

Sexual Harassment Law: History, Cases, and Practice, Second Edition

by Jennifer Ann Drobac, Carrie N. Baker, Rigel C. Oliveri

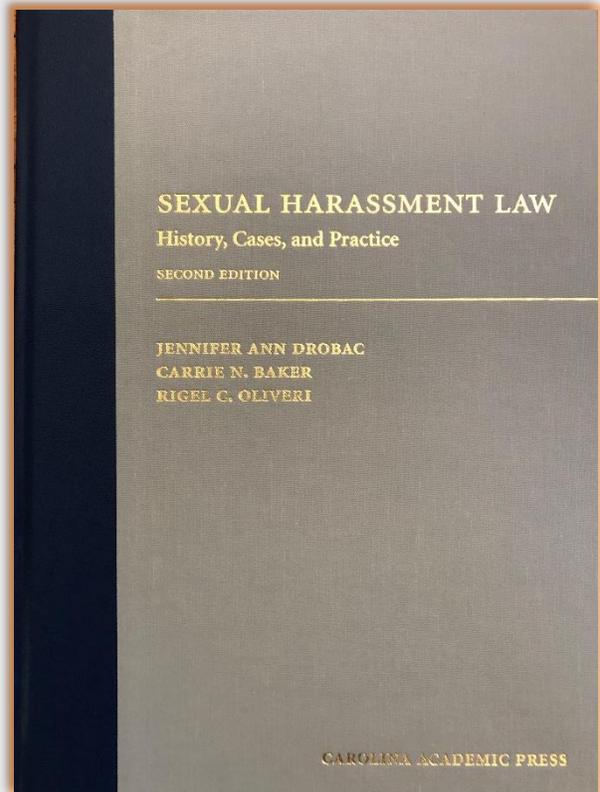
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Sexual Harassment Law: History, Cases, and Practice traces the development of American law, practice strategies, and legal reasoning on sexual harassment in employment, education, housing, prisons, the military, online and in public. In addition to careful analysis of relevant law, this textbook examines topics such as press coverage, extralegal responses to misconduct, free speech defenses, and mandatory arbitration, among others.

The book begins with an examination of the legal and theoretical developments of sexual harassment law in the 1970s and 1980s, including the early interpretation of the sex discrimination prohibition in Title VII of the 1964 Civil Rights Act and the initial rejection of the notion that Title VII prohibits sexual harassment. Following the shifting tide that resulted in the understanding that sexual harassment was sex discrimination, the text credits, in part, early feminist activists and scholars who facilitated that shift and the necessary recognition of the plight of many female workers.

Throughout, *Sexual Harassment Law* incorporates intersectional perspectives, focusing on how gender, race, class, and other aspects of identity intersect to shape people's experience of sexual harassment. The text also explores historical and contemporary examples of the intersectionality of sexual harassment, from the Anita Hill/Clarence Thomas hearings of 1991 to the contemporary abuse of immigrant farmworker women and low-wage restaurant workers.

Delving into law and practice, the text explores the elements of the plaintiff employees' prima facie case, employer liability for harassment by supervisors and other employees, affirmative defenses, and remedies, including equitable relief, damages, and attorney's fees. These chapters demonstrate how courts have interpreted the law narrowly to deny relief to many people experiencing sexual harassment. The book then turns sexual harassment law in other contexts, including at educational institutions under Title IX of the 1972 Educational Amendments to the Civil Rights Act, which courts have interpreted even more narrowly than Title VII; sexual harassment law in housing under the Fair Housing Act; and sexual harassment in the highly regimented environments of prisons and the military. Chapter 9 examines street harassment and online harassment,



traditional defenses, including the assertion of First Amendment free speech protection, and the exploitation of a plaintiffs' sexual history. This chapter highlights how media coverage of sexual harassment cases can influence the course of litigation.

In the final chapter, the book explores the rise of the #MeToo movement and calls for reform of sexual harassment law to expand coverage, close loopholes, and make the law more effective.

This book incorporates legal theory and practice considerations into every chapter and includes ethics hypotheticals at the end of each chapter to incorporate the study of professional responsibility into this examination of sexual harassment law. Redrafted to spark engaging conversation and further inquiry, this textbook encourages visionary reexamination of sexual harassment in the United States.

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