

## R. SHEP MELNICK

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226 McGuinn Hall  
Boston College  
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Amherst, NH 03031  
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## PROFESSIONAL EXPERIENCE

1997- Thomas P. O'Neill, Jr. Professor of American Politics, Political  
Science Department, Boston College  
1993-97 Professor, Brandeis Politics Department  
1996-97 Visiting Professor, Harvard Government Department  
1993-96 Chair, Brandeis Politics Department  
1984-93 Associate Professor (tenured), Brandeis Politics Department  
1990 Visiting Professor, Harvard Government Department  
1981-94 Associated Staff, Brookings Institution  
1981-84

B.A., magna cum laude in Social Studies, Harvard

### Between the Lines: Interpreting Welfare Rights

Graduate Teaching and Mentoring Award, Boston College Graduate School of  
Arts and Sciences, 2017

Donovan Award for best faculty paper at 2009 Annual Meeting of the New  
England Political Science Association

President, New England Political Science Association (NEPSA), 2000-2001

Research grants from Smith Richardson Foundation, Earhart Foundation, Searle  
Freedom Trust, and AEI's National Research Initiative

Toppan Prize (best Harvard Government Department dissertation), 1980

Research Fellowship, Brookings Institution, 1978-79

Bennett Prize (best Harvard American Government undergraduate thesis), 1973

Phi Beta Kappa, Junior Twelve, Harvard, 1972

## PUBLICATIONS

### Books:

The Transformation of Title IX: Regulating Gender Equality in Education  
(Brookings, 2018)

Taking Stock: American Government in the Twentieth Century, co-edited with  
Morton Keller (Woodrow Wilson Center and Cambridge Press, 1999)

Between the Lines: Interpreting Welfare Rights (Brookings, 1994)

Regulation and the Courts: The Case of the Clean Air Act (Brookings, 1983)

### Articles and chapters:

“Analyzing the Department of Education’s final Title IX rules on sexual  
misconduct,” Brookings Report, June 11, 2020

“The Title IX Spotlight Shifts from the Campus to the Schoolhouse,” Education  
Next, May 27, 2020

“Desegregation, Then and Now,” National Affairs, Winter, 2020

“The Mismeasure of ‘Enforcement,’” Education Next Blog, February, 2020,  
[educationnext.org/mismeasure-of-enforcement-civil-rights-commission-  
2019-report/](http://educationnext.org/mismeasure-of-enforcement-civil-rights-commission-2019-report/)

“The Department of Education’s Proposed Sexual Harassment Rules: Looking  
Beyond the Rhetoric,” Brookings Brief, January, 2019

“New Title IX Rules Require Hearings and Cross-examination in Colleges, not  
High Schools,” Education Next, January, 2019

“Regulating Identity,” Law and Liberty, January, 2019

“Rethinking Federal Regulation of Sexual Harassment: The Need for Debate,  
not Demagoguery in the Age of Trump,” Education Next, Winter, 2018

“The Strange Evolution of Title IX,” National Affairs, Summer, 2018

“Sexual Harassment and the Evolving Civil Rights State,” in Lynda Dodd, ed.,  
The Rights Revolution Revisited: Institutional Perspectives on the Private  
Enforcement of Civil Rights in the U.S. (Cambridge, 2018)

“Scalia’s Dilemmas as a Conservative Jurist,” in Paul E. Peterson and Michael  
W. McConnell, eds., Scalia’s Constitution: Essays on Law and Education  
(Palgrave Macmillan, 2018)

“Rethinking Federal Regulation of Sexual Harassment: The Need for Debate,  
not Demagoguery in the Age of Trump,” Education Next, Winter, 2018

“The Sex Bureaucrats are Dug In,” Library of Law and Liberty, August, 2017,  
linked in RealClearPolicy

“Is the Trump Education Department Really ‘Rolling Back’ Civil Rights?”  
Education Next Blog, June, 2017, linked in RealClearEducation

“How Civil Rights Enforcement got Swept into the Culture Wars, and What a  
New Administration can do about it,” Hechinger Report, March, 2017,  
reprinted in the Washington Monthly and Education Next

- “Adversarial Legalism, Civil Rights, and the Exceptional American State,” in Thomas Burke and Jeb Barnes, eds., Varieties of Legal Order: The Politics of Adversarial and Bureaucratic Legalism (Routledge, 2017)
- “Martin Shapiro: An Appreciation,” The Forum: A Journal of Applied Research in Contemporary Politics, Vol. 14, #2, (July, 2016)
- “The Success of Failure,” REG BLOG: Penn Program on Regulation, January 13, 2016, [www.regblog.org/2016/01/13/melnicg3n TJ35.00 0 1 126.02 606c3i30\)361 0 017](http://www.regblog.org/2016/01/13/melnicg3n TJ35.00 0 1 126.02 606c3i30)361 0 017)

- “The Courts, Jurisprudence, and the Executive Branch,” in Joel Aberbach and Mark Peterson, eds., The Executive Branch (Oxford, 2005)  
This volume received the APSA’s 2006 Richard Neustadt Award for best book on the presidency.
- “The Federal Safeguards of Politics,” Willamette Law Review (December, 2005)
- “One Government Agency Among Many’: The Political Juris-Prudence (sic) of Martin Shapiro” in Thomas Ginsburg and Robert Kagan, eds., Institutions and Public Law (Peter Lang, 2005)
- “From Tax-and-Spend to Mandate-and-Sue: Liberalism After the Great Society” in Sidney Milkis and Jerome Mileur, eds., The Great Society and the High Tide of Liberalism (University of Massachusetts Press, 2005)
- “Courts and Agencies,” in Mark Miller and Jeb Barnes, eds., Making Policy, Making Law: An Interbranch Perspective (Georgetown, 2004)
- “Deregulating the States: Federalism in the Rehnquist Court,” in Evolving Federalisms: Intergovernmental Balance of power in America and Europe (Maxwell School, 2003)
- “Regulation,” in Oxford Companion to American Law (Oxford, 2001)
- “Constitutional Bureaucracy,” in Mark Blitz and William Kristol, eds., Educating

- "Introduction to Symposium on the New Politics of Public Policy," Journal of Policy Analysis and Management (1991)
- "The Politics of the New Property," in Liberty, Property, and the Future of Constitutional Development, Paul and Dickson eds. (SUNY Press, 1990)
- "The Politics of Cost-Benefit Analysis," in Valuing Health Risks, Costs, and Benefits for Environmental Decision Making (Nat'l Academy Press, 1990)
- "Earth Day after 20 Years," Philanthropy (March 1990)
- "The Courts, Congress, and Programmatic Rights," in Remaking American Politics, Milkis and Harris, eds. (Westview, 1989)
- "The Politics of Partnership," Public Administration Review (November, 1985)
- "The Clean Air Act: Options for the Future," EPA Journal (September, 1984)
- "Deadlines, Common Sense, and Cynicism," The Brookings Review (Fall, 1983)

**Book Reviews:**

“Reading, Writing, and Reform,” review of Jay Greene, Education Myths,  
Claremont Review of Books (Summer, 2006)

“The \$10,000 Solution?” review of Charles Murray, In Our Hands, Claremont  
Review of Books (Fall, 2006)

Review of Malanga, The New New Left: How American Politics Works Today, in  
Claremont Review of Books (Winter, 2005)

Review of Morag-Levine, Chasing the Wind: Regulating Air Pollution in the  
Common Law State, in Perspectives on Politics (September, 2004)

Review of Sunstein, The Second Bill of Rights and Barber, Welfare and the  
Constitution, Claremont Review (Summer, 2004)

Martin, Nader: Crusader, Spoiler, Icon, in Claremont Review (Summer, 2003)

Weaver, Ending Welfare as We Knew It and King, Budgeting Entitlements, in  
Journal of Policy Analysis and Management (Winter, 2002)

Rosenvallon, The New Social Question in Society (March/April, 2001)

Popkin, Statutes in Court, in The Law and Politics Book Review (January, 2000)

Shipan, Designing Judicial Review, in Political Science Quarterly (Fall, 1998)

Altshuler, Gomez-Ibanez, and Howitt, Regulation for Revenue, in Journal of  
Politics (August, 1995)

Sunstein, After the Rights Revolution, Political Science Quarterly (Summer, 1991)

Rabkin, Judicial Compulsions, The Public Interest (Fall, 1989)

Bosso, Pesticides and Politics and Hays, Beauty, Health, and Permanence, in

Organized Harvard-Boston College conference on “Thinking About Politics: A  
Conference Dedicated to Explaining and Perpetuating the Political Insights





Presentation on “The Rise of Jurocracy,” Transatlantic Law Forum conference on  
“Liberalism, Populism, and the Politicization of Everything,” Hamburg,  
Germany, September 24, 2015

Presentation on consequences of 2016 election, Clough Center conference on  
“Election 2016 in Comparative and Historical Perspective,” Oct. 21, 2016









discussant, panel on "Constituting Public Education: Courts, Lawyers,  
and the Construction of American Schooling"  
2010 NEPSA conference: presented paper on "The Civil Rights Agenda of the  
U.S. Supreme Court"; discussant, panel on "Public Works by Emerging  
Scholars in American Constitutional Development"

- 1999 NEPSA meeting: chair, Roundtable on “New Institutionalism in Public Law”
- 1998 APSA convention: delivered paper, “The Surprising Resilience of Means-Tested Programs”
- 1996 NEPSA meeting: delivered paper, “Federalism and the New Rights”
- 1994 APSA convention: participant “Roundtable on Courts and Congress”
- 1992 APSA convention: paper, “The Politics of Statutory Rights”
- 1991 NEPSA meeting: Roundtable on “Implementation of Judicial Decrees”
- 1990 APSA convention: paper, “The Unexpected Expansion of Food Stamps”
- 1990 NEPSA meeting: chair, roundtable on the New Politics of Public Policy
- 1988 APSA convention: chair, “Administrative Law in the Reagan Era”
- 1986 APSA convention: paper, “Courts, Congress, and Welfare Rights”
- 1984 Law and Society convention: Roundtable on Regulation and the Courts
- 1982 APSA convention: delivered paper, “Use and Abuse of Legislative History”
- 1980 APSA convention paper, “Judicial Capacity and Environmental Litigation”

**COURSES TAUGHT** (Boston College, Brandeis, and Harvard)

Undergraduate:

- Politics and Policy in the US
- Courts and Public Policy
- Dilemmas of Diversity in the US (with Peter Skerry)
- American National Institutions
- Rights in Conflict
- Tip O’Neill and the Evolution of American Politics
- Bureaucracy
- Ideas and Institutions in American Politics
- Introduction to American Politics
- New Politics of Public Policy
- Making American Public Policy
- Politics of Regulation
- Liberty and Equality in American Politics
- Freshman Seminar on Equality and Inequality
- Honors Seminar on Democracy in America

Graduate:

- Field Seminar in American Politics (with Kay Schlozman)
- American National Institutions and Policymaking
- Democracy in America
- American Governance in Historical Perspective (with Morton Keller)
- Courts and Public Policy
- Bureaucracy
- American Political Institutions
- Agencies, Legislatures, and Courts (BC Law School)

