

SS 351: Art and the Law

College of Visual Arts, Saint Paul, Minnesota 55102

Spring 2009

3 credits

Meeting days: Tuesday and Thursday, 10:00 to 11:20 a.m.

Summit 101



Figure 1: Elgin Marbles, Selene's Horse. British Museum, London. Photo by S. Short, 2003.

Dr. Sue Short, Associate Professor

sshort@cva.edu

<http://shortstreet.net/cva.htm>

651-757-4003

Office hours:

Tuesday: 11:20 am – 1:00 pm

Thursday: 11:20 am – 1:00 pm

Office location: Summit 212, 2nd floor

I. COURSE DESCRIPTION

Law and the practice of visual artists and designers intersect in many ways. We will examine some of the pressing contemporary legal issues, including intellectual property rights in works of art and design (copyright, appropriation, and resale); artistic freedom and censorship; legal issues involving art collectors, museums, and galleries; and international law and the fate of works of art in wartime. The relationship between ethics and law will be a recurring theme as we consider the codes of ethics of professional art and design organizations.

II. LEARNING OUTCOMES

The following CVA learning goals will be relevant in this course:

- A.** Ability to communicate effectively orally and in writing.
- B.** Skills in critical thinking and in critical valuation of ideas and information.
- C.** Sound methodology for acquiring and using information from many sources.
- D.** Skill in working collaboratively.

III. METHOD OF ASSESSMENT

Assessment is a part of this course and will center on the learning goals stated in section II. Students will be asked to do certain exercises this semester to assess how well the course is meeting these goals.

IV. COURSE REQUIREMENTS and Policies

A. Evaluation and Grading

Your performance in this class will be evaluated in several different ways during the semester. There will be a narrative evaluation at mid-semester as well as graded evaluations of your assignments. The CVA academic policies specify certain standards for evaluation.

The course assignments will carry the following weights in grading:

Mid-term examination	20%
Discussions and negotiation	20%
Mock trial and Brief	30%
Final examination	30%

B. Attendance

Classes that meet 2 times per week recognize 4 absences as grounds for failure.

Classes that meet 1 time per week recognize 3 absences as grounds for failure.

2 tardy are equivalent to 1 absence. After 15 minutes, a tardy becomes an absence.

A student will forfeit all rights and privileges for the course failed due to attendance and/or tardy absences.

Excused absences are only granted due to hospitalization and/or death in the family, or legally mandated activities such as military service or court appearances. Students are required to show documentation of their circumstance to their Academic Advisor. The Advisor reports excused absence decisions to the Registrar's Office, which communicates them to faculty.

CVA recognizes all religions and will grant excused absences for documented religious holidays. Students are required to register the particular times and dates of these holidays at the beginning of each semester with the Office of Academic Affairs. This office will communicate to the given faculty.

Students are responsible for understanding this policy and tracking their own attendance and tardiness.

C. Academic Honor Code

I. Principles

Every student at the College of Visual Arts must adhere to high standards of honorable behavior. Academic work for all liberal arts and studio classes must be a student's own, with appropriate credit given for use of the words, images, and ideas of another. If a student uses fraudulent means to obtain grades or other advantages in academic work, he or she has not truly gained in knowledge, understanding, or skill. Grades, honors, and other marks of achievement lose their meaning; the reputation of the College of Visual Arts is diminished and the value of its B. F. A. degree reduced. It is therefore essential to the integrity of the college that every member of the community -- students, faculty, staff, and administration -- uphold the highest standards of academic integrity.

II. Definition and Examples of Academic Dishonesty

Cheating

1. Copying another student's answers on a quiz or exam
2. Using notes or other source materials on a quiz or exam without the instructor's permission
3. Collaborating on a take-home exam meant to be completed individually
4. Using electronic devices such as phones, computers, or calculators during an exam without the
5. Copying another student's homework assignment
6. Using answers from an instructor's version of a textbook for a homework assignment meant to be completed individually.

Plagiarizing

1. Presenting for either a liberal arts or studio class the work of another without acknowledgement, as though it were your own
2. Using the "cut and paste" method of constructing a paper from Internet or print sources without synthesizing the ideas to create your own independent thesis or identifying the sources
3. Using information, ideas, or images from any source (internet, book, article, a classmate's research paper or artwork) without proper attribution
4. Using the exact words of another without using quotation marks and citing the source
5. Paraphrasing the words of another without citing the source

Making multiple submissions

1. Submitting, without prior permission, a paper, project, or other assignment completed in one class to fulfill a requirement for another class

Facilitating academic dishonesty

1. Allowing another student to copy answers from your exam paper
2. Giving or selling another student a completed assignment, project, or paper
3. Informing students in a later section of a class the questions on an exam

Stealing or defacing materials or other property

1. Theft or defacement of any materials or property belonging to another student or member of the staff or faculty
2. Theft or defacement of any materials or property belonging to the college
3. Theft or defacement of library books or other materials
4. Theft of proprietary software

Using materials in an unauthorized manner

1. Unauthorized entry into college property such as classrooms, studios, computer labs, faculty offices, or library
2. Unauthorized use or manipulation of studio equipment or computer programs

Falsifying academic records

1. Alteration of grade books or files
2. Use of personal relationships to gain grades or favors
3. Any attempt to obtain grades or credit through fraudulent means.

III. Process for Dealing with Violations of the Honor Code

The College of Visual Arts will treat violations of the honor code with the utmost seriousness. If a student is accused of academic dishonesty, the student will be informed of the alleged violation and the evidence on which the allegation is based.

If circumstances warrant, the instructor and relevant department chair, in consultation with the academic dean, may decide on a penalty such as a failing grade or 0 on the assignment or exam or a failing grade in the course. A record of the violation will be filed in the office of the dean, who will maintain a permanent record of reported student violations. Students may appeal to the relevant department chair. If dissatisfied with that decision, the student may appeal to the academic dean. The decision from that office will be final. In special circumstances a student may appeal to a standing hearing committee. Second and subsequent violations of the honor code will be dealt with by the academic dean. Students may appeal decisions to the standing committee, the decision of which is final.

IV. Penalties for Violations

Penalties for students found to have engaged in academic dishonesty may include

1. A grade of F or 0 on an assignment, paper, or exam
2. A grade of F for the course
3. Suspension from the college
4. Expulsion from the college

D. Student Responsibilities

1. Treat class time as an opportunity to learn.
2. Abide by the CVA Attendance Policy, Honor Code, Grievance Procedure and Code of Conduct.
3. Arrive on class on time, with all materials, ready to work steadily throughout the session.
4. Be prepared with all your required materials for every class.
5. Complete assignments on time. Late work will be substantially penalized.
6. Cite all research, text and image sources. See the citation guide at:
<http://www.shortstreet.net/mlacites.htm>
7. Participate in all class discussions and critiques.
8. Confront difficulties in your work in the spirit of learning, creative exploration, and personal growth.
9. Ask for help from your instructors when needed.
10. Avail yourself of all available support services including advising, tutorials, and workshops.
11. Respect your fellow students at all times.
12. Disruptive behavior is not tolerated.
13. You are responsible for cleaning up after yourself at the end of each class.
14. No radios, players, walkmans, pagers, or cellular phones are allowed in class.
15. No smoking anywhere in any CVA building. Smoke only in designated outdoor smoking areas on campus.

V. RESOURCES AND READINGS

Two texts are required for the course and may be purchased through CVA's online bookstore at:
<http://direct.mbsbooks.com/cva.htm>.

1. Crawford, Tad. *Legal Guide for the Visual Artist*, Fourth Edition. New York: Allworth Press, 2001. ("Crawford" in syllabus readings.)
2. Lerner, Ralph E. and Judith Bresler, *All About Rights for Visual Artists*. New York: Practising Law Institute, 2006. ("Lerner" in syllabus readings.)

You will also be reading other materials and doing research for course assignments.

In addition, there is a bulletin board that students may use to raise questions, discuss issues, and interact with each other and the instructor between classes. The Board is available at:

<http://shortstreet.net/phpBB2/index.php>

VI. MATERIALS AND SUPPLIES

Materials needed for this course include pen or pencil and writing paper. Access to a personal computer (the CVA computer labs are available for student use outside class periods) is necessary for word processing of written assignments.

VII. COURSE METHODOLOGY

Course activities will include readings, research, class presentations, and discussion and debate about case studies in legal and ethical issues. There will be some lecture, and some of the time in class will be spent in group activities and discussion. Students will research and lead class discussions on some course topics. All students will participate in a mock negotiation session addressing the fate of the Elgin Marbles. Students will also participate in a mock trial concerning alleged infringement of intellectual property rights. Specific written instructions for assignments will be distributed separately.

VIII. COURSE OUTLINE

Tuesday	Thursday
1.20 Introduction to the course. Review syllabus. Assessment.	1.22 Historical material: Plunder of art.
1.27 Negotiation exercise: All the Marbles	1.29 Who Owns the Past? Discussion of present day appropriation of the past and implications.
2.3 Artists' Legal Rights: Moral Rights. Lerner, Chap. 3. Crawford, Chap. 7.	2.5 Artists' Legal Rights: Copyright Protection Lerner, Chap. 2. Crawford, Chap 2
2.10 Copyright: Transfer and Exhibit; Registration. Lerner, Chap 2, pp. 104-134. Crawford Chaps 2 and 3.	2.12 Copyright: Works for Hire and Joint Work; Infringement. Lerner, Chap 2, pp. 110-123 and 137-169. Crawford, Chap 4, 5
2.17 Copyright Infringement and Fair Use. Lerner, Chap 2, pp. 137-172. Crawford, Chap. 5	2.19 Copyright: Digital Media; Trademark and Trade Dress; Patent. Lerner, Chap 4. Crawford, Chap 6.
2.24 Catch-up and Review. Discussion and questions.	2.26 Mid-term Examination
3.3 Artistic Freedom: History and Censorship. Lerner, Chap 1. Crawford, Chap 9.	3.5 Artistic Freedom: Censorship, Libel, and Privacy. Lerner, Chap 1. Crawford, Chap. 9
3.10 Artistic Freedom: State as Censor. Lerner, Chap 1. Crawford, Chap 9.	3.12 Artistic Freedom: State as Censor. Aesthetic Censorship and Licensing. Lerner, Chap 1. Crawford, Chap 9.
3.17 Spring Break	3.19 Spring Break
3.24 State as Arts Consumer and Arts Benefactor.	3.26 Art and Design Practice: Professional Codes of Ethics. [Student-led discussions]
3.31 Art and Design Practice: Principles of Contract Crawford, Chap 10. Sale of Artwork. Sale by Galleries and Agents. Commissions. Crawford, Chaps. 11, 14.	4.2 Sale of Reproduction Rights (Photographers, Illustrators, Designers). Crawford, Chap. 15.
4.7 No class meeting: Advising and Registration	4.9 Artists' Publishing Contracts. Crawford, Chap. 16. Legal Issues: Museums Crawford, Chap. 25.
4.14 Legal Issues: Museums and Art Collection Crawford, Chap. 26.	4.16 Introduction: Mock Trial Roles and Fact Review.
4.21 Trial Research & Prep Day (No Class Meeting)	4.23 Mock Trial (Briefs Due)
4.28 Mock Trial	4.30 Discuss Mock Trial; Review; Course Evaluation
5.5 Final Examination – last day of class	

IX. AGREEMENT

I have received, read, and understand the course syllabus for Art and the Law as well as the CVA Student Policies. The instructor has, within the structure of the class, explained the material contained within the syllabus.

I hereby agree to abide by the structure outlined in the syllabus and by the policies dictated in the CVA Student Policies.

Student Signature

Printed Name

Date