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Grape and Wine Education for the 21st Century

VIN 202 – Legal Aspects of Vineyard and Winery Operations

Date: **August 26 - December 6, 2019**

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Semester: **Fall 2019**

Host: Missouri State University

Host Course No.: VIN 202-FA19-10618-WP

Course Credit: 3 Hours

Delivery Format: Online

COURSE DESCRIPTION

This course will introduce students to the general concepts and issues relating to the creation and operation of a vineyard and winery. The course will explain general legal concepts, real estate issues, outline business formation and operation concepts, explore contracts and contract provisions, define employment relationships, discuss premises liability, identify governmental agencies and regulation, and describe legal issues and areas specifically related to the operation of vineyards and wineries.

COURSE OBJECTIVES

- 8.1 *Define basic legal concepts affecting the operation of a vineyard, winery and distribution of wine.*
- 8.2 *Analyze issues related to real estate acquisitions, ownership, use, and construction.*
- 8.3 *Identify the types of contracts and general provisions related to winery and vineyard operation.*
- 8.4 *Describe and distinguish various types of business formation.*
- 8.5 *Describe and distinguish various types of employment agreements.*
- 8.6 *Outline specific federal, state, and local agencies and governing bodies that regulate and assist winery and vineyard operations.*
- 8.7 *Describe the federal licensing and approval process for wineries to produce and sell wine.*
- 8.8 *Interpret and apply liability and site management issues that affect the operation of a winery and vineyard.*
- 8.9 *Understand and apply specific knowledge of labeling and marketing of wine and grapes.*
- 8.10 *Describe the issues affecting the shipping and distribution of wine.*
- 8.11 *Compare and contrast intellectual property areas that may affect the production and distribution of grapes and wine.*

GENERAL COURSE GOALS

This course is designed to introduce students interested in operating and/or owning a vineyard and/or winery to the general legal concepts and issues facing the production of grapes and 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 production of grapes and the production, 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 vineyard and 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.

COOPERATIVE NATURE OF COURSE

This course deals with the many disciplines and facets we deal with in the winery industry. To this end, it is important that we work together in a cooperative manner. While the course format is online, the course is not independent study. Therefore, you will be required to interact with fellow students and your instructor throughout the semester. Your interaction will be in written form on the course platform and message board as opposed to verbally in a physical classroom setting. You will have due dates and assignments like you would in a traditional course and you will be expected to contribute to class discussions and questions like you would in a face to face format. You will be expected to contribute appropriately and constructively each week to the course.

REMEMBER anything posted here will be viewed by the entire class including the instructor.

ONLINE COURSE INSTRUCTIONS

While the entire syllabus is important and must be understood by all students in the course, the following information provides instructions on how to proceed through the course on a weekly schedule. The following information **MUST** be followed precisely for a student to be successful. Therefore, it is recommended that you print this syllabus and read and refer to it often. Please be advised that no late assignments will be accepted so it is very important that you understand the following information. If you have any questions – please ask your instructor via e-mail immediately.

REQUIRED READING/VIDEO MATERIALS

There is no required text for this course. However, students will be assigned readings from various online sources and provided online lectures from the instructor and public sites related to the subject matter that 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 and these additional media sources.

A video lecture will accompany each unit. 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.

Important: Sections begin on Monday of the week and end on the following Sunday. All live class sessions will be at 7:00 p.m. Central Time on the respective Wednesdays scheduled.

Week — Dates	Wednesday Live Class Date/Time	Lecture Topics
1 08/26 - 09/01	08/28 7:00 p.m.	Unit 1: Syllabus Review, Introduction post, and Unit 1 – Basic Legal Concepts
2 09/02 - 09/08	09/04 7:00 p.m.	Unit 2: Real Estate Interests and Rights
3 09/09 - 09/15	09/11 7:00 p.m.	Unit 3: Contracts
4 09/16 - 09/22	09/18 7:00 p.m.	Unit 4: Business Formation
5 09/23 - 09/29	09/25 7:00 p.m.	Unit 4 cont'd.: Business Formation
6 09/30 - 10/06	10/02 7:00 p.m.	Unit 5: Employee Relations Start Project #1
7 10/07 - 10/13	10/09 7:00 p.m.	Exam #1 – Units 1 through 4 Project #1 due
8 10/14 - 10/20	10/16 7:00 p.m.	Unit 6: Agencies
9 10/21 - 10/27	10/23 7:00 p.m.	Unit 7: Liability and Risk Management
10 10/28 - 11/03	10/30 7:00 p.m.	Unit 8: Labels
11 11/04 - 11/10	11/06 7:00 p.m.	Unit 8 cont.: Licensing
12 11/11 - 11/17	11/13 7:00 p.m.	Unit 9: Distribution and Shipping
13 11/18 - 11/24	11/20 7:00 p.m.	Unit 9 cont'd.: Permits
14 11/25 - 12/01	11/27 7:00 p.m.	Unit 10: Intellectual Property Start Project #2
15 12/02 - 12/06	12/04 7:00 p.m.	Exam #2 – 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 5, 2019 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 and posted supplemental video lecture links, if applicable; and
4. Outline of material for synchronous sessions, projects and exam preparation (when applicable).

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 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 27, 2018) 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 are due no later than 11:55 p.m. Central Time on 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 assignment in Week 2 (09/02 - 09/08):

Student A may post an initial reply to a discussion assignment starting on Monday at 7:00 a.m. Central Time on Sept 3, 2018, and the initial post is due no later than 11:55 p.m. on Thursday, Sept 6, 2018. I will post a reply to your initial post with comments and feedback no later than Friday, Sept 7 at 6:00 p.m. Central Time. Student A must post a reply to another classmate's discussion post any time after the post appears on the discussion board, but for the reply post, Student A *must* post a reply post no later than 11:55 p.m. Central Time on Sunday, Sept 9, 2018.

To access the discussions, click on the **Communications** menu on the navigation bar, and select “Discussions” from the pull-down menu. 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. Scroll down until you see the same title under **Topic**. Click on the discussion title (it is a link) then click on the Start a New Thread button to complete your post.

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

Student grades will be determined based on their total points earned in the class. The table below outlines the total points possible and their percentage weight.

Assignments	Points Possible	Percent of Course Grade
Exam #1	75	
Exam #2	75	
Online assignments – discussion board posts, and participation in synchronous sessions		
Project #1		
Project #2		
Total		100%

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

Grade calculation: total points earned ÷ total points possible; then using the following scale to determine final letter grades:

90 – 100% = A	80 – 89.9% = B	70 – 79.9% = C	60 – 69.9% = D	Below 60% = F
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Accessing Grades

All course grades will be posted and available on Blackboard in the Grade Center. On the course homepage click on **My Grades** on the Course Navigation menu to view your grades. Note that grades will be posted as soon as grading is complete – which is soon, but not immediately following submission.

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

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 oppose 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. Exam #2 is not a cumulative exam. The exams will be offered on-line in a Word format, and while there is no time limit on the exams (e.g. once you begin you must complete within a designated time period), exams must be completed within the week they

are available. 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.

Live Class Sessions

The instructor will hold synchronous live class sessions throughout the semester via the **Zoom** web conferencing system. 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. Participation to the live class meetings is *required* and a participation grade is assigned. The recording of each live class will be available within 24-48 hours after each session for those who miss a live class.

The live sessions will take place every **Wednesday evening from 7:00 p.m. to 8:00 p.m. Central Time**. The sessions are 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.

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.

INSTITUTIONAL POLICIES ON THE FOLLOWING PAGE

Missouri State University Institutional Policies

Withdrawing from the Course

It is the students' responsibility to see that all requirements are completed within the semester timeframe so grades can be issued. Should it become necessary to withdraw, it is the student's responsibility to do so according to the university guidelines found at: <http://wp.missouristate.edu/recreg/withdrawl-procedures.htm>

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

Online Student Academic and Student Support Resources

Missouri State University-West Plains provides a full-range academic and student support for online students. To learn more about specific academic and student support and how to access the resources, go to <http://online.wp.missouristate.edu/>

Attendance Policy

Missouri State University 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. MSU 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 at: <http://www.missouristate.edu/registrar/catalog/attendan.html>

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.

Statement of Nondiscrimination

Missouri State University is an equal opportunity/affirmative action institution, and maintains a grievance procedure available to any person who believes he or she has been discriminated against. At all times, it is your right to address inquiries or concerns about possible discrimination to the Office for Institutional Equity and Compliance, Park Central Office Building, 117 Park Central Square, Suite 111, 417-836-4252. Other types of concerns (i.e., concerns of an academic nature) should be discussed directly with your instructor and can also be brought to the attention of your instructor's Department Head. Please visit the OED website at:

<http://www.missouristate.edu/equity/>

Academic Integrity Statement

Missouri State University is a community of scholars committed to developing educated persons who accept the responsibility to practice personal and academic integrity. You are responsible for knowing and following the university's student honor code, Student Academic Integrity Policies and Procedures, available at: <http://www.missouristate.edu/academicintegrity/> and also available at the Reserves Desk in Meyer Library. Any student participating in any form of academic dishonesty will be subject to sanctions as described in this will also be notified by email.

Student Disability Accommodation Policy and Procedures

To request academic accommodations for a disability, contact the Director of [Disability Services](#), Plaster Student Union, Suite 405, (417) 836-4192 or (417) 836-6792 (TTY), or www.missouristate.edu/disability. Students are required to provide documentation of disability to Disability Services prior to receiving accommodations. Disability Services refers some types of accommodation requests to the [Learning Diagnostic Clinic](#), which also provides diagnostic testing for learning and psychological disabilities. For information about testing, contact the Director of the [Learning Diagnostic Clinic](#), (417) 836-4787, <http://psychology.missouristate.edu/ldc>.

Religious Accommodation

The University may provide a reasonable accommodation based on a person's sincerely held religious belief. Students who expect to miss classes, examinations, or other assignments as a consequence of their sincerely held religious belief shall be provided with a reasonable alternative opportunity to complete such academic responsibilities. It is the obligation of students to provide faculty with reasonable notice of the dates of religious observances on which they will be absent by submitting a *Request for Religious Accommodation Form* to the instructor by the end of the third week of a full semester course or the end of the second week of a half semester course. For more information see: http://www.missouristate.edu/policy/op1_02_1_religiousaccommodation.htm