Teachers College Columbia University

CCPX 4199

Psychology, Law & Sexualized Violence

Fall 2021

Thursdays 1:00 pm – 2:40 pm

Grace Dodge Hall 281

B.J. Cling, Ph.D., J.D.

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Office Hours: Thursdays after Class by Appointment

# Course Description:

This course explores the intersection of the field of Psychology with the field of Law, specifically around sexual harms to women and children.   In particular it looks at rape, interpersonal violence, sexual harassment and the Me Too movement, sex trafficking, stalking, and child sexual abuse and Megan’s Law  (requiring sex offenders to register).  This class is taught through lecture, interactive role-playing, class presentations and an original research paper.

About the Instructor:

Dr. Cling is a licensed clinical psychologist and an attorney in New York and California. She has a general clinical practice and specializes in forensic clinical psychology. She works with the courts on matters involving divorce, child custody, immigration, interpersonal violence and sex trafficking among other issues.

Course Objectives:

Upon completion of this course, you will be able to:

1. Demonstrate knowledge of general legal and ethical issues within forensic psychology;

1. Demonstrate knowledge of current professional issues and standards related to sexualized violence against women and children;
2. Demonstrate an understanding of relevant law and how it relates to psychological evaluations;
3. Demonstrate an understanding of roles and functions of various professionals within the broader field of forensic psychology;
4. Demonstrate knowledge of current controversial forensic issues and the ability to critically discuss these issues;
5. Demonstrate ability to work with these concepts in a simulated clinical setting; and
6. Demonstrate ability to research a forensic topic in depth.

Attendance:

This course consists of lectures, discussions, student presentations, and videos. Participation is paramount in this type of current and evolving issues course. Therefore, *attendance is critical and mandatory*. If you have to miss a class, please get notes from another student. Absence from more than one class requires a documented compelling reason. Excessive absence may result in grade reduction.

Regarding Religious Holidays:

*It is the policy of Teachers College to respect its members’ observance of their major religious holidays. Where academic scheduling conflicts prove unavoidable, no student will be penalized for absence due to religious reasons, and alternative means will be sought for satisfying the academic requirements involved.* Personally, I ask that you inform me in advance of dates you will be absent due to major religious holidays. In the same vein, please also inform me of any other times you may be absent.

Services for Students with Disabilities:

*The College will make reasonable accommodations for persons with documented disabilities.  Students are encouraged to contact the Office of Access and Services for Individuals with Disabilities for information about registration (166 Thorndike Hall). Services are available only to students who are registered and submit appropriate documentation.  As your instructor, I am happy to discuss specific needs with you as well.*

College Communication:

*Teachers College students have the responsibility for activating the Columbia University Network ID (UNI), which includes a free Columbia email account.   As official communications from the College – e.g., information on graduation, announcements of closing due to severe storm, flu epidemic, transportation disruption, etc. -- will be sent to the student’s Columbia email account, students are responsible for either reading email there, or, for utilizing the mail forwarding option to forward mail from their Columbia account to an email address which they will monitor.*

Incompletes: *The grade of Incomplete will be assigned only when the course attendance requirement has been met but, for reasons satisfactory to the instructor, the granting of a final grade has been postponed because certain course assignments are outstanding.  If the outstanding assignments are completed within one calendar year from the date of the close of term in which the grade of Incomplete was received and a final grade submitted, the final grade will be recorded on the permanent transcript, replacing the grade of Incomplete, with a transcript notation indicating the date that the grade of Incomplete was replaced by a final grade.  If the outstanding work is not completed within one calendar year from the date of the close of term in which the grade of Incomplete was received, the grade will remain as a permanent Incomplete on the transcript.*

Sexual Harassment and Violence Reporting:

*Teachers College is committed to maintaining a safe environment for students. Because of this commitment and because of federal and state regulations, we must advise you that if you tell any of your instructors about sexual harassment or gender-based misconduct involving a member of the campus community, your instructor is required to report this information to the Title IX Coordinator, Janice Robinson. She will treat this information as private, but will need to follow up with you and possibly look into the matter. The Ombuds officer for Gender-Based Misconduct is a confidential resource available for students, staff and faculty. “Gender-based misconduct” includes sexual assault, stalking, sexual harassment, dating violence, domestic violence, sexual exploitation, and gender-based harassment. For more information, see* [*http://sexualrespect.columbia.edu/gender-based-misconduct-policy-students*](http://sexualrespect.columbia.edu/gender-based-misconduct-policy-students)*.*

Emergency Preparedness:

*TC is prepared for a wide range of emergencies.  After declaring an emergency situation, the President/Provost will provide the community with critical information on procedures and available assistance.  If travel to campus is not feasible, instructors will facilitate academic continuity through Canvas and other technologies, if possible.*

* *It is the student's responsibility to ensure that they are set to receive email notifications from TC and communications from their instructor at their TC email address.*
* *Within the first two sessions of the course, students are expected to review and be prepared to follow the instructions stated in the emergency plan.*
* *In the event of an emergency that requires the cancellation of classes, please download or obtain all available scheduled readings for the course.*

Evaluation: The grades will be based on the following point system:

Exams: 30 points (15 points each)

Final Paper: 40 points

Presentation: 15 points

Class Participation 15 points

Total 100 Points

Points will be converted to final letter grades using the following standard:

94 & up A

90-93 A-

87-89 B+

84-86 B

80-83 B-

77-79 C+

74-76 C

70-73 C-

Exams:

There are 2 exams which will be a series of short essays based on the subjects covered in class up to that point. Both are take-home, open book and open note exams. These exams are designed to measure whether you understand the class material. They will be available on Canvas as soon as the material is covered. They are due on Canvas one week later, at the beginning of class.

### Final Paper:

There will be one final paper for this course, based on a thorough review of the literature

of an area of the student’s choosing that goes beyond the material covered in class. A non-exhaustive list of possible topics will be provided. There must be prior approval of the topic selected. The paper should be approximately 8-10 typed, single-spaced pages (double spaces between the paragraphs), and will serve to update the chosen topic in terms of recent cases and psychological and legal writing in this area. There should be at least 10 academic sources cited. Papers should be posted to Canvas, and are due at the beginning of class on the last day. A hand-out with more specific details will be made available.

Presentation:

Each student will make a short, 10 minute class presentation of a preliminary version of the final paper. This will enable the class to benefit by their research, and will allow feedback on the paper before it is due. Students will prepare a 1-page outline of their presentation for distribution in class. Power points are encouraged. The presentation should be a short, outline form of the topic. A working knowledge of material of the presentation is required. Therefore, students may use notes but may not read the presentation aloud. A handout with more specific details will be made available.

Academic Honesty:

You are required to do your own work on all class assignments, papers, and exams. Plagiarism in any form is unacceptable, and will be reported to the College administration. If you are unclear as to whether something constitutes plagiarism, discuss it with me (well before handing it in).

Use of Electronic Devices:

Use of personal computers in class is allowed with the exception of texting and other communication during class. If electronic devices become a distraction I reserve the right to request that they be shut down. Phones are not allowed in class. If you expect an urgent call, put your phone on silent mode and step outside to handle emergencies.

COVID Safety: Instructors, students, and staff are a crucial part of keeping COVID-19 numbers low, and supporting the College’s commitment to providing all members of its community with a safe, healthy, and supportive environment.  Therefore, masks are required to be worn, covering the mouth and nose, in all classrooms and all buildings on Teachers College’s campus. All students who fail to comply, will be asked to leave the class immediately and report to the Vice Provost for Student Affairs.

SYLLABUS

Reading (basic texts):

1. Melton, G., Petrila, J., Poythress, N., Slobogin, C., Otto, R., Mossman, D. & Condie, L. (2018). *Psychological Evaluations for the Courts. A Handbook for Mental Health Professionals and Lawyers* *(4th Ed.)*. New York: The Guilford Press.
2. Cling, B.J., ed. (2004). *Sexualized Violence Against Women and Children: A Psychology*

*and Law Perspective.* New York, NY: The Guilford Press.

1. The New York Times (daily and weekend) with special attention to the Metro section.
2. Additional readings (see list below and posted on Canvas)
3. Recommended additional texts:

Stark, E. (2007), *Coercive Control: How Men Entrap Women in Personal Life.* New York:

Oxford University Press,

Kantor, J. & Twohey, M. (2019). *She Said: Breaking the Sexual Harassment Story That*

*Helped Ignite a Movement*. New York, NY: Penguin Press.

Class Meetings & Topics: The following represents the topics covered. See the table below for the related readings.

9/09 1. Introduction.

9/16 2. The Structure of our Legal System. Expert WitnessTestimony.

9/23 3. The law of rape and Rape Trauma Syndrome (PTSD) as medical evidence of non-

consent.

9/30 4. The law of rape and Rape Trauma Syndrome as medical evidence of non-consent.

10/07 5. Interpersonal Violence, Coercive Control, Battered Woman Syndrome and the law

of self-defense.

10/14 6. Interpersonal Violence, Coercive Control, Battered Woman Syndrome and the law of self-defense.

10/21 7. Traumatic Bonding; Domestic Violence Survivors Justice Act (DVSJA).

(Exam #1 available)

10/28 8. Sexual Harassment & the Me Too Movement. (Exam #1 due 1:00 pm)

11/04 9. Sexual Harassment & the Me Too Movement.

11/11 10. Sex Trafficking.

11/18 11. Stalking

11/25 No Class/Thanksgiving

12/02 12. Child Sexual Abuse and Megan’s Law (registration of sex offenders) (Exam #2

available)

12/09 13. Class Presentations (Exam #2 due 1:00 pm)

12/16 14. Class Presentations

12/23 15. Summary. (Final Papers due 1:00 pm).

Readings, Exams & Assignments by Date

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date | Topics | Readings | Exams | Assign-ments |
| 9/09 | Introduction |  |  |  |
| 9/16 | Structure of Legal System  Expert Witness Testimony | Melton, *Psych. Eval*., Ch. 2,  U.S. Code  Rules of Evidence  Article VII  (U.S.C. 701-801). |  |  |
| 9/23 | Rape and Rape Trauma Syndrome (PTSD) | Cling, *Sex.Viol*., Ch. 2*,*;  DSM-V;  Kintzle, *Sexual trauma in the military*;  Pederson, *The new rape.* |  |  |
| 9/30 | Rape and Rape Trauma Syndrome (PTSD) |  |  |  |
| 10/07 | Interpersonal Violence, Coercive Control, Battered Woman Syndrome and the Law of Self Defense | Cling, *Sex.Viol*., Ch. 3 & 4;  Davis, *Lawyer’s Manual on DV*, Chap. 3*;*  Bancroft, *Batterer as* Parent, Ch. 2*;*  Dutton, M., *Empowering the Battered Woman*, Ch. 2;  Stiles-Shields, *Same-sex DV*;  Koshan, *COVID-19* *& DV*;  Flock, *Abused women*. |  |  |
| 10/14 | Interpersonal Violence, Coercive Control, Battered Woman Syndrome and the Law of Self Defense |  |  |  |
| 10/21 | Traumatic Bonding;  Domestic Violence Survivors Justice Act (DVSJA) | Cling, *Traumatic Bonding*;  *DVSJA;*  Case material (I.P.). | Exam #1 available |  |
| 10/28 | Sexual Harassment and the Me Too Movement | Cling, *Sex.Viol*, Ch, 6;  MacKinnon, *Sexual* Harassment, pp. 116-118;  Farrow, *From aggressive overtures*;  Kantor, *Harvey Weinstein;*  Kantor, *She Said*, Ch.1;  Dionisi, *Workplace aggression*;  Yoon, *College women*.  Fitzgerald, *21st Century*. | Exam #1 due (1:00 pm) |  |
| 11/04 | Sexual Harassment and the Me Too Movement |  |  |  |
| 11/11 | Sex Trafficking | Goodman, *Lawyer’s Manual on Trafficking*, Ch. 2;  Moran, *Paid For, Ch. 1;*  Claude, *Targeting the sex buyer;*  Hopper, *Psychological symptoms*;  Cecchet, *Psychological experience*;  Nichols, *Identifying and prosecuting sex trafficking*; |  |  |
| 11/18 | Stalking | Cling, *Sex.Viol*. Ch.5;  Beagle, *Modern stalking laws*;  Lyndon, *Facebook stalking*;  Cavezza, *Cyberstalking v. off-line stalking*;  Korkodeilou, *No place to hide*;  Knight, *Stalking and Cyberstalking*; |  |  |
| 11/25 | No Class - Thanksgiving |  |  |  |
| 12/02 | Child Sexual Abuse and Megan’s Law (registration of sex offenders) | Cling, *Sex.Viol*., Ch. 7 & 8;  Bonnar-Kidd, *Sexual offender laws*;  O’Leary, *Severe child sexual abuse*;  Hailes, *Long-term outcomes*;  Lewis, *Impact of child sexual abuse*;  Easton, *Masculine norms.* | Exam #2 available |  |
| 12/09 | Class Presentations |  | Exam #2 due (1:00 pm) | Class Present-ations |
| 12/16 | Class Presentations |  |  | Class Present-ations |
| 12/23 | Summary |  |  | Final Paper due (1:00 pm) |

Complete Reading List (by topic):

Legal System

Melton, G., Petrila, J., Poythress, N., Slobogin, C., Otto, R., Mossman, D. & Condie, L. (2018). *Psychological Evaluations for the Courts. A Handbook for Mental Health Professionals and Lawyers* *(4th Ed.)*. New York: The Guilford Press.Chapter 2, *An Overview of the Legal System: Sources of Law, the Court System, and the Adjudicative Process*.

United States Code Annotated, Rules of Evidence for United States Courts and Magistrates, Rules 701 to 801 (handout)

Rape

Cling, B.J., ed. (2004). *Sexualized Violence Against Women and Children: A Psychology and Law Perspective.* New York, NY: The Guilford Press.

-- Chapter 2, *Rape and Rape Trauma Syndrome.*

Kintzle, S., Schuyler, A. C., Ray-Letourneau, D., Ozuna, S. M., Munch, C., Xintarianos, E., Hasson, A. M., & Castro, C. A. (2015). Sexual trauma in the military: Exploring PTSD and mental health care utilization in female veterans. Psychological Services, 12(4), 394–401.

Pedersen, E. (2016). The new rape: Proposal of comprehensive rape law reform to increase rape convictions in cases of acquaintance rape. UMKC Law Review, 84(4), 1111-1132. <https://www.frontiersin.org/articles/10.3389/fpsyg.2018.02422/full>

*Diagnostic and Statistical Manual of Mental Disorders (5th Ed.)*. Posttraumatic Stress Disorder 309.81 (F43.10) (271-274).

*Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923) (for reference)

*Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) (for reference)

Suggested Background Reading:

Russell, D. (1998). *Dangerous Relationships: Pornography, misogyny, and rape.* Thousand Oaks, CA: Sage Publications.

Interpersonal Violence

Cling, B.J., ed. (2004). *Sexualized Violence Against Women and Children: A Psychology and Law Perspective.* New York, NY: The Guilford Press.

-- Chap. 3, *Battered Woman Syndrome: Clinical Features, Evaluation, and Expert Testimony.*

-- Chap. 4, *Battered Women Who Strike Back: Using Expert Testimony on Battering and Its Effects in Homicide Trials.*

Davis, M., Leidholdt, D. and Watson, C. (2015), *Lawyer’s Manual on Domestic Violence: Representing the Victim (6th Ed.)*. New York, NY: Supreme Court of the State of New York, Appellate Division, First Department.

-- Chap. 3, *Interviewing and Assisting Domestic Violence Survivors.*

Bancroft, L. and Silverman, J. (2002), *The Batterer as Parent: Addressing the impact of domestic violence on family dynamics.* Thousand Oaks, CA: Sage Publications.

-- Chap. 2, Power Parenting: The Batterer’s Style with Children.

Dutton, M. (1992), *Empowering and Healing the Battered Woman: A Model for Assessment and Intervention.* New York, NY: Springer Publishing. [classic text]

-- Chap. 2, *Understanding the Nature and Pattern of Abusive Behavior.*

Stiles-Shields, C., & Carroll, R. A. (2014). Same-sex domestic violence: Prevalence, unique aspects, and clinical implications. *Journal of Sex & Marital Therapy*, *41*(6), 636–648. <https://www.researchgate.net/publication/265394264_Same-Sex_Domestic_Violence_Prevalence_Unique_Aspects_and_Clinical_Implications>

Koshan, J., Mosher, J. & Wiegers, W., *COVID-19, the Shadow Pandemic, and Access to Justice for Survivors of Domestic Violence*, 57 Osgoode HALL L. J. 739 (2020). <https://digitalcommons.osgoode.yorku.ca/ohlj/vol57/iss3/8/>

Flock, E. (2020), How Far Can Abused Women Go to Protect Themselves?, *The New Yorker*, (Jan. 20, 2020) <https://www.newyorker.com/magazine/2020/01/20/how-far-can-abused-women-go-to-protect-themselves>

Suggested Background Reading:

Stark, E. (2007), *Coercive Control: How Men Entrap Women in Personal Life.* New York, NY: Oxford University Press.

Bancroft, L. and Silverman, J. (2006), Assessing Risk to Children from Batterers*.* *Commission on Domestic Violence Quarterly E-Newsletter, 4,* 1- 15.

Edelson, J. (1999), Children’s Witnessing of Adult Domestic Violence, *Journal of Interpersonal Violence, 14 (8),* 839-868.

Browne, A. (1987), *When Battered Women Kill*. New York: The Free Press [classic text]

Traumatic Bonding

Cling, B.J., Traumatic Bonding. *Fordham Law School – Ferrick Center for Social Justice*, New York State’s Campaign Against Sex Trafficking: What’s Next? October 5, 2012. (presentation, unpublished)

Domestic Violence Survivors Justice Act (DVSJA) (informational PowerPoint prepared by Weil, Gotshal & Manges, LLP)

DVSJA case material (case of I.P.)

Sexual Harassment & Me Too

Cling, B.J., ed. (2004). *Sexualized Violence Against Women and Children: A Psychology and Law Perspective.* New York, NY: The Guilford Press.

-- Chapter 6, *Sexual Harassment in the Workplace: A Legal and Psychological Framework.*

MacKinnon, C. (1979), *Sexual Harassment of Working Women*. New Haven, CA: Yale University Press [classic text] Legal Context: Sex Inequality 116-118.

Kantor, J. & Twohey, M. (2017) Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades. *The New York Times* (October 5, 2017) <https://www.nytimes.com/2017/10/05/us/harvey-weinstein-harassment-allegations.html>

Farrow, R. (2017) From Aggressive Overtures to Sexual Assault: Harvey Weinstein’s Accusers Tell Their Stories. *The New Yorker* (October 23, 2017) <https://www.newyorker.com/news/news-desk/from-aggressive-overtures-to-sexual-assault-harvey-weinsteins-accusers-tell-their-stories?verso=true>

Kantor, J. & Twohey, M. (2019) *She Said.* New York: Penguin Press.

Dionisi, A. M., Barling, J., & Dupré, K. E. (2012). Revisiting the comparative outcomes of workplace aggression and sexual harassment. Journal of Occupational Health Psychology, 17(4), 398–408.

Yoon, E., Funk, R. and Kropf, N., (2010). Sexual harassment experiences and their Psychological Correlates among a diverse sample of college women. *Affilia: Journal of Women and Social Work, 25(1)*, 8-18.

Fitzgerald, L. F., & Cortina, L. M. (2018). Sexual harassment in work organizations: A view from the 21st century. In C. B Travis, J. W. White, A. Rutherford, W. S. Williams, S. L. Cook, & K. F. Wyche (Eds.), APA handbook of the psychology of women: Perspectives on women's private and public lives (pp. 215–234). American Psychological Association.

Sex Trafficking

Goodman, J. and Leidholdt, D. (2013), *Lawyer’s Manual on Human Trafficking: Pursuing Justice for Victims* . New York, NY: Supreme Court of the State of New York, Appellate Division, First Department.

-- Chap. 2, *Defining and Identifying Human Trafficking.*

Moran, R. (2013), *Paid For: My Journey Through Prostitution.* Dublin: Gill & Macmillan.

-- Chap. 1. The First Question.

Cling, B.J. (2019), Sex Trafficking, Abuse and Traumatic Bonding. *Misconceptions: from Catfished to Trafficked -* Human Trafficking Task Force, Kings County District Attorney’s Office, January 15, 2019.

Claude, K. (2010), *Targeting the Sex Buyer: The Swedish Example: Stopping Prostitution and Trafficking Where It All Begins.* Salna,Sweden: intellecta infolog.

Mathieson (2015), Prostitution Policy: Legalization, Decriminalization and the Nordic Model. *Seattle Journal for Social Justice, 14(2)* 366-428.

Hopper, E. K., & Gonzalez, L. D. (2018). A comparison of psychological symptoms in survivors of sex and labor trafficking. *Behavioral Medicine*, *44*(3), 177–188.

Cecchet, S. J., & Thoburn, J. (2014). The psychological experience of child and adolescent sex trafficking in the United States: Trauma and resilience in survivors. Psychological Trauma: Theory, Research, Practice, and Policy, 6(5), 482–493.

Nichols, A. J., & Heil, E. C. (2014). Challenges to identifying and prosecuting sex trafficking cases in the midwest united states. *Feminist Criminology*, *10*(1), 7–35.

Stalking

Cling, B.J., ed. (2004). *Sexualized Violence Against Women and Children: A Psychology and Law Perspective.* New York, NY: The Guilford Press.

-- Chap. 5, *Stalking.*

Beagle, A. (2011), *Modern Stalking Laws: A Survey of State Anti-Stalking Statutes Considering Modern Mediums and Constitutional Challenges*, 14(2) Chapman L. Rev. 457. <https://digitalcommons.chapman.edu/cgi/viewcontent.cgi?article=1242&context=chapman-law-review>

Lyndon, A., Bonds-Raacke, J. and Cratty, A. (2011), *College Students’ Facebook Stalking of Ex-partners*, Cyberpsychology, Behavior, and Social Networking. Dec 2011.711-716.

Cavezza, C., & McEwan, T. E. (2014). Cyberstalking versus off-line stalking in a forensic sample. *Psychology, Crime & Law*, *20*(10), 955–970.

Korkodeilou, J. (2016). ‘No place to hide.’ *International Review of Victimology*, *23*(1), 17–32.

Knight, M. A. (2014). Stalking and cyberstalking in the united states and rural south dakota: Twenty-four years after the first legislation. South Dakota Law Review, 59(2), 392-[ii].

Child Sexual Abuse/Megan’s Law

Cling, B.J., ed. (2004). *Sexualized Violence Against Women and Children: A Psychology and Law Perspective.* New York, NY: The Guilford Press.

-- Chap. 7, *Child Sexual Abuse.*

-- Chap. 10, *Megan’s Law. New Protections Against Sex Abuse.*

*Kansas v. Hendricks*, 521 U.S. 346 (1997) (for reference)

Bonnar-Kidd, K. (2010) Sexual Offender Laws and Prevention of Sexual Violence or Recidivism, *Am. J. Public Health 100(3)* 412-419. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2820068/>

O'Leary, P., Coohey, C., & Easton, S. D. (2010). The effect of severe child sexual abuse and disclosure on mental health during adulthood. *Journal of Child Sexual Abuse*, *19*(3), 275–289.

Hailes, H. P., Yu, R., Danese, A., & Fazel, S. (2019). Long-term outcomes of childhood sexual abuse: An umbrella review. *The Lancet Psychiatry*, *6*(10), 830–839. <https://doi.org/10.1016/s2215-0366(19)30286-x>

Lewis, T., McElroy, E., Harlaar, N., & Runyan, D. (2016). Does the impact of child sexual abuse differ from maltreated but non-sexually abused children? A prospective examination of the impact of child sexual abuse on internalizing and externalizing behavior problems. *Child Abuse & Neglect*, *51*, 31–40.

Easton, S. D. (2014). Masculine norms, disclosure, and childhood adversities predict long-term mental distress among men with histories of child sexual abuse. *Child Abuse & Neglect*, *38*(2), 243–251.