

Mass Communication Law

JOUR4700-M50

Summer Term

June 4-August 9, 2012

Course Instructor: Professor David Arant, chair, Department of Journalism

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COURSE 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.

PREREQUISITE:

None

TEXTBOOK:

Don R. Pember and Clay Calvert, Mass Media Law, 17th Edition, McGraw-Hill Publishers. ISBN 978-0-07-351197-9

COURSE OBJECTIVES AND FORMAT:

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 and commercial speech.

For most of you, this course is your only opportunity to study law. The material is interesting but challenging. You must read your assignments carefully so you will be able to discuss the material, answer the essays and complete the quizzes on all the readings. 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.

CLASS REQUIREMENTS, GRADES AND ATTENDANCE:

You will have plenty to keep up with each of the ten weeks of the Summer Term, which is five weeks shorter than a typical fall or spring semester. Students will read assignments from the Pember/Calvert textbook and PowerPoint lectures of the material plus additional readings as assigned. My PowerPoint lectures can serve as a guide for your textbook reading.

Each week you will post an answer to the question/issue posed in the Discussion Board section of the eCourseware site and then you will post a second time, this time commenting on a fellow student’s discussion board posting in the eCourseware JOUR4700 course site.

Each week you will have several essay questions to answer. You will have to find the answers from reading the assigned chapter and my PowerPoint lectures posted on eCourseware. You will answer each question in complete sentences. Remember this course is taught as a part of a journalism program. Your grammar and punctuation in your answers do count. You will submit your essay in the drop box of the eCourseware JOUR4700 course site. I will evaluate each answer and post your grade in the grade book each week.

Finally, to test your comprehension, you will take a timed quiz each week on the assigned readings and the PowerPoint slides for that week. This quiz will be timed, so you can’t wait to start reading the chapter when you log-in to take the quiz. There’s not time to look up the answers to the questions. I would suggest that you complete the assigned readings and PowerPoint lectures for the week as well as answer the essay questions before doing the quiz. You will take the quiz in the eCourseware JOUR4700 course site.

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.

- **QUIZZES** **40 PERCENT**
- **DISCUSSION BOARD** **20 PERCENT**
- **ESSAY QUESTIONS** **40 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 not to complete the course requirements.

CLASS/ASSIGNMENT SCHEDULE:

All PowerPoint slides, discussion board postings, quizzes taken and assignments submitted will be done through the eCourseware site, which you access from the University of Memphis home page, www.memphis.edu and clicking on the My Memphis portal on the left-hand side of the page. Then you will find your course, JOUR4700-M50, listed under the eCampus Student tab. Or you can go directly to the eCourseware site at by logging in with your U of Memphis username/password at <https://elearn.memphis.edu/>.

You should post to each week's discussion board no later than Friday night at 11:59 p.m. Central Daylight Time for that week.

The deadline for the essay questions and the quiz covering the weekly assignments is no later than 11:59 p.m. Central Daylight Time, Sunday night of each week, except for the final week when the week's assignments all have to be submitted by 11:59 p.m., Thursday, Aug. 9, the last day of classes for the summer 2012 term.

The instructor reserves the right to change the schedule with notice in advance of assignments.

Week	Topic	Assignments
Week 1, June 4-10	Introduction to law and the U.S. legal system	Bill of Rights (inside front cover)
Week 2, June 11- 17	First Amendment: The meaning of freedom	chap. 1, pp. 1-30 chap. 2, pp. 31-73
Week 3, June 18- 24	First Amendment: Contemporary problems	chap. 3, pp. 75-125
Week 4, June 25-July 1	Libel: Establishing a case	chap. 4, pp.135-166
	Libel: Categories of plaintiffs	chap. 5, pp. 167-188
Week 5, July 2-8	Libel: Meaning of fault	chap. 5, pp. 188-204
	Libel: Defenses and damages	chap. 6, pp. 205-239
Week 6, July 9-15	Invasion of privacy: appropriation/intrusion	chap. 7, pp. 241-276
	Invasion of privacy: private facts/false light	chap. 8, pp. 277-301
Week 7, July 16-22	Gathering information: records and meetings	chap. 9, pp. 303-365
Week 8, July 23-July 29	Free Press Fair Trial: judicial remedies	chap. 11, pp. 413-437
	Free Press Fair: closing the courtroom	chap. 12, pp. 439-467
Week 9, July. 30-Aug. 5	Copyright	chap. 14, pp. 497-548
Week 10, Aug. 4-9	Advertising	chap 15, pp. 549-590

ASSESSMENT

PROFESSIONAL VALUES AND COMPETENCIES FOR MASS COMMUNICATION LAW:

- 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.

**HOW PROFESSIONAL VALUES AND COMPETENCIES WILL BE MET:
Cognitive Objectives To Be Mastered (Ability To Explain, Analyze, Understand,
Think Critically):**

1. On completion of JOUR4700, 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.

**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: ten essay assignments and a series of 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.

**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.

JOURNALISM DEPARTMENT POLICIES

EMAIL: You must have your U of M email account activated. If you are using another provider such as Yahoo or Google, you are required to have your U of M email forwarded to that account. Go to the <http://iam.memphis.edu> website to implement forwarding of U of M 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.

ACADEMIC INTEGRITY:

The instructor takes plagiarism and academic dishonesty 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.

ONLINE SETEs:

You are urged to complete the SETEs 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 the Office for Disability Services at (901) 678-2880 in 110 Wilder Tower Hall 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.