your paper should be comparatively easy. You will have two options with your polished draft—submitting the introduction plus a minimum of 4 additional pages or submitting an entire draft. I encourage you to use the latter option for two reasons: (1) you will thank yourself when finals are upon us and you are simply editing, rather than still drafting, your paper; and (2) you will have the benefit of feedback from me (and possibly Larysa) on more of your paper. However, partial drafts are all that is required. As with the functional outline, you will provide a cover letter with your polished draft. During finals week, you will also turn in a complete, final (for the purposes of this course) draft with your research binder.

Research binder and reflective essay: You will be required to keep all of your research project materials over the course of the semester in a three-ring binder. In that binder, you will keep all assignment sheets, your completed NOS worksheets, search histories, research questions, other notes you take on the sources you are using, copies of all the articles and book chapters on which you take notes (i.e., the sources you will be using for your research paper), all versions of the assignments that you are required to complete as part of the research project (e.g., the functional outline drafts) including those with my feedback on them, and any other notes and record-keeping you do that is relevant to the research project. You will turn in the binder as you hand in various portions of the research project as indicated in the course schedule. Failure to turn in your binder when it is required will affect

your final grade on the research project. This binder is an organizational and pedagogical tool—a place to keep all of the materials relevant to the research project to both improve your own organizational skills that you can then apply to future research projects and to provide me with a convenient way of keeping track of what you're doing. At the end of the semester, you will be required to write a reflective essay on your work this semester, which you will include in the binder when you turn it in for the last time during exams.

## **Course Policies, Resources and Other Information**

Late policies: Unless I announce a schedule change in class or via email, the due dates in this syllabus are to be respected. You can find the dates and times that assignments are due in the course schedule. All late graded work is subject to a 0.25 penalty per 24 hours of lateness (including weekends). Ungraded work that is turned in late will be subject to the following late penalties, which will be deducted from your grade on the final draft of the research project: .15 if received within one day; .2 if received within two days and .25 if received within three days. After three days, ungraded work may not be accepted, and regardless, the penalty will be .5 deducted from your grade on the final draft. Extensions will only be given under extreme extenuating circumstances. Requests for extensions should be made at least 48 hours before the due date.

Changes to the schedule: Although I do not expect changes, it is possible that the order of events on this syllabus may change as the semester progresses due to unforeseen circumstances. I will make every effort to notify you about such changes as soon, and as frequently, as possible. However, it remains your responsibility to be aware of such changes. Attendance in class and reading your email on a regular basis will ensure that you always know of any changes. “I didn't know we changed that” is not a legitimate excuse for late or missing work.

Professionalism: The First-Year Program emphasizes community and close contact between faculty and students. That emphasis has at times been misinterpreted to mean that FYS classrooms are somehow exempt from basic rules of academic courtesy. I do hope we are able to build a relaxed environment that encourages participation and learning, but that does not mean that I or your classmates will tolerate behavior that makes it impossible for others to concentrate on the task at hand. I expect you to demonstrate positive citizenship and to have a professional attitude toward the course by being serious of purpose, attentive to your work, and collegial to your classmates, Larysa and me. Professionalism includes, but is not limited to, such qualities as: turning off cell phones before coming to class; keeping all appointments with me, Larysa and your classmates; knowing and abiding by policies regarding academic honesty; keeping notes and your research binder organized and readily accessible; having assignments ready on the dates they are due; giving classmates detailed, constructive feedback on their work when you are asked to do so; always arriving to class or an appointment with something to write with and something to write on.

A Word about the WORD Studio: The Munn Center for Rhetoric and Communication maintains The WORD Studio in ODY Library—a place to get feedback from peers on assignments in Writing, Oral communication, Research, and Design of visual projects. You can come for a consultation to plan a paper or presentation (you don't need anything but a blank piece of paper!); to find ways to improve the ideas, organization, and style of a draft; to videotape and

review a presentation rehearsal; to practice a PowerPoint presentation, and more. Peer tutors are not proofreaders or editors who silently “fix” your work for you; instead, they are trained to have a conversation with you about ways you can fix problem areas yourself and become better overall communicators. You may use The WORD Studio for consultations on assignments for any of your courses, although for FYP assignments you should first seek out Larysa during her office hours or during her WORD studio hours.

The WORD Studio is open Monday through Thursday, 8:30 a.m. to 11:00 p.m.; Friday, 8:30 a.m. to 4:00 p.m.; and Sunday, 1:00 p.m. to 11:00 p.m. Larysa will provide the class with her particular hours once her schedule is set. You may also IM the Studio during regular hours with quick questions about grammar, citation, and style: *SLUword*.

Academic integrity: I expect all students to abide by the Academic Honor Code of St. Lawrence. Below is the language of the code you were asked to sign in the fall. Read it again now to remind yourself of what it means to be a member of an academic community.

### **The Academic Honor Code**

All students at St. Lawrence University are bound by honor to maintain the highest level of academic integrity. By virtue of membership in the St. Lawrence community, every student accepts the responsibility to know the rules of academic honesty, to abide by them at all times, and to encourage all others to do the same.

Responsibility for avoiding behavior or situations from which academic dishonesty may be inferred rests entirely with the students. Students should be sure to learn from faculty what is expected as their own work and how the work of other people should be acknowledged.

**Academic Dishonesty, according to the *Student Handbook***: includes any dishonest conduct in connection with any academic (including research) course, program, or work.

1. It is assumed that all work submitted for credit is done by the student unless the instructor gives specific permission for collaboration.
2. Cheating on examinations and tests consists of knowingly giving or using, or attempting to use unauthorized assistance during examinations or tests.
3. Dishonesty in work outside of examinations and tests consists of handing in for credit as original work that which is **not** original, where originality is required.
4. Falsifying research methods, data, and/or results constitutes academic dishonesty.

#### **The following constitute examples of academic dishonesty:**

a) *Plagiarism*: Presenting as one’s own work the work of another person—words, ideas, data, evidence, thoughts, information, organizing principles, or style of presentation — without proper attribution. Plagiarism includes paraphrasing or summarizing without acknowledgment by quotation marks, footnotes, endnotes, or other indices of reference (cf. Joseph F. Trimmer, *A Guide to MLA Documentation*).

b) Handing in false data, reports or results in connection with any research project or experiment.

c) Handing in a book report on a book one has not read.

d) Falsification of attendance records of a laboratory or other class meeting.

e) Supplying information to another student knowing that such information will be used in a

dishonest way.

f) Submission of work (papers, journal abstracts, etc.) which has received credit in a previous course to satisfy the requirement(s) of a second course without the knowledge and permission of the instructor of the second course.

g) The above list is not exhaustive. In the event there is a question as to whether alleged conduct falls within the scope of the Academic Honor Code, the vice president and dean of academic affairs' determination shall be final.

Claims of ignorance and academic or personal pressure are unacceptable as excuses for academic dishonesty. Students must learn what constitutes one's own work and how the work of others must be acknowledged." (*St. Lawrence University 2008–2009 Student Handbook*, pp. 149–154.)

All intentional and unintentional acts of academic dishonesty may result in disciplinary action. Recommendations of disciplinary action may include a failing grade on the work in question, a failing grade in the course, disciplinary probation, suspension from the University, or expulsion from the University.

More information on academic integrity, including the Academic Honor Council's Constitution, can be found at: [www.stlawu.edu/acadaffairs/academicintegrity.htm](http://www.stlawu.edu/acadaffairs/academicintegrity.htm). For information about academic integrity or the Academic Honor Council issues, contact the Dean's Office at x5993.