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## National Center of Excellence

Grape and Wine Education for the 21<sup>st</sup> Century

### VIN 202 – Legal Aspects of Vineyard and Winery Operations

Date: August 28 – December 8, 2017

Course No.: VIN 202

Course Name: Legal Aspects of Winery Operations

Instructor: Michael J. Gau, J.D.

Office Hours: By appointment, phone, e-mail

Semester: Fall 2017

Course Credit: 3 Hours

Delivery: Online

E-mail: [mgau@clcmn.edu](mailto:mgau@clcmn.edu)

Phone: (563) 556-1712

563-542-4904 (cell)

**Course Description:** This course will introduce students to the general concepts and issues relating to the creation and operation of a winery. The course will explain general legal concepts, outline business formation and operation concepts, discuss governmental agencies and regulation, and describe legal issues and areas specifically related to the operation of a winery.

**Prerequisites:** None.

#### Course Objectives

1. Demonstrate general knowledge of basic legal concepts affecting the operation of a winery and distribution of wine;
2. Define the various interests in real estate and ownership of land and distinguish rights and restrictions on use and enjoyment of real estate;
3. Demonstrate general knowledge and understanding of the elements of contracts in general and the types of and provisions in contracts related to winery operation;
4. Demonstrate specific knowledge of business formation and employee relations;
5. Demonstrate specific knowledge of federal, state, and local agencies and organizations that affect winery operations;
6. Demonstrate specific knowledge liability and site management issues that affect the operation of a winery;
7. Demonstrate specific knowledge of the issues affecting the shipping and placement of wine by wineries for local, state, national, and international distribution;
8. Demonstrate specific knowledge of labeling and marketing issues affecting wineries and the distribution of wine;
9. Demonstrate specific knowledge of product protection and intellectual property issues that may affect the production and distribution of wine.

### General Course Goals

This course is designed to introduce students interested in operating and/or owning a winery to the general legal concepts and issues facing the production, sale, and distribution of wine. The course is general in nature and is intended to introduce students to basic legal and business concepts and outline the issues that affect the sale, packaging, distribution, and marketing of wine for a winery. Course content will frame the legal concepts and issues and provide students with the framework to research specific state laws and regulations that affect a winery business.

The course guide for the course is accessible in the “Shared Files” folder for the class. Students are encouraged to review the course guide for more specific information on units of instruction.

### Required Reading Material

There is no required text for this course. However, students will be assigned readings from various online sources and will be expected to have reviewed the material for each respective unit. Material for synchronous class sessions and exams will be based, at least in part, on the assigned reading material. Students are encouraged to research the topic areas independently (e.g. Google the topic and find current material) if they believe they need additional reading material for the subject.

### Proposed Schedule and Topics

*Sections begin on Monday of the week and end on the following Sunday.*

<b>Week — Dates</b>	<b>Live Class Meeting Dates</b>	<b>Lecture Topics</b>
<b>1</b> 08/28 - 09/03		Unit 1: Syllabus Review, Introduction post, and Unit 1 – Basic Legal Concepts
<b>2</b> 09/04 - 09/10	Sept. 6 7:00 p.m.	Unit 2: Real Estate Interests and Rights
<b>3</b> 09/11 - 09/17		Unit 3: Contracts
<b>4</b> 09/18 - 09/24	Sept. 20 7:00 p.m.	Unit 4: Business Formation
<b>5</b> 09/25 - 10/01		Unit 4 cont.: Business Formation, cont.
<b>6</b> 10/02 - 10/08	Oct. 4 7:00 p.m.	Unit 5: Employee Relations
<b>7</b> 10/09 - 10/15		Exam #1 – Units 1 through 4 Project #1 due
<b>8</b> 10/16 - 10/22	Oct. 18 7:00 p.m.	Unit 6: Agencies
<b>9</b> 10/23 - 10/29		Unit 7: Liability and Risk Management

<b>10</b> 10/30 - 11/05	Nov. 1 7:00 p.m.	Unit 8: Licensing and Labels
<b>11</b> 11/06 - 11/12		Unit 8 cont.: Licensing and Labels
<b>12</b> 11/13 - 11/19	Nov. 15 7:00 p.m.	Unit 9: Distribution and Marketing
<b>13</b> 11/20 - 11/26		No Assignments for Thanksgiving Week – Relax and Enjoy
<b>14</b> 11/27 - 12/03		Unit 10: Intellectual Property
<b>15</b> 12/04 - 12/08	Dec. 6 7:00 p.m.	Final Exam – Units 5 through 9 Project #2 due

*The foregoing course schedule should be considered as a flexible guideline for the semester. As such, it will be subject to change as the direction and the needs of the class dictate.*

*All late coursework is due no later than December 8, 2017 with permission of instructor only. No exceptions.*

For each unit you will receive the following information through the course learning management system:

1. Reading list for respective week and unit material;
2. PowerPoint and/or outline of information for unit material (when applicable);
3. Lecture video on material, if applicable; and
4. Outline of material for synchronous sessions, projects and exam preparation (when applicable).

### **Reading List**

While the course does not have an assigned text, each unit will have assigned reading material that is identified in the unit. The reading material will be used to introduce the unit material, and will be general in nature. Students are encouraged and expected to have read the material prior to the synchronous session on a weekly basis. Students may, but are not required to, seek out additional reading material on the subject matters and bring this information to the synchronous sessions for sharing with the class.

**\*\*Note:** The reading list contains web sites that can be accessed directly by: 1) opening the list; 2) clicking on the “Enable editing” tab; 3) pressing the “Control” key while the cursor is over the URL address; and 4) clicking on the URL. This procedure should allow you to go directly to the listed site.

### **Videos, PowerPoints and Online Lectures**

Each unit will be accompanied by a video lecture. Students are encouraged to view the lectures for every unit prior to completing the respective unit material. Units may be accompanied by a PowerPoint presentation on the unit material, or a brief set of lecture notes describing the key concepts and issues of the unit, or both. Students are expected to access and study the material for each unit to gain an understanding of the unit material. The material in the videos, PowerPoints

and notes will be discussed in the synchronous sessions, but will not be the focus of the sessions (i.e. we will not review the PowerPoint slides during our sessions.) Not all units will have both PowerPoint slides and lecture notes, and the video lectures will be imbedded in the material for your use and review.

### **Introductory Discussion Board Posting and Unit Posts**

To help us get acquainted with each other I have created a message board where you will post an introduction about yourself. After reading this document you should be able to access the message board area and post your introduction to this board. The introductory post is worth 5 points.

Make sure you read through the postings provided by me each week and reply to the questions/topics asked. Each week you will have an assignment in the forms of readings and Discussion Board postings. After reading the assigned readings, and viewing the provided content in the course management sit you will be expected to answer the question(s) about the unit content on a public (to all class members) message board. Your responses to the message board posts and questions must be thought driven, and not merely a regurgitation of the assigned readings and video material. Give some thought to the questions, and based on the materials, provide concise, meaningful responses that are not merely a summary of the text content. Posts in response to fellow students must address the student post directly (e.g. use their name in the post) and provide commentary, not just statements of agreement. You will be graded on spelling, grammer, punctuation as well as content (thought and originality). Each assignment will be worth 15 points, with 10 points attributed to the intital post, and 5 points attributed to the reply post.

The Discussion Board will begin the first day of class (August 28, 2017) and continue throughout the semester. Other than the introductory Discussion Board post, all posts for each respective unit will be due as follows:

- a. Initial posts: Access open on Monday at 7:00 a.m. Central Time of each respective week and due no later than 11:55 p.m. Central Time of Thursday of the respective week;
- b. Instructor reply and feedback: I will reply to your posts and provide feedback no later than Thursday at 6:00 p.m. Central Time of each respective week;
- c. Reply posts: Reply posts directed to another student when the posts are available but in no event may a reply post be made after 11:55 p.m. Central Time on Sunday of the respective week in which the post is due.

For example, for a Discussion Board assignment in Week 2 (September 5, 2016 to September 10, 2016):

Student A may post an initial reply to a message board assignment starting on Monday at 7:00 a.m. Central Time on September 4, 2017, and the initial post is due no later than 11:55 p.m. on Thursday, September 7, 2017. I will post a reply to your initial post with comments and feedback no later than Saturday, September 10, 2017, at 6:00 p.m. Central Time. Student A must post a reply to another classmate's message board post any time after the post appears on the message board, but for the reply post, Student A must post a reply post no later than 11:55 p.m. Central Time on Sunday, September 10, 2017.

With each assignment, you will see an assignment title, category/type, due date, detail/description, and link to the message board. With each assignment read the detail, which is the discussion question itself. When you are ready to answer the question click on the “Go to Message Board” button at the bottom of this window. The message board will be displayed.

You will see my (the Instructor’s) original question at the top of this window. At the bottom of my posting will be a Reply button. Click on the reply button and complete your posting. When you are finished composing your message – click on the Post Reply button at the bottom of the window.

In this course there will be no minimum word count or limitations. Answer each part of each question thoroughly. You will be rewarded for your effort. Short or incomplete answers will receive little or no credit. **DO NOT MERELY CUT AND PASTE MATERIAL AND INTEND THIS MATERIAL TO BE YOUR POST.** Cutting and pasting material that relates to the post question is not thinking—it is cutting and pasting. You are allowed to paste relevant material in your response, provided it is properly cited. If you paste material, however, you must elaborate on the material, explain the material, indicate how it is relevant to the post, and provide your personal thoughts and views on the pasted material. Any posts that cut and paste material without personal comments and thoughtful additional information will receive a zero (0) for the respective post. This rule also applies to reply posts.

In keeping with the collaboration element of the course you are also required to make a reply to one other student on their post each week. Do not just respond with “good post,” “I agree,” or “nice work.” These are not acceptable reply posts and they will not earn you any points. You should make replies that discuss the specific content of the student’s post, ask for clarification, challenge each other’s ideas and thoughts, and answer questions that may be asked, or provide additional information. These reply postings do not need any sources, but they do require thought.

**Summary:** You will post answers to questions on the Discussion Board each week. You will also make one reply to another student’s posting for each question.

## **Projects**

Each student will be required to research, write, and submit two short/medium length research projects for the class. The research projects will consist of 3-5 pages that will require students to research their local law in a specific subject area and report the findings in writing. The project specifics can be accessed on the course management site and will include a detailed outline of the assignment expectations and requirements. Project #1 will be available after Week 3, and Project #2 will be available after Week 10.

Project papers must include proper citations, and must be more than personal ramblings and opinions. Research papers must be the equivalent of 8 ½ x 11 inches, double-spaced with appropriate margins. Do not attempt to get creative with page spacing or margins. Any research papers that get creative with page length or margins will be subject to grade reduction. Grammar, spelling, and punctuation will be assessed. Students are encouraged to consult with the instructor should they have any questions on the research topics or projects. All research projects will be screened and spot checked so don’t plagiarize. Papers deemed to be plagiarized would receive a zero (0) and subject the student to a report of academic dishonesty.

## Grading Scale

A = 93 – 100	C = 73-76
A- = 90 – 92.99	C- = 70 – 72.99
B+ = 86.01-89.99	D+ = 66.01 – 69.99
B = 83-86.00	D = 63 – 66
B- = 80 – 82.99	D- = 60 – 62.99
C+ = 76.01- 79.99	F = 0 – 59.99

All grades will be posted within one week. Any exceptions will be posted as an announcement.

Assignments	Percent of Course Grade
2 Exams	40% *
Online assignments (discussion board posts) and synchronous sessions	30%
Projects (2 projects)	30% (each project is worth 15%)

\*No make-up Exams allowed without prior approval of the instructor.

## Accessing Grades

All course grades will be posted and available on the Desire2Learn (D2L) course site. On the course homepage click on **Assessments** on the Navigation Bar, then click on **Grades** to view your grades. Note that grades will be posted as soon as grading is complete – which is soon, but not immediately following submission.

## Communication/Netiquette and Positive Classroom Environment

As described elsewhere in this course, you are encouraged to discuss items that other students may disagree on, or opposes their viewpoints or beliefs. This is fine and should be expected by students. However, in all cases, students must write and conduct themselves in a manner that is respectful of all ideas and opinions. You are encouraged to challenge each other on various topics and to voice your opinion. In no cases, however, should any student condemn another student or the instructor because of his/her views or beliefs as expressed; belittle or use name calling or other negative methods to convey an opinion; or other related behaviors. While the tone of this course is relaxed, conversational, and collegial, we will be addressing major and important (sometimes sensitive) topics. You are expected to voice your own opinions and thoughts in a respectful and courteous manner. This is non-negotiable and any violations of this expectation will not be tolerated. Any student who violates this directive will be removed from the class summarily.

## Exams

There will be two exams for the course. The Final Exam (Exam #2 ) is not a cumulative final. The exams will be offered on-line. The exams will consist of fact pattern essay questions related to your weekly assignments. Exams will require short answer responses to questions. Directions for exams and all information related to exams will be provided with the respective exams.

### **Weekly Zoom Sessions**

The instructor will hold required synchronous sessions throughout the semester for class discussion. These sessions will be used to explore the unit material, answer questions from students on the material, and allow the instructor to communicate in real time with students for immediate discussion and responses. These sessions will take place every other **Wednesday evening from 6:00 p.m. to 7:00 p.m. Central Time**. While these sessions will not take place every week, the frequency of the sessions is designed to allow discussion and exploration of all of the course topics. The link to the Zoom virtual classroom will be posted at the top of each appropriate weekly module. Students will use the same virtual classroom for the live class meetings the entire semester. The sessions will take place on the dates listed in the above schedule.

Students are expected to participate in the sessions on each scheduled session evening. The focus of the sessions will be the current unit material and any questions students may have regarding how the material relates to real world experiences and issues. In addition to the synchronous sessions, the instructor will be available by telephone (message at home number or use cell phone during regular business hours (8:00 a.m. to 4:30 p.m. Central Time, Monday through Friday) for those who wish to converse personally outside the session. Students should treat the synchronous sessions like a face-to-face class session in a course and should be prepared to participate like all other course sessions.

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### **Personal Disclaimers**

*The instructor will not answer personal legal questions or offer legal advice regarding individual legal circumstances. The instructor will be available to answer legal questions regarding hypothetical circumstances as they may relate to the subject matter of the course, and will be available to address any and all questions relating to the course, the course subject matter and the area of winery law.*

***DISCLAIMER: THIS COURSE IS PROVIDED FOR EDUCATIONAL AND INFORMATIONAL PURPOSES ONLY. THIS COURSE, OR ANY MATERIAL, DISCUSSION OR OPINIONS PROVIDED HEREIN, SHOULD NOT BE CONSTRUED AS LEGAL ADVICE. STUDENTS SHOULD CONSULT WITH LEGAL PROFESSIONALS IF THEY HAVE SPECIFIC QUESTIONS ABOUT SPECIFIC CIRCUMSTANCES.***

## Central Lakes College Institutional Policies

### Withdrawing from the Course

Should it become necessary to withdraw, it is the student's responsibility to do so according to the guidelines in the *CLC Student Handbook* which can be found at:

<http://www.clcmn.edu/wp-content/uploads/2015/05/College-Information.pdf>

Students planning to withdraw from this course also need to be sure to complete the VESTA Withdrawal/Change of Schedule form and submitting to the VESTA office.

### Refunds for Withdrawals

Courses are non-refundable after the fifth day of the semester. You are responsible to drop any courses you do not plan to attend by the published deadline.

You may be eligible for a partial refund if you withdraw from all courses by the published dates.

Fall and Spring Term Refund percentage:

1st through 5th day of semester 100%

6th through 10th day of semester 75%

11th through 15th day of semester 50%

16th through 20th day of semester 25%

After 20<sup>th</sup> day of the semester 0%

### Attendance Policy

Central Lakes College (CLC) believes that students must attend class in order to achieve the best learning results. In the case of VESTA online courses, attendance is defined as active participation in the form of attending synchronous class meetings (if applicable), completing reading/writing/testing assignments by assigned deadlines, and maintaining regular communication with course instructor via the online course site and communication tools designated by the instructor. For courses with a practicum/workshop component, students must participate and complete the number of hours of practical experience required. Instructors may assign attendance grade as part of course grade if they choose to do so. CLC expects instructors to be reasonable in accommodating students whose absence from class resulted from: 1) participation in University-sanctioned activities and programs; 2) personal illness; or 3) family and/or other compelling circumstances. The University's attendance policy can be found in the *CLC Student Handbook* at <http://www.clcmn.edu/wp-content/uploads/2015/05/College-Information.pdf>

### Make-up Policy and Special Instructions

The exams can be made up only in the event of an excused absence where the instructor has prior knowledge of the absence. Allowance of make-up tests will be at the discretion of the instructor and will be taken on the date of the student's return to class.

### Academic Integrity Policy

Academic integrity is one of the most important values in higher education. This principle requires that each student's work represents his or her own personal efforts and that the student acknowledges the intellectual contributions of others. The foundation for this principle is student academic honesty. Central Lakes College students are expected to honor the requirements of the

Academic Integrity Policy. Please refer to Central Lakes College *Student Handbook* for details, which can be found at:

<http://www.clcmn.edu/wp-content/uploads/2015/05/College-Information.pdf>

### **Statement of Nondiscrimination**

CLC is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, or membership or activity in a local commission as defined by law.

### **Statement on Disability Accommodation**

Central Lakes College recognizes that students with disabilities may have special needs that must be met to give them equal access to college programs and facilities. Inquiries regarding Central Lakes College's policies and guidelines for accommodations to students with disabilities may be directed to the disabilities coordinator, Paula Huss- office C111, 218-855-8175 or email at [phuss@clcmn.edu](mailto:phuss@clcmn.edu). If you need a reasonable accommodation for a disability (e.g. wheelchair accessibility, interpreter or audiotape) such an accommodation can be made upon 48 hours advance request. Please contact Paula Huss, CLC Disability Coordinator at Brainerd Campus, 1-800-933-0346-ext 8175 or Disability Services on the Staples Campus, 1-800-247-6836- ext. 5182 as soon as possible. Students are encouraged to meet with the coordinator prior to the beginning of each semester.