NEW COURSE PROPOSAL

Fall 2020

"History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side of Fashion"

Respectfully submitted to College Council Curriculum Committee *by:*Prof. Alyssa Dana Adomaitis, Business Department (Business and Technology of Fashion)
Prof. Kerin E. Coughlin, Law and Paralegal Studies Department

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New York City College of Technology, CUNY CURRICULUM MODIFICATION PROPOSAL FORM

This form is used for all curriculum modification proposals. See the <u>Proposal Classification</u> <u>Chart</u> for information about what types of modifications are major or minor. Completed proposals should be emailed to the Curriculum Committee chair.

| Title of Proposal | New Course: History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side of Fashion |
|---|--|
| Date | April 7, 2019 |
| Major or Minor | Major |
| Proposers' Names | Prof. Alyssa Dana Adomaitis, Business of Fashion Prof. Kerin E. Coughlin, Law and Paralegal Studies |
| Department | Social Science |
| Date of Departmental Meeting in which proposal was approved | April 4, 2019 |
| Department Chair Name | Peter Parides |
| Department Chair Signature and Date | Par Parl 7. 2019 |
| Academic Dean Name | Justin Vazquez-Poritz |
| Academic Dean Signature and Date | Julin Figurey-Points April 14, 2019 |
| Brief Description of Proposal (Describe the modifications contained within this proposal in a succinct summary. More detailed content will be provided in the proposal body.) | This legal history course traces the development of U.S. fashion law from the twentieth century through the present, in three areas: intellectual property (trademarks and counterfeiting), employment (safety, wages, workplace dress), and constitutional rights (freedoms of religion and expression). Students will study the historical contexts of the legal developments in each of these areas, including the relevant social, political, economic, and other circumstances, in order to understand the developments more clearly. |

Brief Rationale for Proposal

(Provide a concise summary of why this proposed change is important to the department. More detailed content will be provided in the proposal body). This proposal is important for the Social Science department because it will provide a course in legal history, an important field of historical study on which no current City Tech courses focus. Studying these particular aspects of fashion law—intellectual property, employment, and constitutional—during this period, the twentieth century, enables students to build on knowledge they developed in HIS 1111 or GOV 1101, either one of which is required as a prerequisite. In addition, this course will introduce students to the historical method of interpreting court decisions and other legal documents as primary sources of evidence. If this course isapproved, we plan to apply for an Interdisciplinary Course (ID) designation. If that designation is awarded, this proposal will provide students an additional course option to fulfill the ID requirement. If this course is approved, we also plan to apply for a General Education Flexible Common Core U.S. Experience in its Diversity (USED) designation. Further, this course will be important for the Law and Paralegal Studies and Business departments as it will provide their students with a cross-disciplinary course option that will enhance their knowledge in their major field.

Proposal History

(Please provide history of this proposal: is this a resubmission? An updated version? This may most easily be expressed as a list).

This proposal was originally submitted Fall 2017 to the Curriculum and ID Committees as a proposed interdisciplinary course, "The Ugly Side of Fashion: Knockoffs, Sweatshops and other Legal Problems in Fashion (BUF3320ID)." Both committees denied the proposal because it did not meet liberal arts criteria. Since then, we have worked with Dean of Arts and Sciences Justin Vazquez-Poritz, Social Science Department Chair (and historian) Peter Parides, all of the History faculty, and Dean David E. Smith, a founding member of the ID Committee, to develop the course as a History course that meets liberal arts criteria and thus can qualify for ID designation. If Curriculum Committee accepts this proposal, we will apply for ID designation. However, we respectfully request that Curriculum Committee consider this proposal independently of our intended ID request. If this proposal and our ID request are approved, we will take all necessary steps to run the course as ID.

New York City College of Technology, CUNY NEW COURSE PROPOSAL FORM

This form is used for all new course proposals. Attach this to the <u>Curriculum Modification Proposal Form</u> and submit as one package as per instructions. Use one New Course Proposal Form for each new course.

| Course Title | New Course: History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side of Fashion |
|----------------------------|---|
| Proposal Date | April 7, 2019 |
| Proposers' Names | Prof. Alyssa Dana Adomaitis, Business of Fashion Prof. Kerin E. Coughlin, Law and Paralegal Studies |
| Course Number | HIS 2708 |
| Course Credits, Hours | 3 credits; 3 class hours |
| Course Pre-requisites | ENG 1101 and (HIS 1111 or GOV 1101). |
| Catalog Course Description | A chronological and thematic introduction to the history of U.S. fashion law from the twentieth century through today, focusing on law relating to problems that frequently arise in fashion, namely intellectual property (trademarks and counterfeiting), employment (safety, wages, workplace dress), and constitutional rights (freedoms of expression and religion). Students explore the social, political, economic, and other contexts of these legal developments, and how the developments have impacted the business of fashion. |

Brief Rationale

Provide a concise summary of why this course is important to the department, school or college.

This proposal is important for the Social Science department because it will provide a course in legal history, an important field of historical study on which no current City Tech courses focus. Studying these particular aspects of fashion law—intellectual property, employment. and constitutional—during this period, the twentieth century, enables students to build on knowledge they developed in HIS 1111 or GOV 1101, either one of which is required as a prerequisite. In addition, this course will introduce students to the historical method of interpreting court decisions and other legal documents as primary sources of evidence. If this course is approved, we plan to apply for an Interdisciplinary Course (ID) designation. If that designation is awarded, this proposal will provide students an additional course option to fulfill the ID requirement. If this course is approved, we also plan to apply for a General Education Flexible Common Core U.S. Experience in its Diversity (USED) designation. Further, this course will be important for the Law and Paralegal Studies and Business departments as it will provide their students with a cross-disciplinary course option that will enhance their knowledge in their major field.

CUNY - Course Equivalencies

Provide information about equivalent courses within CUNY, if any.

No equivalents within CUNY, to our knowledge. Related, but not duplicative, courses at City Tech are HIS 1204/ARTH 1204 (20th Century Dress and Culture), BUS1122 (Business Law), SBS 3201 (Gender, Dress & Society), and BUF 4700 (Contemporary Issues in the Fashion Industry). Related, but not duplicative, courses at CUNY-Queens College are FNES 158 (Fashion History from 20th Century to the Present) and FNES 227 (Fashion, Society and the Individual). Undergraduate fashion law courses are offered at SUNY-Fashion Institute of Technology (FIT) and NYU. Law school fashion law courses are offered at Fordham Law School and Cardozo Law School in NYC; Harvard Law School in Boston; Loyola Law School in Los Angeles; and possibly other institutions around the country.

| Intent to Submit as Common Core If this course is intended to fulfill one of the requirements in the common core, then indicate which area. | Not applicable. |
|---|---|
| For Interdisciplinary Courses: - Date submitted to ID Committee for review - Date ID recommendation received - Will all sections be offered as ID? Y/N | No, it is not necessary for all sections to be offered as ID. We intend to apply for ID designation if Curriculum Committee accepts this proposal, but we respectfully request that Curriculum Committee consider this proposal independently of the intended ID request. If we secure ID designation, we will gladly offer one or more sections of this course as non-ID if doing so would benefit students and the college. |
| Intent to Submit as a Writing Intensive Course | Yes. Course includes: (a) critical reading, logical thinking, and extensive writing to help students understand the history of U.S. fashion law; (b) the use of appropriate style and disciplinary conventions in writing and speaking; (c) the productive use of research resources, including the library; and (d) a total of at least thirty pages of writing per student over the course of the semester. |

LIBRARY RESOURCES & INFORMATION LITERACY: MAJOR CURRICULUM MODIFICATION

Please complete for all major curriculum modifications. This information will assist the library in planning for new courses/programs.

Consult with your library faculty subject specialist (http://cityte.ch/dir) 3 weeks before the proposal deadline.

Course proposer: please complete boxes 1-4. Library faculty subject specialist: please complete box 5.

| 1 | Title of proposal New History Course: "The Ugly Side of Fashion: History of U.S. Fashion Law, 20th Century Through The Present" (HIS2708) | Department/Program Social Science/History |
|---|--|---|
| | Proposed by (include email & phone) Prof. Alyssa Adomaitis, aadomaitis@citytech.cuny.edu, x5773 Prof. Kerin Coughlin, keoughlin@citytech.cuny.edu, x4939 | Expected date course(s) will be offered Spring 2020 # of students 30/semester (additional sections if demand warrants) |

2 The library cannot purchase reserve textbooks for every course at the college, nor copies for all students. Consult our website (http://cityte.ch/curriculum) for articles and ebooks for your courses, or our open educational resources (OER) guide (http://cityte.ch/oer). Have you considered using a freely-available OER or an open textbook in this course?

We are definitely considering OER, open textbooks, and any other economically effective instructional materials for this legal history course. The materials we currently intend to require are available at low or no cost: cases, statutes, the U.S. Constitution, and scholarly articles are freely available, and the required textbooks are available for as little as \$5 used, as much as \$30 new.

Beyond the required course materials, are City Tech library resources sufficient for course assignments? If additional resources are needed, please provide format details (e.g. ebook, journal, DVD, etc.), full citation (author, title, publisher, edition, date), price, and product link. The Library's book collection, databases, and other resources are sufficient for course assignments.

4 Library faculty focus on strengthening students' information literacy skills in finding, critically evaluating, and ethically using information. We collaborate on developing assignments and customized instruction and research guides. When this course is offered, how do you plan to consult with the library faculty subject specialist for your area? Please elaborate.

We have already begun consulting with the Library Faculty Subject Specialist for History, Keith Muchowski, about initial plans for the course, including student instruction in conducting research in the library, and options for course materials. We also plan to consult extensively with the specialists for programs to which this course relates: Business (also Keith) and Law & Paralegal Studies (Kim Abrams). We will continue to consult with them throughout this semester (Fall 2019) and next (Spring 2020) as we finalize our instructional plans, including to develop assignments and customized instruction and research guides. During our inaugural semester, Fall 2020, we will continue consulting regularly with our specialists on assignments and instruction/research guides, and to assess the effectiveness of our materials and methods, adjust as needed, and explore new resources as they become available. During subsequent semesters, we will continue regular contact with our specialists, to update and refine our materials and methods based on ongoing experiences and learning, and new resources that become available.

5 Library Faculty Subject Specialist: Professor Keith Muchowski

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Comments and Recommendations:

I have read the proposal and concur that the library has sufficient materials to support the course.

Date: May 29, 2019

COURSE OUTLINE

NEW COURSE PROPOSAL: "History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side of Fashion" (HIS 2708)

Prof. Alyssa Dana Adomaitis, Business Department (Business and Technology of Fashion) Prof. Kerin E. Coughlin, Law and Paralegal Studies Department

Course code: HIS 2708

Title: History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side

of Fashion

of hours, credits: 3 class hours, 3 credits

Pre-requisites: ENG 1101 and (HIS 1111 or GOV 1101).

Catalog description: A chronological and thematic introduction to the history of U.S. fashion law from the twentieth century through today, focusing on law relating to problems that frequently arise in fashion, namely intellectual property (trademarks and counterfeiting), employment (safety, wages, workplace dress), and constitutional rights (freedoms of expression and religion). Students explore the social, political, economic, and other contexts of these legal developments, and how the developments have impacted the business of fashion.

Detailed description: This legal history course traces the development of U.S. fashion law from the twentieth century through the present, as that law relates to three types of problems that frequently arise in fashion: intellectual property (trademarks and counterfeiting), employment (safety, wages, workplace dress), and constitutional rights (freedoms of religion and expression). Students will study the historical contexts of the legal developments in each of these areas, including the relevant social, political, economic, and other circumstances, in order to understand the legal developments more clearly. Further, students will explore the diverse perspectives on these developments, and how the developments were experienced, by the many cultural, social and other demographic groups involved.

The twentieth century is a rich period in which to study the legal history of American fashion. During that time, significant changes took place in business and fashion—and in politics, culture, and societal relations—that fundamentally transformed the fashion industry as well as Americans' lives. A prominent fashion attorney observed: "At the beginning of the twentieth century, the fashion industry was predominately a highly fragmented, East Coast concern" characterized by "basic and very limited regulatory issues, occasional labor or union problems, minor intellectual property work, and the legal necessities occasioned by exiting the business. Much has changed in the fashion industry since the end of World War II," including globalization, and proliferation of "numerous private and public fashion giants[.]" Further, as CUNY School of Law Professor Ruthann

¹ Alan Behr, chairman of the Fashion Practice at Phillips Nizer LLP

(https://www.phillipsnizer.com/attorneys/behralan_bio.cfm), quoted in Ursula Furi-Perry, *The Little Book of Fashion Law* xi-xii (Chicago: American Bar Association 2013) (emphasis added).

Robson has observed, "dress raises a plethora of constitutional concerns" that have evolved over time in coordination with social, political, and economic forces.² All of these complex intersections support the conclusion of the Dean of the School of Humanities and Social Sciences at Becker College, that "because fashion law is new, the evolution and history of fashion law is likewise interesting."³

This course is <u>Writing Intensive</u> (WI). Thus it includes: (a) critical reading, logical thinking, and extensive writing to help students understand the history of U.S. fashion law; (b) the use of appropriate style and disciplinary conventions in writing and speaking; (c) the productive use of research resources, including the library; and (d) a total of at least thirty pages of writing per student over the course of the semester.⁴

Recommended or typical text(s) and instructional materials/supplies:⁵ Legal history involves the history of statutory, constitutional, and case law, as well as lawsuits and trials which test those laws. It also involves the social and economic history of circumstances giving rise to the laws, as well as political history regarding efforts to change the laws. In addition, legal historians have increasingly endeavored to understand and appreciate the diverse perspectives and contributions of participants from all racial, ethnic, religious, gender, ability, and other backgrounds. Accordingly, the required reading for this class includes many primary legal sources, along with textbooks and other secondary sources, for historical context:

- <u>Legal sources</u>: court decisions, statutes, and the U.S. Constitution, as noted in Example Weekly Course Outline below, and possibly others to be identified throughout the semester; all excerpted as appropriate; none to exceed four pages.
- <u>Secondary sources</u>, for historical background and context, as noted in Example Weekly Course Outline below, and possibly others to be identified throughout the semester; excerpted where appropriate; in page counts noted; including:
 - Ruthann Robson, *Dressing Constitutionally: Hierarchy, Sexuality, and Democracy from our Hairstyles to Our Shoes* (New York: Cambridge U.P., 2013), to be placed on reserve in the college library and available online for less than \$25.
 - Ursula Furi-Perry, The Little Book of Fashion Law (Chicago: American Bar Association 2013), to be placed on reserve in the library and available online for less than \$15.
 - Other books, articles, and items noted in Example Weekly Course Outline below and to be identified throughout the semester, excerpted as appropriate, to be provided at no cost in paper copy or electronically.

Sequence of topics and approximate time allocations (detailed weekly course outline to follow)

• Intro; historical context; overview of applicable legal and business concepts 1 wk

Unit I: History of intellectual property law relating to fashion

3 wks

² Ruthann Robson, *Dressing Constitutionally: Hierarchy, Sexuality, and Democracy from our Hairstyles to Our Shoes* 1 (New York: Cambridge University Press 2013) (required text in this course). Prof. Robson, CUNY Law School faculty, has offered to appear as a guest lecturer in this course.

³ Furi-Perry xi (emphasis added).

⁴ See City Tech's official guidelines for Writing Intensive courses, available at

https://openlab.citytech.cuny.edu/writing across the curriculum/files/2014/03/WI-Guidelines-2015-2016.pdf.

⁵ The following discussion of sources, and some other information in this outline, is adapted from Prof. Barbara Welke's syllabus for her Women's Legal History course at University of Minnesota, http://users.hist.umn.edu/~bywelke/3349syl.htm.

Unit II: History of employment law relating to fashion
 Unit III: History of Constitutional law relating to fashion
 Exams; instruction on research methods; oral presentations of research papers
 TOTAL
 4 wks
 3.5 wks
 15 wks

Intended learning outcomes: what students will know or be able to do at the end of this course:

| Course-specific outcomes | Assessment methods (described below) |
|---|---|
| Demonstrate an understanding of how U.S. fashion law has developed in the areas of intellectual property, employment, and constitutional rights from the 20th century through the present, and reasons for, and effects of, those developments. | Research paperExamsWeekly writing assignmentsParticipation |
| Develop knowledge of the business of fashion, and ways it has evolved since the 20th century, including its participants, their respective interests and goals, how those goals have conflicted, and how the law has changed to address those conflicts. | Research paperExamsWeekly writing assignmentsParticipation |
| Use primary sources including court decisions and other legal documents to study the history of U.S. fashion law. | Research paperWeekly writing assignments |
| Purposefully connect and integrate knowledge and skills across the disciplines of history, law, and the business of fashion to solve legal problems that arise in fashion, aided by an understanding of the historical development of the relevant legal principles. | Research paperExamsParticipation |
| Synthesize and transfer knowledge across the disciplinary boundaries of history, law and fashion, such as understanding the difference between a fashion original and a "knockoff," historical developments that led to fashion piracy, and legal methods of addressing the consequences of piracy. | Research paperWeekly writing assignmentsParticipation |
| Recognize varied perspectives on legal problems relating to fashion, as they developed since the 20th century, including perspectives of designers, manufacturers, and retailers; employees and employers; and members of various demographic groups. | Research paperWeekly writing assignmentsParticipation |

| Become flexible thinkers regarding appropriate solutions to legal problems in the fashion business, as they developed since the 20th century. | Research paperWeekly writing assignmentParticipation |
|--|---|
| General Education learning outcomes | Assessment methods (described below) |
| Knowledge: This course will develop students' knowledge of history, fashion, and law, and hone their ability to deepen and continue learning, by introducing them to new, and increasingly complex, concepts and analyses in each of these disciplines. | Research paperExamsParticipation |
| Skills: This course will help students acquire and develop tools needed for communication, inquiry, and analysis in the disciplines of history, business of fashion, and law, including research and understanding of primary historical and legal sources; application of law to real life scenarios; and oral and written presentation of historical analyses and conclusions. | Research paperParticipation |
| Integration: Students will synthesize the legal and business perspectives on the historical developments in the various areas addressed. Students will also demonstrate productive use of problem-solving approaches that integrate the disciplines of history, law, and business of fashion. In addition, if this course is awarded an ID designation, integration will occur through the co-teaching approach. | Weekly writing assignments Participation Research paper |
| Values, ethics and relationships: Each of these concepts will be explicit topics in this course, as they are intrinsically related not only to the substantive areas of law we will address (intellectual property, employment, and free expression) but also to the craft of historical research and writing, the practice of law, and the conduct of business. | Research paper Weekly writing assignments Participation |

Course organization: This course is organized thematically into three units, each addressing the historical development of an area of law relating to fashion: (I) intellectual property; (II) employment; and (III) constitutional. Instruction in each area will begin with an overview of the relevant historical context, including social, political, economic and other

circumstances that gave rise to certain conflicts, and the legal developments that resulted. This historical background will provide a lens through which students can consider the legal developments, in order to understand them more clearly. Students will obtain such background from assigned readings and classroom discussion. We will explore the developments in each area of the law in chronological order, by examining and interpreting court decisions and other primary sources, supplemented by secondary sources.

Example Weekly Course Outline: Below is a general schedule of topics and activities. Additional materials and assignments may be identified in class, on OpenLab and on Blackboard.

Week One: Course Introduction

Students are introduced to the basic historical, legal, and business concepts addressed in the course, such as: What is legal history? What are the different types of laws? (statutory law, case law, constitutional law, administrative law) How and why do laws change? How does the business of fashion operate? Who are its participants? What are their respective interests and goals? What conflicts might arise? What laws affect the fashion business? Historical background readings:

- Ruthann Robson, Dressing Constitutionally: Hierarchy, Sexuality, and Democracy from our Hairstyles to Our Shoes (New York: Cambridge U.P., 2013), introduction & ch. 1, "Dressing Historically" (33 pp. total). NOTE: Prof. Robson, CUNY Law School faculty, has offered to appear as a guest lecturer in this course.
- Ursula Furi-Perry, *The Little Book of Fashion Law* (Chicago: American Bar Association 2013), Introduction (3 pp.)

Unit I: History of Intellectual Property Law Relating to Fashion

<u>Historical context</u>: early twentieth century growth of mass production and large businesses; development of "ready-to-wear" fashion and department stores; how those developments led manufacturers to seek protection of their designs and products

<u>Week Two</u>: Origins of intellectual property laws relating to fashion <u>Historical background reading</u>:

- Furi-Perry, ch. 1, "In the Beginning, There Was Piracy" (9 pp.)
- Alfred D. Chandler, Jr., *The Visible Hand: The Managerial Revolution in American Business* (Massachusetts: Harvard U.P., 1977), Introduction (12 pp.)

Excerpts from legal sources:

- Filene's v. Fashion Originators' Guild (1st Cir. 1937)
- Millinery Creators' Guild v. FTC (2d Cir. 1940)
- Fashion Originators' Guild v. FTC (U.S. Sup. Ct. 1941)

Week Three: Congress vs. Knockoffs: passage, interpretation and application of the Lanham Act (1946)

Historical background reading:

 Furi-Perry ch. 3, "Fashion Marks and the Lanham Act: Considering the 'Likelihood of Confusion' in Fashion Handbags" (8 pp.) • Ethan Horwitz and Benjamin Levy, "Fifty Years of the Lanham Act: A Retrospective of Section 43(A)," 7 Fordham Intellectual Property, Media & Entertainment Law Journal 59 (1996): 59-71.

Excerpts from legal sources:

- Federal Lanham Act, 15 U.S.C. §§ 1051 et seq.
- Abercrombie & Fitch v. Hunting World (2d Cir. 1976)
- Wal-Mart v. Samara Bros. (Sup. Ct. 1980)
- Louis Vuitton v. Dooney & Bourke (2d Cir. 2006)

Week Four: Businesses vs. Knockoffs: creative developments in Lanham Act enforcement Historical background reading:

- Furi-Perry ch. 9, "Tackling the Counterfeiters" (7 pp.) Excerpts from legal sources:
- Hard Rock Café v. Concession Servs., Inc. (7th Cir. 1992)
- Burberry Ltd. V. Euro Moda (S.D.N.Y. 2009)
- In re Certain Footwear (Converse v. Wal-Mart et al.) (Int'l Trade Comm'n 2016) (NOTE: Prof. Coughlin was personally involved in this case and can provide unique insights, either as instructor of this course or as a guest lecturer.)

<u>Week Five</u>: Unit I Exam; discussion of Research Paper assignment (40% of course grade, described below under Assessment Methods, item I.b.).

After taking the exam, students will be provided with the Research Paper assignment
and we will address its nature and purpose, including its scaffolded structure; time
requirements; how to choose a topic; methods of historical research; and potential
primary and secondary sources. We will visit the City Tech library and receive
instruction on historical and legal research methods from Library staff.

Unit II: History of Employment Law Relating to Fashion

<u>Historical context</u>: Progressive Era and its reforms; Great Depression; New Deal; immigration; urbanization; women's movement

<u>Week Six</u>: Safety standards—The Triangle Shirtwaist Fire of 1911 and its aftermath <u>Historical background reading:</u>

- Richard A. Greenwald, "The Burning Building at 23 Washington Place: The Triangle Fire, Workers and Reformers in Progressive Era New York," New York History 83 (2002): 55-91
- Hilda L. Solis, "What the Triangle Shirtwaist fire means for workers now," *The Washington Post* (March 21, 2011) (editorial by then-U.S. Secretary of Labor)

<u>Week Seven</u>: Wage requirements—The Federal Fair Labor Standards Act of 1938 <u>Historical background reading:</u>

- Furi-Perry ch. 11, "Slaving Away and Sweating for the Shop: Fashion and Labor Law" (5 pp.)
- Jonathan Grossman, "Fair Labor Standards Act of 1938: Maximum Struggle for a Minimum Wage," U.S. Department of Labor website, https://www.dol.gov/oasam/programs/history/flsa1938.htm

Excerpts from legal sources:

- Federal Fair Labor Standards Act, 29 U.S.C. § 201 et seq. (1938)
- Lopez v. Silverman (S.D.N.Y. 1998)
- Zeng Liu v. Donna Karan (S.D.N.Y. 2001)

Week Eight: Workplace dress

Historical background reading:

- "EEOC History: 35th Anniversary: 1965-2000," at https://www.eeoc.gov/eeoc/history/35th/index.html
- Robson ch. 4, "Dressing Professionally" (22 pp.)
- Furi-Perry ch. 15, "What's the Dress Code Here?: Laws Regarding Dress Codes" (6 pp.) Excerpts from legal sources:
- *Price Waterhouse v. Hopkins* (U.S. Sup. Ct. 1989)
- *Ali v. Mt. Sinai* (S.D.N.Y. 1996)
- Plaintiff's complaint in *Boudlal v. Disney* (C.D. Cal. 2012)

Week Nine: Workplace appearance

Historical background reading:

• Furi-Perry ch. 20, "Beauty, Looks and Hairstyles in the Workplace" (5 pp.) Excerpts from legal sources:

- Rogers v. American Airlines (S.D.N.Y. 1981)
- *Harper v. Blockbuster* (11th Cir. 1998)
- Burchette v. Abercrombie & Fitch (S.D.N.Y. 2010)
- NYC Commission on Human Rights, "Legal Enforcement Guidance on Race Discrimination on the Basis of Hair" (February 2019)

Week Ten: Unit II exam; introduction to Unit III: History of Constitutional Law Relating to Fashion

Historical background reading:

 Gary Gerstle, American Crucible: Race and Nation in the Twentieth Century (Princeton: Princeton U.P., 2001), ch. 7, introduction and sections titled "Civil Rights and Civic Nationalism" and "Speaking as a Victim of This American System"; Epilogue, introduction and sections titled "Varieties of Multiculturalism" and "Reviving the Liberal Nation" (45 pp. total)

Unit III: History of Constitutional Law Relating to Fashion

Historical context: civil rights movements; student activism; 1980s and 90s "culture wars"

Week Eleven: Introduction; students' rights

Historical background reading:

- Robson ch. 5, "section 1, "School Discipline and the Rights of Others" (8 pp.)
- Furi-Perry ch. 12, "Express Yourself: Fashion as Expression under the First Amendment" (7 pp.)
- Excerpts from Gowri Ramachandran, "Freedom of Dress: State and Private Regulation of Clothing, Hairstyle, Jewelry, Makeup, Tattoos and Piercings," Maryland Law Review 66 (2006): 11-93.

Excerpts from legal sources:

• U.S. Constitution, Amendment 1 (full text)

- Tinker v. DesMoines School District (U.S. Sup. Ct. 1969)
- Bethel School District. v. Fraser (U.S. Sup. Ct. 1986)
- *H. v. Easton Area School District* (E.D. Pa. 2011)

Week Twelve: Religion and fashion

Historical background reading:

- Robson ch. 6, "Dressing Religiously" (25 pp.)
- Furi-Perry ch. 13, "Fashion and Beauty as Religious Apparel" (7 pp.)

Excerpts from legal sources:

- Goldman v. Weinberger (U.S. Sup. Ct. 1986)
- Xodus v. Wackenhut Corp. (7th Cir. 2010)

Week Thirteen: Sexuality and fashion—cross-dressing, provocative dressing, and other issues

Historical background reading:

- Robson ch. 3, "Dressing Sexily," sections titled "Cross-Dressing" and "Provocative Clothing, Sexual Violence, and State Protection" (10 pp. total)
- Daniel Rodgers, *The Age of Fracture* (New York: Harvard U.P., 2011), ch. 5, "Gender and Certainty" (35 pp.)

Excerpts from legal sources:

- City of Columbus v. Zanders (Ohio 1970)
- *City of Chicago v. Wilson* (Illinois 1978)
- Doe v. McConn, (S.D. Tex. 1980)

Week Fourteen: Unit III exam; Oral Presentations of Research Papers

Week Fifteen: Oral Presentations of Research Papers

* * *

Assessment methods: Students will be evaluated based on two main forms of writing assignments: weekly writing assignments (25%); and a scaffolded research paper, which is the major project of the course (40%). In addition, students will be evaluated through written examinations at the ends of each of the three units (30% total), and class participation (5%). Each of these methods is described below.

I. Writing Assignments: Writing is integrally important to each of the three disciplines involved in this course: history, law, and business of fashion. Writing is particularly critical for historians, who rely heavily on written documents, including court opinions, statutes, and the U.S. Constitution, all of which we will use in this course, to understand the past and develop a reasoned and persuasive interpretation of a historical event or process—that is, a historical argument. Historians also use writing to communicate with one another and with the public, through books, articles, and papers explaining their interpretations and arguments. A goal of the writing assigned in this course will be practicing this work of a historian.

A second, but related, goal of the writing in this course is facilitating students' own understanding of what they are learning. Much of the reading in this course is

challenging: court opinions, in particular, can be models of poor writing, and students may struggle with them (as do historians and attorneys). Moreover, many issues addressed in this course are emotional, including religion, race, and gender. Thus, writing will be a tool for students to process their own thinking and reactions. To quote the author Flannery O'Connor, "I write because I don't know what I think until I read what I say."

To achieve these dual goals of writing, the following projects will be assigned:

- (a) **Weekly writing assignments (25%).** Each week, students will write a 1-2 page (250 to 500 words) written reflection on either (a) some aspect of the week's assigned readings, including historical background and legal sources; or (b) a recent news article relating to fashion law. The reflections may take a variety of forms, including open-ended, where each student chooses her/his particular focus; responses to specific questions provided by the instructors; persuasive writing, where students argue for a particular point of view; relating the reading to a class discussion; etc. The assignments will be assessed on the extent to which they reveal the student's engaged thinking about the topic. For example, does the student identify and articulate complexities, delve into puzzles and problems, confront inadequate explanations, question and respond to the sources?
- (b) **Research paper (40% total).** The main project of this course will be a scaffolded research paper of eight to ten pages, in which each student will trace, through primary and secondary research, the historical antecedents of a contemporary legal problem in fashion, and address and evaluate potential approaches to solving the problem. Students will be provided a specific schedule for the progress of this paper, and will receive feedback from the instructor after each step. The steps include: (i) topic proposal and preliminary bibliography (3%); (ii) detailed annotated bibliography (with primary and secondary sources) (5%); (iii) rough draft and/or outline (7%); (iv) oral presentation to the class, with Powerpoint or other visual content, in which classmates provide immediate feedback orally during class discussion (10%); and (v) the final revised paper, which addresses classmates' and instructor's feedback (15%).
- II. *Unit exams (30%):* The written examinations at the end of each of the three units (10% each) assess students' comprehension of the historical developments in the various legal areas addressed in the course, as well as the relevant legal and business concepts, including terminology and how the concepts and procedures apply in factual situations. Exams require students to demonstrate understanding of the social, political, economic and cultural influences on the development of the law relating to fashion, as well as the business and legal perspectives, including how they converge, diverge, and interact. Exams will include essays as well as other question types such as multiple choice and short answer. For example, an exam might offer students a selection of essay questions testing broad, general historical knowledge of the development of fashion law during the twentieth century, as well as multiple choice questions asking students to select from several options the best definitions of terms related to the areas of law we address, and short answer questions asking students to identify the purpose of certain statutes we

cover, such as the Lanham Act and the Fair Labor Standards Act, and/or explain how those statutes apply to hypothetical situations.

III. *Participation (5%).* Participation includes carefully reading all assigned materials, and thoughtfully completing the weekly writing assignments before class. Because significant class time will be spent in discussion, participation also includes orally contributing one's understandings of, and responses to, assigned materials during those discussions; respectfully listening to other students' points of view even, perhaps especially, when one strongly disagrees with those views; and responding thoughtfully to questions and comments raised by the instructor and by other students.

Scope of assignments and other course requirements-see Assessment methods above.

COURSE POLICIES AND PROCEDURES:

Attendance: Class attendance is expected. In-class participation, assignments, and quizzes completed and handed in during scheduled class times are required for the course, and contribute to the final course grade. Students who are not present in class on the days of those activities may not be permitted to make up those activities.

Grades (elements to be factored into the students' final grades): Weekly writing assignments 25%

Research paper 40% total (scaffolded)

Unit exams 30% total (10% each)
Participation 5%

Academic Integrity: NYCCT Statement on Academic Integrity: "Students and all others who work with information, ideas, texts, images, music, inventions, and other intellectual property owe their audience and sources accuracy and honesty in using, crediting, and citing sources. As a community of intellectual and professional workers, the College recognizes its responsibility for providing instruction in information literacy and academic integrity, offering models of good practice, and responding vigilantly and appropriately to infractions of academic integrity. Accordingly, academic dishonesty is prohibited in [CUNY] and at New York City College of Technology and is punishable by penalties, including failing grades, suspension, and expulsion." Academic dishonesty includes cheating and plagiarism, including plagiarism of Internet material. For explanations and examples of these and other forms of academic dishonesty, see the NYCCT Academic Integrity Policy Manual and the CUNY Policy on Academic Integrity, both available on our course OpenLab site and the college website. All students are responsible for understanding and adhering to those policies.

Accessibility—Reasonable Accommodations: City Tech is committed to supporting the educational goals of enrolled students with disabilities in the areas of enrollment, academic advisement, tutoring, assistive technologies and testing accommodations. If you have or think you may have a disability, you may be eligible for reasonable accommodations or academic adjustments as provided under applicable federal, state and city laws. You may also request services for temporary conditions or medical issues under certain

circumstances. If you have questions about your eligibility or would like to seek accommodation services or academic adjustments, please contact the Center for Student Accessibility (CSA), 300 Jay Street, room L-237, 718 260 5143, or http://www.citytech.cuny.edu/accessibility/. Students who miss a scheduled presentation or exam due to illness or medically related emergencies will be referred to CSA. CSA will review any documentation requested and give the student a letter to share with the relevant instructor if accommodations need to be made.

Technology: Skills or knowledge students enrolling in the course need to have, i.e., expected but not taught in this course are: MS Word, Powerpoint, Blackboard, OpenLab, and SafeAssignment. Skills or knowledge introduced in this course include electronic historical, legal and industry research, such as through City Tech library, Google Scholar, WGSN/STYLESIGHT and other professional-grade databases.

COURSE NEED ASSESSMENT

NEW COURSE PROPOSAL: "History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side of Fashion"

Respectfully submitted to College Council Curriculum Committee *by:*Prof. Alyssa Dana Adomaitis, Business Department (Business and Technology of Fashion)
Prof. Kerin E. Coughlin, Law and Paralegal Studies Department

* * *

Target Students who will take this course. Which programs or departments, and how many anticipated?⁶ Target Students include: (a) students in baccalaureate programs (nearly 9,000) to fulfill the Advanced Liberal Arts course requirement and the Writing Intensive requirement; (b) students in Liberal Arts Associate in Arts (LAA) and Liberal Arts Associate in Science (LAS) programs (778), as a capstone course; (c) students in the Liberal Arts Associate in Arts program (LAA), as a History course and a Writing Intensive course in the major; (d) if awarded a USED designation, all baccalaureate, AA, and AS degree students (nearly 11,000), to fulfill a General Education Flexible Common Core requirement; and (e) if awarded an ID designation, all baccalaureate students (nearly 9,000), to fulfill the ID requirement for graduation.

Documentation of student views (if applicable, e.g. non-required elective). Students in Business and Technology of Fashion and Law and Paralegal Studies have expressed great interest and enthusiasm for this course, not only because of the subject matter which, as noted above, addresses knowledge and skills fundamental to their respective fields, but also because it satisfies the advanced liberal arts and writing intensive requirements, and possibly the ID requirement. Further, the experience of Fordham Law School with its degree programs in fashion law indicates that this course will be popular: that program's founder, Susan Scafidi, reported that 25 percent of individuals who inquire about Fordham specifically inquire about its fashion law programs.⁷

Projected headcounts (fall/spring and day/evening) for each new or modified course. One section of thirty students in each of the Fall and Spring semesters, meeting during the day, subject to modification depending on student and college needs.

If additional physical resources are required (new space, modifications, equipment), description of these requirements. If applicable, Memo or email from the VP for Finance and Administration with written comments regarding additional and/or new facilities, renovations or construction. Not applicable.

Where does this course overlap with other courses, both within and outside of the department? Some overlap with HIS 1204 (20th Century Dress & Culture), a requirement for the Business and Technology of Fashion BS, but HIS 1204 does not address legal issues, plus it is far less advanced than this course, as its number indicates. Some overlap with

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⁶ All enrollment statistics cited herein reflect Fall 2018, and were found on City Tech's AIR Data Dashboard, http://air.citytech.cuny.edu/data-dashboard/enrollment-trends-fall/ (accessed Nov. 15, 2019).

⁷ "You Can Now Get a Degree in Fashion Law," by Dhani Mau, Fashionista, June 22, 2015 (http://fashionista.com/2015/06/fordham-fashion-law-degree-program).

other required courses for the Business and Technology of Fashion BS: BUS1122 (Business Law), SBS 3201 (Gender, Dress & Society), and BUF 4700 (Contemporary Issues in the Fashion Industry). However, those courses also do not address legal issues, nor do they offer historical analyses. Finally, some overlap with program electives for the Legal Assistant Studies BS: LAW4802 (Trademark, Copyright and Patent), LAW3802 (Employment and Labor Law), and PHIL3211 (Philosophy of Law). However, none of those courses focus exclusively on fashion law, nor do they offer the thorough historical analyses offered here. For these reasons, none of these courses should weigh against approving this course.

Does the Department currently have full time faculty qualified to teach this course? If not, then what plans are there to cover this? The proposers of this course, Prof. Alyssa Dana Adomaitis of Business and Prof. Kerin E. Coughlin of Law and Paralegal Studies, both full-time faculty, are qualified and eager to teach this course. Prof. Coughlin holds a JD and is presently in her second year of the CUNY Graduate Center's PhD program in History, where her research concentrates on twentieth century US legal history. Prof. Coughlin also holds a MA in Urban Studies. Prof. Coughlin has taught and practiced the legal concepts addressed in this course, including intellectual property, employment, and Constitutional issues, and she continues to experience and study the impact of those concepts on the business world, through her ongoing outside consulting work and her legal and historical studies. Prof. Adomaitis holds a PhD in Social Psychology of Dress and a MBA in Marketing. She has taught courses and worked in the fashion industry on issues relating to those addressed here: intellectual property, employment, and freedom of expression. This course also could easily be taught by other faculty with history, business and/or law backgrounds.

If needs assessment states that this course is required by an accrediting body, then provide documentation indicating that need. Not applicable.

COURSE DESIGN

NEW COURSE PROPOSAL: "History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side of Fashion"

Prof. Alyssa Dana Adomaitis, Business Department (Business and Technology of Fashion) Prof. Kerin E. Coughlin, Law and Paralegal Studies Department

* * *

Course Context (e.g. required, elective, capstone): Required (among several options) for: (a) students in baccalaureate programs, to fulfill the Advanced Liberal Arts course requirement and the Writing Intensive requirement; (b) students in the Liberal Arts Associate in Arts program (LAA), as a History course and a Writing Intensive course in the major; (c) if awarded a USED designation, all baccalaureate, AA, and AS degree students, to fulfill a General Education Flexible Common Core requirement; and (d) if awarded an ID designation, all baccalaureate students, to fulfill the ID requirement for graduation.

Capstone for all students in Liberal Arts Associate in Arts program (LAA) and Liberal Arts Associate in Science program (LAS).

Course Structure: how the course will be offered (e.g. lecture, seminar, tutorial, fieldtrip)? <u>Lecture</u> will be the basic structure, but active in-class participation by students, and a significant amount of small group work, will be emphasized.

Anticipated pedagogical strategies and instructional design (e.g. Group Work, Case Study, Team Project, Lecture): <u>Group work, case studies, lecture, independent research</u>, and other pedagogical strategies and techniques deemed appropriate.

Is this course designed to be partially or fully online? If so, describe how this benefits students and/or program. Not currently online; all in-person. However, this course could easily be adapted to partially or fully online if doing so would benefit students and the college.

How does this course support Programmatic Learning Outcomes?

| <u>Course-specific outcomes</u> | Assessment methods (described below) |
|--|--|
| Demonstrate an understanding of how U.S. fashion law has developed in the areas of intellectual property, employment, and constitutional rights from the 20th century through the present, and reasons for, and effects of, those developments. | Research paperExamsWeekly writing assignmentsParticipation |
| Develop knowledge of the business of fashion, and ways it has evolved since the 20th century, including its participants, their respective interests and goals, how those goals have conflicted, and how the law has changed to address those conflicts. | Research paper Exams Weekly writing assignments Participation |

| Use primary sources including court decisions and other legal documents to study the history of U.S. fashion law. | Research paperWeekly writing assignments |
|--|---|
| Purposefully connect and integrate knowledge and skills across the disciplines of history, law, and the business of fashion to solve legal problems that arise in fashion, aided by an understanding of the historical development of the relevant legal principles. | Research paperExamsParticipation |
| Synthesize and transfer knowledge across the disciplinary boundaries of history, law and fashion, such as understanding the difference between a fashion original and a "knockoff," historical developments that led to fashion piracy, and legal methods of addressing the consequences of piracy. | Research paperWeekly writing assignments |
| Recognize varied perspectives on legal problems relating to fashion, as they developed since the 20th century, including perspectives of designers, manufacturers, and retailers; employees and employers; and members of various demographic groups. | Research paperWeekly writing assignmentsParticipation |
| Become flexible thinkers regarding appropriate solutions to legal problems in the fashion business, as they developed since the 20th century. | Research paperWeekly writing assignmentParticipation |
| General Education learning outcomes | Assessment methods (described below) |
| Knowledge: This course will develop students' knowledge of history, fashion, and law, and hone their ability to deepen and continue learning, by introducing them to new, and increasingly complex, concepts and analyses in each of these disciplines. | Research paperExamsParticipation |
| Skills: This course will help students acquire and develop tools needed for communication, inquiry, and analysis in the disciplines of history, business of fashion, and law, including research and understanding of primary historical and legal sources; application of law to real life scenarios; and oral and written presentation of historical analyses and conclusions. | Research paperParticipation |

| Integration: Students will synthesize the legal and business perspectives on the historical developments in the various areas addressed. Students will also demonstrate productive use of problem-solving approaches that integrate the disciplines of history, law, and business of fashion. In addition, if this course is awarded an ID designation, integration will occur through the co-teaching approach. | Weekly writing assignmentsParticipation |
|--|---|
| Values, ethics and relationships: Each of these concepts will be explicit topics in this course, as they are intrinsically related not only to the substantive areas of law we will address (intellectual property, employment, and free expression) but also to the craft of historical research and writing, the practice of law, and the conduct of business. | Research paperWeekly writing assignmentsParticipation |

CHANCELLOR'S REPORT FORM

NEW COURSE PROPOSAL: "History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side of Fashion"

Prof. Alyssa Dana Adomaitis, Business Department (Business and Technology of Fashion) Prof. Kerin E. Coughlin, Law and Paralegal Studies Department

| Department | Social Science |
|------------------------|---|
| Academic Level | [X] Regular [] Compensatory [] Developmental [] Remedial |
| Subject Area | History |
| Course Prefix | HIS |
| Course No. | 2708 |
| Course Title | History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side of Fashion |
| Catalog Description | A chronological and thematic introduction to the history of U.S. fashion law from the twentieth century through today, focusing on law relating to problems that frequently arise in fashion, namely intellectual property (trademarks and counterfeiting), employment (safety, wages, workplace dress), and constitutional rights (freedoms of expression and religion). Students explore the social, political, economic, and other contexts of these legal developments, and how the developments have affected the business of fashion. |
| Prerequisites | ENG 1101 and (HIS 1111 or GOV 1101). |
| Credits | 3 |
| Contact Hours | 3 |
| Liberal Arts | [X]Yes []No |
| Course Attribute | Advanced Liberal Arts; Writing Intensive; General Education Flexible Common Core (pending); Interdisciplinary (pending) |

| Course Applicability | [X] Major [] Gen Ed Required [X] Gen Ed - Flexible [pending] [] Gen Ed - College Option [] English Composition [] World Cultures [] Speech [] Mathematics [X] US Experience in its Diversity [pending] [X] Interdisciplinary [pending] [] Science [] Creative Expression [X] Advanced Liberal Arts [] Individual and Society [] Scientific World |
|-------------------------|--|
| Effective Term | Fall 2020 |

Rationale: This proposal is important for the Social Science department because it will provide a course in legal history, an important field of historical study on which no current City Tech courses focus. Studying these particular aspects of fashion law—intellectual property, employment, and constitutional—during this period, the twentieth century, enables students to build on knowledge they developed in HIS 1111 or GOV 1101, either one of which is required as a pre-requisite. In addition, this course will introduce students to the historical method of interpreting court decisions and other legal documents as primary sources of evidence. If this course is approved, we plan to apply for an Interdisciplinary Course (ID) designation. If that designation is awarded, this proposal will provide students an additional course option to fulfill the ID requirement. If this course is approved, we also plan to apply for a General Education Flexible Common Core U.S. Experience in its Diversity (USED) designation. Further, this course will be important for the Law and Paralegal Studies and Business departments as it will provide their students with a cross-disciplinary course option that will enhance their knowledge in their major field.