

## LEGAL REGULATION OF SEXUAL BEHAVIOURS: TAKE-HOME TEST

**This test is a take-home test for you to do at home (or computer lab, or library). We will not meet in class on February 28 so that you can work on the test.**

You are not permitted to consult with anyone about the case or its analysis. You should be able to do very well on this test without doing any outside research. Except for clarification issues, please do not ask me questions about the test. As a matter of fairness, I do not want to give answers to some students that others do not have the benefit (or detriment) of hearing. You will simply have to use your own judgment about how to handle any possible difficulties.

**Submission:** You need to hand in this evaluation personally on March 7, 2019 at 7 pm IN CLASS. There are no other submission dates or places.

### 1. Write a judicial opinion

Suppose that film critic David Edelstein files a wrongful termination lawsuit against NPR. You are the judge of the case. Write the judicial opinion. You don't have to do outside research for this. Prepare your opinion based on what was discussed in class. As authority, precedents, laws, and rules you may ONLY use the materials that we have discussed in class. This includes the rules, theories, topics analyzed in class, students' contributions to class discussions, articles that we read, including, without limitation, Laura Kipnis' article on this issue, videos that we watched, and scenarios that we analyzed in class, among others. A material that is on the course website or course outline but that was not actually discussed in class may NOT be used.

### 2. Case

Ashley, aged 23, needed a ride from the Sault to Sudbury. She asked her neighbour, John, aged 30, to give her a ride to Sudbury on Saturday. She told him that if he gave her a ride to Sudbury on Saturday she would have sex with him. John doesn't have a car and doesn't have money to rent one. But he liked the idea of sex with Ashley. So, he said he would take her to Sudbury. They had sex. On Saturday, John told Ashley that he had no car and that she had to find someone else to take her to Sudbury. John was tried for sexual assault. You are the judge of the case. Write the judicial opinion. You don't have to do outside research for this. Prepare your opinion based on what was discussed in class. As authority, precedents, laws, and rules you may ONLY use the materials that we have discussed in class. This includes the rules, theories, topics analyzed in class, students' contributions to class discussions, articles that we read, including, without limitation, the article on this issue, videos that we watched, and scenarios that we analyzed in class, among others. A material that is on the course website or course outline but that was not actually discussed in class may NOT be used.