

**New York City College of Technology
Interdisciplinary Committee**

Application for Interdisciplinary Course Designation

Date October 2, 2020 (revised from original version dated August 26, 2020, pursuant to guidance from Interdisciplinary Committee)

Submitted by Prof. Alyssa Dana Adomaitis and Prof. Kerin E. Coughlin

Department(s) Prof. Adomaitis is a member of the Business Department; Prof. Coughlin is a member of the Law and Paralegal Studies Department; and this course will be offered through the Social Science Department.

I. Proposal to Offer an Interdisciplinary Course

1. Identify the course type and title:

☐ An existing course _____

☒ **A new course** History of U.S. Fashion Law, 20th Century to the Present: The Ugly Side of Fashion (unanimously approved by College Council at its December 10, 2019 meeting)

☐ A course under development _____

2. Provide a course description: This legal history course traces the development of U.S. fashion law from the twentieth century through the present, in three areas in which complex questions frequently have arisen: intellectual property (including trademarks and counterfeiting, or "knockoffs").¹

¹ Intellectual property is "any product of the human intellect that the law protects from unauthorized use by others." (Cornell Law School, *Legal Information Institute*, https://www.law.cornell.edu/wex/intellectual_property.) The most well-known types of intellectual property in fashion design and retailing are copyrights, patents, trademarks, and trade secrets. A "trademark" is "any word, name, symbol, or design, or any combination thereof, used in commerce to identify and distinguish the goods of one manufacturer or seller from those of another and to indicate the source of the goods." (Cornell Law School, *Legal Information Institute*, <https://www.law.cornell.edu/wex/Trademark>.) A fashion trademark can be a word, image, color, scent, or any combination of these. For instance, the Nike trademark includes the word 'NIKE' as well as the iconic 'swoosh' logo. ("Trademarks in fashion—what you need to know," by HopgoodGanim, *Lexology*, September 6, 2018, <https://www.lexology.com/library/detail.aspx?g=0e5aacf3-b2b0-414e-8529-512e8b4113fd>.) "Knockoffs" are copies of designs or products, and can range from those innocently "inspired" by well-known creators, to counterfeits, which are "shockingly authentic looking copies" of popular products, such as Louis Vuitton handbags, that can have a "demonstrably negative effect on the originals" including their valuation. ("Now You Know: Why Knockoffs Have Always Been In Fashion," by Eric Wilson, *InStyle*, December 3, 2014, <https://www.instyle.com/news/now-you-know-why-knockoffs-have-always-been-fashion>.) "Knockoffs" that rise to the level of counterfeits historically have raised significant problems in the fashion business. Based on 2016 customs seizure data, the value of imported fake goods worldwide that year topped \$509 billion, up from \$461 billion in 2013, the latter of which represented 2.5% of world trade. Despite extensive and expensive enforcement efforts by brands such as the maker of Louis Vuitton bags, which employs dozens of civil and criminal

employment (including safety, wages, and workplace dress), and constitutional rights (including freedoms of religion and expression). Students will study the historical contexts of legal developments in each of those areas, including the relevant social, political, economic, and other circumstances, in order to understand the legal developments, and particularly the responses to the questions that arose, more clearly.

3. **How many credits will the course comprise?** 3 cr. **How many hours?** 3 hrs.
4. **What prerequisite(s) would students need to complete before registering for the course? Co-requisite(s)?** Two prerequisites: (1) ENG 1101 and (2) either HIS 1111 or GOV 1101.
5. **Explain briefly why this is an interdisciplinary course.** First, this course will be team-taught by two faculty members, each of whom have backgrounds in history, business and/or law. The current plan is for the course to be taught by its proposers, Profs. Adomaitis and Coughlin. Prof. Coughlin holds a JD and has taught and practiced the legal concepts addressed in this course, including intellectual property, employment, and constitutional issues. Prof. Coughlin also is presently in her fourth year of the History PhD program at the CUNY Graduate Center, focusing on twentieth century US legal history. In addition, she holds a MA in Urban Studies from Queens College. Prof. Adomaitis holds a PhD in Social Psychology of Dress and Human Behavior and a MBA in Marketing. She has taught courses and worked in the fashion industry on issues relating to those addressed here: intellectual property, beauty injustice (lookism), and freedom of expression. This course could easily be taught by other faculty with history, business and/or law backgrounds. Topics such as beauty injustice and freedom of expression, both addressed in this course, are inclusive of gender, race, and class considerations. Lookism, or beauty injustice, is discriminatory treatment of people who are considered physically unattractive (by societal standards such as Barbie), usually in the workplace. However it can practiced in other contexts such as dating, social media, and other social settings. Freedom of expression especially pertains to the rights of LGBTQ persons in regards to the ability of an individual or group of individuals to express their beliefs, thoughts, ideas, dress, and emotions about different issues free from government censorship.

Second, this course involves three academic disciplines: history, law, and the business of fashion. It synthesizes the distinct perspectives, knowledge, and skills involved in each of those disciplines, as a means of analyzing the complex legal questions and problems that historically have arisen in the business of fashion, and how the various stakeholders have responded to those questions and problems.

Third, this course explores the strong connections between the seemingly exclusive domains of fashion and law, which numerous commentators have recognized. *Crain's NY Business* observed

enforcement lawyers and spends a reported \$17 million annually on anti-counterfeiting legal action, international trade in counterfeit goods, including luxury goods, constantly climbs. (The Counterfeit Report, 2019.)

that "issues of design and law increasingly intersect"² and *Fashionista* cited "the melding of fashion and law."³ Accordingly, law schools have developed fashion-related programs of various kinds, including Harvard Law School's "Fashion Law Lab" course,⁴ Loyola Law School's "Fashion Law Project,"⁵ and Fordham Law School's two fashion law degree programs: one for lawyers, called a Master of Laws, or LL.M.; and one for members of the business community, called a Master of Studies in Law, or M.S.L.⁶

For all of these reasons, the College Council Curriculum Subcommittee stated in its Final Report to College Council recommending approval of this course that it "is fundamentally interdisciplinary, so the proposers will apply to the ID committee in order to designate the course as fulfilling the ID requirement necessary for all students."

6. **What is the proposed theme of the course? What complex central problem or question will it address? What disciplinary methods will be evoked and applied?** *The proposed theme of the course* is the development of U.S. fashion law from the twentieth century through the present, as that law relates to three significant aspects of the fashion business: intellectual property, employment, and constitutional rights. We have chosen the twentieth century to the present as the period on which to focus because that is a particularly rich period 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. For example, as one of the assigned readings for this course, Alfred Chandler's *The Visible Hand: The Managerial Revolution in American Business*, explains, a "managerial revolution" began during the second industrial, or technological, revolution of the late nineteenth and early twentieth centuries. Over those years, big business and its managerial systems came to dominate production and distribution of goods, including fashion, which had significant and lasting effects on society and public policy. As 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[.]"⁷

The complex problems and questions this course will address are ones that have arisen frequently in the fashion business during and since the twentieth century, in the three central areas: intellectual property, employment, and constitutional rights. In particular, students will study what those

² "Legal specialty more than just a trend, as issues of design and law increasingly intersect," by Adrienne Pasquarelli, *Crain's NY Business*, June 22, 2015 (http://www.crainsnewyork.com/article/20150622/RETAIL_APPAREL/150629978/fordham-to-offer-advanced-degrees-in-fashion-law).

³ "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>).

⁴ Harvard Law School, hls.harvard.edu/academics/curriculum/catalog/default.aspx?o=71170.

⁵ Loyola Law School, www.lls.edu/academics/centers/thefashionlawproject/.

⁶ Fordham Law School, www.fordham.edu/info/23599/fashion_law.

⁷ 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).

problems were (for example, how to protect intellectual property rights in fashion), the historical contexts in which they arose, and the resulting legal developments—including laws and litigation, as well as how they related to social, political, economic, and other aspects of life. Students will also study responses to the problems and developments by various stakeholders, including perspectives of members of different cultural, social, professional, and other groups. Fashion's status as a "creative industry" that can have a major impact or influence on culture makes it a particularly fruitful context in which to study responses to these problems through such varying lenses. In addition, students will consider the various options available for resolving the problems, aided by an understanding of the historical development of the relevant legal and business principles, and assess the efficacy of the options that were (and were not) chosen. Finally, students will consider the uncertainties and questions faced by stakeholders who confronted these problems, and how and why those stakeholders chose the responses they did from the various options.

The main disciplinary method that will be evoked and applied is reading and analysis of primary and secondary historical sources, and conveying one's interpretations and arguments regarding those sources and the events they reflect, principally through writing. The writings in this course serve two main purposes: First, like professional historians' writing, students' writing will be the principal means by which they communicate their interpretations and arguments to each other, and to others in the academic community. Second, students' writing will enable them to process their own thinking about, and reactions to, the complex issues raised in this course, many of which can be emotional, including religion, race, and gender. To quote the author Flannery O'Connor, "I write because I don't know what I think until I read what I say." In addition, we will employ such methods as group discussion and independent research. The main project of this course will be a scaffolded research paper of eight to ten pages, in which each student will select a contemporary legal problem in fashion, trace the historical antecedents of the problem through primary and secondary research, and address and evaluate potential approaches to solving the problem. Students will receive guidance on choosing topics, methods of historical research, and potential primary and secondary sources, from the instructors as well as from City Tech Library staff. Where appropriate, students will be directed to useful archives. For example, considerable archival research exists on the connections between dress and rape, sexual assault, and sexual objectification, should a student choose a topic related to those areas.⁸ Other potential sources of useful archival information, largely available online, include Fashion Institute of Technology's "Oral History Project of the Fashion Industries"; labor archives maintained by the libraries of the University of Maryland and University of Washington; the Constitutional Rights Foundation's "Bill of Rights in Action" Archives; the Library of Congress' archives on the history of the fashion business; the New York Archival Society; and the Historical Society of the New York Courts.

⁸ These include Feldman-Summers, S., & Lindner, K. (1976), Perceptions of victims and defendants in criminal assault cases, *Criminal Justice and Behavior*, 3, 135-149; Calhoun, L., Selby, J., & Warring, L. (1976), Social perception of the victim's causal role in rape: An exploratory examination of four factors, *Human Relations*, 29, 517-526; Jones, C. & Aronson, E. (1973), Attribution of fault to a rape victim as a function of the responsibility of the victim, *Journal of Personality and Social Psychology*, 26, 415-419; Johnson, K., & Lewis, L. (1988), Effect of dress, cosmetics and sex of subject on impressions of victim personality, *Texas Home Economist*, 55, 6-7.

7. **Which general learning outcomes of an interdisciplinary course does this course address?**
Please explain how the course will fulfill the bolded mandatory learning outcome below. In addition, select and explain at least three additional outcomes.

☐ **Purposefully connect and integrate across-discipline knowledge and skills to solve problems**

Students will purposefully connect and integrate knowledge and skills across the disciplines of history, law, and the business of fashion to consider the various solutions to legal problems that have arisen in fashion, aided by an understanding of the historical development of the relevant legal and business principles.

☐ **Synthesize and transfer knowledge across disciplinary boundaries**

Students will 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" (piracy, see footnote 1) in both the business and legal contexts, problems raised by piracy and the historical developments that led to them, and legal methods of addressing these problems over time.

☐ **Comprehend factors inherent in complex problems**

☐ **Apply integrative thinking to problem solving in ethically and socially responsible ways**

X **Recognize varied perspectives**

Students will recognize varied perspectives on legal problems relating to fashion and how they developed since the twentieth century, including perspectives of designers, manufacturers, and retailers; employees and employers; and members of various demographic groups.

X **Gain comfort with complexity and uncertainty**

Students will gain comfort with complexity and uncertainty by developing their understandings of how U.S. fashion law has developed in complex areas of intellectual property, employment, and constitutional rights; the uncertainties facing stakeholders who confronted problems and questions that arose in those areas; and how and why those stakeholders chose particular responses from among various options.

☐ **Think critically, communicate effectively, and work collaboratively**

X Become flexible thinkers

Students will become flexible thinkers regarding the many perspectives on legal problems that have arisen in the fashion business since the twentieth century, and the wide variety of potentially appropriate solutions to those problems.

☐ Other

General Education Learning Goals for City Tech Students

- **Knowledge:** Develop knowledge from a range of disciplinary perspectives, and hone the ability to deepen and continue learning.
- **Skills:** Acquire and use the tools needed for communication, inquiry, creativity, analysis, and productive work.
- **Integration:** Work productively within and across disciplines.
- **Values, Ethics, and Relationships:** Understand and apply values, ethics, and diverse perspectives in personal, professional, civic, and cultural/global domains.

8. How does this course address the general education learning goals for City Tech students?

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 those disciplines.

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.

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 the business of fashion.

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.

9. Which department would house this course⁹? Social Science (History)

10. Would all sections of the course be interdisciplinary? ☐ No X Yes

⁹ An interdisciplinary course for the College Option requirement may be housed in a department that is not liberal arts.

- a) **Would the course be cross-listed in two or more departments?** ☒ No ☐ Yes
- b) **How will the course be team-taught¹⁰?** ☒ Co-taught ☐ Guest lecturers ☐ Learning community

If co-taught, what is the proposed workload hour distribution? 1.5 hours each

☒ Shared credits ☐ Trading credits

- c) If guest lecturers, for what approximate percentage of the course? ☐ Minimum 20%¹¹ ☐ other: ___%

Please attach the evaluation framework used to assess the interdisciplinary of the course.¹²

Evaluation Framework: 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

¹⁰ Attach evidence of consultation with all affected departments.

¹¹ While an interdisciplinary course must be team-taught, there is no formal percentage requirement, but this minimum is a guideline.

¹² In the case that a course is equally taught, include proposed plans for faculty classroom observation and student evaluation of teaching.

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.

d) **What strategies/resources would be implemented to facilitate students' ability to make connections across the respective academic disciplines?** The primary strategies that would be implemented to facilitate students' ability to make connections across the disciplines of history, law, and business of fashion are set forth above, in response to question 7 (learning outcomes) and in the Evaluation Framework. Resources include primary legal sources such as court decisions, statutes, and the U.S. Constitution, as well as secondary sources such as monographs, scholarly articles, and other materials for historical and business contexts, such as the following:

- Ruthann Robson, *Dressing Constitutionally: Hierarchy, Sexuality, and Democracy from our Hairstyles to Our Shoes* (New York: Cambridge U.P., 2013)
- Ursula Furi-Perry, *The Little Book of Fashion Law* (Chicago: American Bar Association 2013)
- Alfred D. Chandler, Jr., *The Visible Hand: The Managerial Revolution in American Business* (Massachusetts: Harvard U.P., 1977)
- Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton: Princeton U.P., 2001)
- Gowri Ramachandran, "Freedom of Dress: State and Private Regulation of Clothing, Hairstyle, Jewelry, Makeup, Tattoos and Piercings," *Maryland Law Review* 66 (2006): 11-93
- 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>
- 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).

Where appropriate, students will be directed to useful archives to conduct research for their major research project; see item 6 above for examples of potentially of useful archives. We will also invite guest lecturers from the historical, fashion and legal fields to address particular topics from their expert perspectives. CUNY Law School Professor Ruthann Robson, author of an assigned text, *Dressing Constitutionally: Hierarchy, Sexuality, and Democracy from our Hairstyles to Our Shoes*, has offered to appear as a guest lecturer, as well as Adjunct Professor Joseph Murphy of the Law and Paralegal Studies Department, who has practiced fashion law for many years.

11. **Would the course be designated as:**

X a College Option requirement¹³? ☐ an elective? ☐ a Capstone course¹⁴? ☐ **other? Explain.**

This course will be available to baccalaureate students throughout the college to satisfy the Interdisciplinary course requirement.

¹³ To qualify for the College Option, such a course must also meet the New York State definition of a liberal arts and sciences course. <http://www.highered.nysed.gov/ocue/lrp/liberalarts.htm>

¹⁴ A course proposed as a Capstone course must be separately approved by the Capstone Experience Committee.