

Mass Communication Law

JOUR4700-001

Spring 2011

9:40-11:05 a.m. TTh, Meeman Room 100

Course Instructor: Professor David Arant.

Office: 300 Meeman Journalism Building

Office Hours: Monday, Tuesday and Thursday, 2-4 p.m., and by appointment.

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COURSE-SPECIFIC REQUIREMENTS**CATALOGUE/COURSE DESCRIPTION:**

Origin and development of legal principles affecting freedom of expression and provisions of laws of libel, slander, copyright, and other statutes limiting communication in fields of publishing and broadcasting.

PROFESSIONAL VALUES AND COMPETENCIES FOR JOUR4700:

- understand and apply the principles and laws of freedom of speech and press in the United States as well as receive instruction in and understand the range of systems of freedom of expression around the world, including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances;
- demonstrate an understanding of the history and role of professionals and institutions in shaping communications;
- conduct research and evaluate information by methods appropriate to the communications professions in which they work.

PREREQUISITE:

There are no prerequisites for this class.

TEXTBOOKS:

Don R. Pember and Clay Calvert, *Mass Media Law*, 17th Edition, McGraw-Hill Publishers.

ISBN 978-0-07-351197-9

COURSE OVERVIEW

Mass Communication Law examines the body of law concerning the freedom and regulation of American mass media. This course is designed to give you a basic understanding of the law affecting mass media as well as media-related fields. If you plan to work in public relations, advertising, broadcasting, newspapers, magazines, or Internet publishing, this course will provide some understanding of laws that will affect you.

First, we study the U.S. legal system and the philosophical and historical foundations of freedom of expression in America, as well as the political and social forces that helped to shape our system. We next examine government censorship of expression.

Then, we consider civil actions invoked against the media: libel, invasion of privacy and infliction of emotional distress. We look at problems in getting access to information, in protecting news and sources from government intrusion, and in reporting the judiciary. Next, we examine copyright law and the limitations on free speech in specific types of expression: corporate, commercial and obscene speech. We conclude the semester by surveying government regulation of electronic media.

For most of you, this course is your only opportunity to study law. The material is interesting but challenging. You must read your assignments prior to the class in which we discuss the material and avoid missing any classes. You need to understand communication law to function as a journalist, broadcaster, advertiser or corporate communicator. While this course is not designed to make you an authority on media law, it will help you to gain an understanding of the protections of the First Amendment as well as your responsibilities and rights as citizens and as professionals.

HOW PROFESSIONAL VALUES AND COMPETENCIES WILL BE MET:

Cognitive Objectives To Be Mastered (Ability To Explain, Analyze, Understand, Think Critically):

1. On completion of J4700, students will have a basic understanding of the law affecting mass media as well as how the law affects those who plan to work in media-related fields. In particular, students will learn basics of libel, privacy, copyright, access to government information, advertising and corporate speech and telecommunications law.
2. Students will learn about the political and social forces that help to shape the law in order to understand that law is not static but an evolving system of rules and regulations.
3. Students also will gain knowledge of the operation of the U.S. Supreme Court as well as its influence on their daily lives, including the effect of the law on the rights of women and minorities and their inclusiveness in American life.
4. Students will gain confidence in the exercise of legal protections for free expression in the practice of journalism, public relations and advertising.
5. Students will gain an understanding of the workings of state and federal access laws, both through their readings, class lectures and speakers from local media.
- 6.

Performance Standards To Be Met (Demonstrable Skills, Abilities, Techniques, Applied Competencies):

1. Students will demonstrate knowledge of media law in general through successful completion of the following: three major exams and a series of unannounced quizzes over assigned materials.
2. Students will participate in class discussions on topics, such as the meaning and application of the First Amendment today in both their personal experiences as well as their professional lives, trends in specific areas of the law such as advertising regulations through discussions of recent court decisions.

HOW ASSESSMENT OF STUDENT LEARNING WILL BE MET FOR JOUR4700:

The class will consist of lecture and discussion. Don't be surprised if you are called on to share your knowledge and opinion of a topic from the reading, so keep up with the assignments. Be prepared for unannounced quizzes on the readings.

You will write three exams that test your knowledge of the content of the assigned readings, the lectures, handouts and videos. Exam I counts 25 percent, Exam II counts 30 percent, and the Final Exam, 30 percent.

Read all assigned readings. Participate in class discussions. You will have a chance to demonstrate your knowledge of the material when the professor calls on you to discuss the content of the readings in class.

Throughout the semester we will have pop quizzes and will assign occasional homework that counts as a quiz. Participation/quizzes/homework assignments are worth 15 percent of the grade. You will be allowed to drop your two lowest pop quiz grades including any zeroes you receive when you are absent from class on the day of a quiz. That means no missed quizzes may be made up. **You will also be required to attend the Freedom of Information Congress on Thursday, March 24.**

The instructor will evaluate your participation for the final grade. Each absence over five will lower your participation grade by one point. If you're absent, you can't participate.

No late work will be accepted without prior arrangements acceptable to your professor unless an absence is due to illness or catastrophic emergency that can be documented. This is a professional program for journalists who are expected to understand and comply with deadlines. You should consider this class your "job" in the educational process and be on time just as you would elsewhere.

CLASSROOM FORMAT:

The class will be presented in both the lecture and discussion formats. Class discussion will involve application of concepts to the law cases. Assignments will require students to analyze case fact settings and apply media law principles.

GRADING:

- **PARTICIPATION/ QUIZZES** **15 PERCENT**
- **EXAM ONE** **25 PERCENT**
- **EXAM TWO** **30 PERCENT**
- **FINAL EXAM** **30 PERCENT**
- Number grades on tests and quizzes translate into these letter grades: A, 90-100; B, 80-89; C, 70-79; D, 60-69; F, below 60.

General definitions of letter grades (adapted from UNC-CH Faculty Council)

A - Mastery of course content at the highest level of attainment that can reasonably be expected of students at a given stage of development. The A grade states clearly that the student has shown such outstanding promise in the aspect of the discipline under study that he/she may be strongly encouraged to continue.

B - Strong performance demonstrating a high level of attainment for a student at a given stage of development. The B grade states that the student has shown solid promise in the aspect of the discipline under study.

C - A totally acceptable performance demonstrating an adequate level of attainment for a student at a given stage of development. The C grade states that, while not yet showing any unusual promise, the student may continue to study in the discipline with reasonable hope of intellectual development.

D - A marginal performance in the required exercises demonstrating a minimal passing level of attainment for a student at a given stage of development. The D grade states that the student has given no evidence of prospective growth in the discipline; an accumulation of D grades should be taken to mean that the student would be well advised not to continue in the academic field.

F - For whatever reasons, an unacceptable performance. The F grade indicates that the student's performance in the required exercises has revealed almost no understanding of the course content. A grade of F should warrant an adviser's questioning whether the student may suitably register for further study in the discipline before remedial work is undertaken. Of course, the most likely way to receive an F is to miss classes and not complete the course requirements.

SCHEDULE OF CLASSES/ASSIGNMENTS

The instructor reserves the right to change the schedule with notice in advance of assignments. Cellular phones must be turned off during class.

Date	Topic	Assignment
Thur., Jan. 13	Introduction	Bill of Rights (inside front cover)
Tues., Jan. 18	U.S. legal system	chap. 1, pp. 1-30
Thur., Jan. 20	History of free expression/First Amendment	chap. 2, pp. 31-46
Tues., Jan. 25	First Amendment developments	chap. 2, pp. 46-65
Thur., Jan. 27	Prior restraint in peace and war	chap. 2/3, pp. 65-87
Tues., Feb. 1	Speech and restraints in high school/college	chap. 3, pp. 87-110
Thur., Feb. 3	Time, place and manner	chap. 3, pp. 110-117
Tues., Feb. 8	Hate speech/fighting words	chap. 3, pp. 118-132
Thur., Feb. 10	Exam 1	
Tues., Feb. 15	Libel: Landscape and elements	chap. 4, pp. 136-165
Thur., Feb. 17	NY Times v Sullivan/private v. public persons	chap. 5, pp. 167-188
Tues., Feb. 22	Fault/Intentional infliction of emotional distress	chap 5, pp. 188-204
Thur., Feb. 24	Libel Defenses/Criminal libel	chap. 6, pp. 205-238
Tues., March 1	Privacy: Appropriation/Intrusion	chap. 7, pp. 241-275
Thur., March 3	Privacy: Embarrassing facts/False light	chap. 8, pp. 277-301
Spring Break, March 7-11		
Tues., March 15	Access to government information	chap. 9, pp. 303-344
Thur., March 17	Access to meetings and Tenn. access law	chap. 9, pp. 344-362
Tues., March 22	Exam 2	
Thur., March 24	Protecting news sources	chap 10, pp. 367-410
Tues., March 29	Free press/Fair trial	chap. 11, pp. 413-437
Thur., March 31	Free press/Fair trial	chap. 12, pp. 439-466
Tues., April 5	Obscenity	chap. 13, pp. 469-495
Thur., April 7	Copyright	chap. 14, pp. 499-529
Tues., April 12	Copyright	chap. 14, pp. 429-546
Thur., April 14	Advertising	chap. 15, pp. 549-571
Tues., April 19	Advertising	chap. 15, pp. 571-588
Thur., April 21	Telecommunications Regulation	chap. 16, pp. 591-639
Tues., April 26	Review	
Tues., May 3	FINAL EXAM, 10:30 a.m.-12:30 p.m.	

DEPARTMENT POLICIES

EMAIL:

You must have your UM email account activated. If you are using another provider such as Google, you are required to have your UM email forwarded to that account. Go to the <http://iam.memphis.edu> website to implement forwarding of UM email. You are required to check your email daily. You are responsible for complying with any email sent to you by your professor or the University.

CELLPHONES:

You must turn them off during class.

ATTENDANCE:

Class attendance is mandatory in the Department of Journalism. You may be assigned a failing grade for the semester for nonattendance, or habitual late arrival. No late work will be accepted without prior arrangements, which are acceptable to your professor. Students may not be permitted to make up any missing work unless it is for an absence due to illness or other catastrophic emergency such as a death in the family that can be documented (e.g. with a doctor's note or a copy of the newspaper obituary). This is a professional program for journalists who are expected to understand and comply with deadlines. If you have some problem making it to class on time make arrangements to fix the problem or consider taking another class. You should consider this class your "job" in the educational process and be on time just as you would elsewhere.

ACADEMIC MISCONDUCT:

In this course we will examine numerous instances of professional dishonesty. The instructor takes plagiarism seriously. Two simple rules of practice, both here in school and in your professional life, are to do your own work the best you can and don't take credit for the work of others. The University of Memphis **Code of Student Rights and Responsibilities** contains additional information about academic misconduct.

Any student engaged in cheating, plagiarism, or other forms of academic dishonesty is subject to discipline as stipulated in the University of Memphis Student Code. "The term 'plagiarism' includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full or clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials." Cheating includes "the misrepresentation of papers, reports, assignments or other materials as the product of a student's sole independent effort."

In addition to university-wide policies stated in the Code of Student Rights and Responsibilities, the Department of Journalism considers making up quotes from sources, turning in substantially the same assignment for credit in two different courses, or a student receiving any assistance from others for work assigned to be done on his/her own, as acts of cheating punishable to the degree determined appropriate by the course instructor and department chair. That may include grade reductions or seeking dismissal of the student from the university.

"Your written work may be submitted to Turnitin.com, or a similar electronic detection method, for an evaluation of the originality of your ideas and proper use and attribution of sources. As part of this process, you may be required to submit electronic as well as hard copies of your written work, or be given other instructions to follow. By taking this course, you agree that all assignments may undergo this review process and that the assignment may be included as a source document in Turnitin.com's restricted access database solely for the purpose of detecting

plagiarism in such documents. Any assignment not submitted according to the procedures given by the instructor may be penalized or may not be accepted at all.” (Office of Legal Counsel, October 17, 2005)

ONLINE SETEs:

You are urged to complete the SETE evaluation of this course. Once your instructor has posted your grade, you can immediately see that grade, provided you completed a teacher evaluation for that class. How to access your evaluation forms: Log in using your UUID and email password; click on the gray “Student” tab; complete an evaluation for each course listed and hit the “Submit” button at the bottom of the form. It will only take a few minutes of your time. We take the evaluations very seriously and use them to improve courses and instructional quality. Your feedback is essential and will be appreciated.

DISABILITY

Any student who feels s/he may need an accommodation based on the impact of a disability should contact me privately to discuss your specific needs. Please contact the Office of Disability Services at (901) 678-2880) in 110 Wilder Tower to coordinate reasonable accommodations for students with documented disabilities.

EXIT EXAM FOR ALL JOURNALISM MAJORS:

All Journalism majors are required to take the Journalism Exit Exam their last semester before graduation. Please contact the Journalism office staff anytime during the semester to sign up. You may take the test anytime there are open lab hours during the semester. You will not be certified to graduate until you have completed the test.

PROFESSIONAL VALUES AND COMPETENCIES FOR JOURNALISM PROGRAM:

The Accrediting Council on Education in Journalism and Mass Communication requires that, irrespective of their particular specialization, all graduates should be aware of certain core values and competencies and be to

- understand and apply the principles and laws of freedom of speech and press, for the country in which the institution that invites ACEJMC is located, as well as receive instruction in and understand the range of systems of freedom of expression around the world, including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances;
- demonstrate an understanding of the history and role of professionals and institutions in shaping communications;
- demonstrate an understanding of gender, race, ethnicity, sexual orientation and, as appropriate, other forms of diversity in domestic society in relation to mass communications.
- demonstrate an understanding of the diversity of peoples and cultures and of the significance and impact of mass communications in a global society.
- understand concepts and apply theories in the use and presentation of images and information;
- demonstrate an understanding of professional ethical principles and work ethically in pursuit of truth, accuracy, fairness and diversity;
- think critically, creatively and independently;
- conduct research and evaluate information by methods appropriate to the communications professions in which they work;
- write correctly and clearly in forms and styles appropriate for the communications professions, audiences and purposes they serve;
- critically evaluate their own work and that of others for accuracy and fairness, clarity,

- appropriate style and grammatical correctness;
- apply basic numerical and statistical concepts;
- apply tools and technologies appropriate for the communications professions in which they work.

ASSESSMENT OF STUDENT LEARNING FOR JOURNALISM PROGRAM:

The Council seeks to promote student learning and encourages experimentation and innovation. Assessment is a system of evaluation of student learning at the course or unit level (as opposed to grading at the individual level). Three criteria should guide assessment of student learning:

- Awareness: familiarity with specific information, including facts, concepts, theories, laws and regulations, processes and effects.
- Understanding: assimilation and comprehension of information, concepts, theories and ideas.
- Application: competence in relating and applying skills, information, concepts, theories and ideas to the accomplishment of tasks.