

Mass Communication Law

JOUR4700/6700-001, 501

Spring 2016

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

Course Instructor: Professor David Arant.

Office: Meeman Journalism Room 300

Office Hours: 2-4 p.m., Monday; 2-3 p.m., Tuesday; 2-4 p.m., Wednesday; and by appointment.

Email: darant@memphis.edu; phone, 678-2402

COURSE REQUIREMENTS

CATALOG 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

TEXTBOOKS:

W. Wat Hopkins, editor, *Communication and the Law*, 2016 Edition (ISBN 978-1-885219-54-1) or 2015 Edition (ISBN 978-1-885219-52-7), Vision Press.

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 10 Percent
- Quizzes/Homework 15 Percent
- Exam One 25 Percent
- Exam Two 25 Percent
- Exam Three 25 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.

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 1 counts 25 percent, Exam 2, 25 percent, and Exam 3, 25 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 there may be an occasional homework assignment that counts as a quiz. Quizzes along with any homework assignments that may be assigned 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.

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. If you don't miss more than five classes, you will receive all 10 participation points.

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.

Graduate Students Registered for JOUR6700 write a semester paper (20 percent of grade)

Graduate students (registered for JOUR 6700 Mass Communication Law) must write a research paper. The paper is a legal analysis of a specific, fairly narrow question about Mass Communication Law. Your seminar paper should be at least 3,000 words, or about 12, typed, double-spaced pages. You should read and cite in the text of the paper *at least* 15 sources (legal cases, journal articles, law review articles, books or web information relevant to your paper). This paper's style must conform to the footnote style of The Chicago Manual of Style. Chicago Manual of Style is available online at: <http://owl.english.purdue.edu/owl/resource/717/01/>. Style guides are available in the bookstore and the library. Submit a one-page proposal for this paper by Feb. 11. The research paper is due April 21.

Graduate students registered for JOUR6700 therefore will have this percentage breakdown for their final grade: Participation, 10 percent; Quizzes/homework, 10 percent; Exam 1, 20 percent; Exam 2, 20 percent; Exam 3, 20 percent; Semester paper, 20 percent.

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 path to F and D grades is to miss classes and not complete the course requirements.

TENTATIVE TIMETABLE:

The instructor reserves the right to change the schedule with notice in advance of assignments. Page numbers of the 2015 edition of the textbook are listed first, followed by the page numbers of the 2016 edition in parentheses.

Date	Topic	Reading Assignment
Tues., Jan. 19	Introduction to Media Law	
	Read U.S. Constitution and Bill of Rights, pp. 405-411	(391-397)
Thur., Jan. 21	U.S. legal system	chap. 1: 7-28 (1-22)
Tues., Jan. 26	History/theory free speech/First Amendment	chap. 2: 29-42 (23-36)
Thurs., Jan. 28	First Amendment protection: conduct v speech	chap. 3: 43-54 (37-48)
Tues., Feb. 2	Prior restraint in peace and war	chap. 4: 55-73 (49-67)
Thurs., Feb. 4	Regulating student expression	chap. 7: 131-45 (121-35)
Tues., Feb. 9	Regulating student expression	chap. 7: 145-57 (135-48)
Thurs., Feb. 11	Exam 1 Review	
Tues., Feb. 16	Exam 1	
Thurs., Feb. 18	Defamation: criminal libel and civil libel case	chap. 6: 93-103 (85-95)
Tues., Feb. 23	Fault for private v. public persons	chap. 6: 103-13 (95-105)
Thurs., Feb. 25	Libel defenses	chap. 6: 113-29 (105-20)
Tues., March 1	Constitutional protection for advertising	chap. 8: 159-67 (149-57)

Thurs., March 3 64)	FTC and deceptive advertising	chap. 8: 167-73 (157-
March 7-11	Spring Break	
Tues., March 15 95)	Broadcast Regulation	chap. 10: 187-205 (177-
Thurs., March 17	Broadcast Regulation/Exam 1 review	
Tues., March 22	Exam 2	
Thurs., March 24 75)	Access to public documents/FOIA	chap. 17: 377-89 (363-
Tues., March 29 81)	SPLC Lawyer Frank LoMonte on Access	chap. 17: 389-95 (375-
Thurs., March 31 66)	Intellectual Property/Copyright	chap. 13: 265-77 (253-
Tues., April 5 82)	Copyright fair use and trademark	chap. 13: 277-93 (266-
Thurs., April 7 95)	Privacy: Embarrassing Facts/Intrusion	chap. 14: 295-307 (283-
Tues., April 12 309)	False light/appropriation	chap. 14: 307-21 (295-
Thurs., April 14 28)	Confidential news sources	chap. 15: 323-41 (311-
Tues, April 19 44)	Access to Courts	chap. 16: 343-58 (329-
Thurs., April 21 62)	Access to Courts	chap. 16: 358-76 (344-
Tues., April 26	Exam 3 Review	
Tues, May 3, 10:30-12:30	Exam 3	

FIVE PILLARS FOR JOUR4700

- *Professionalism*: Students learn the First Amendment protections for and legal constraints on journalism and mass communication publication and consider these in the context of professional standards of media practice.
- *Writing*: Students are required to articulate the legal concepts covered in the course by writing essays on these areas of media law.
- *Multimedia*: Students examine the copyright limitations of using multimedia elements, including images and music, as well as creative commons/open-source material available for multimedia presentation.
- *Critical Thinking*: Students analyze case scenarios and find applicable media law principles to suggest whether First Amendment protections prevail or government sanctions might be permitted in that case.
- *Media Literacy*: Mass Communication Law examines professional media practice in advertising, public relations and news journalism to develop understanding of the role of media in society and why society provides special protections publication under the First Amendment.

ASSESSMENT

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.

HOW PROFESSIONAL VALUES AND COMPETENCIES WILL BE MET:

Cognitive objectives to be mastered (ability to explain, analyze, understand, think critically):

- 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.
- 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.
- 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.
- Students will gain confidence in the exercise of legal protections for free expression in the practice of journalism, public relations and advertising.
- 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):

- 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.
- 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 course is designed to equip students with knowledge necessary to successfully apply legal concepts in professional journalism, public relations and advertising practice.

Awareness:

- Awareness of the historical progression of First Amendment freedoms and their application in journalism and media practice.

Understanding:

- Understanding how media law principles protect and, in some cases, limit publication in the practice of journalism, advertising and public relations.

Application:

- Successfully apply media law principles to legal dilemmas presented by various case scenarios in the practice of journalism, advertising and public relations.

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.

DEPARTMENT POLICIES

PORTFOLIO REQUIREMENT:

All Department of Journalism undergraduate students are required to develop and maintain an active portfolio of their work. Students are to begin the portfolio in JOUR 2121 and contribute to it during every skills course thereafter. The portfolio should contain samples of the student's work from courses and/or professional experience and should develop as the student builds skills. Portfolios will undergo a final review while students are enrolled in the capstone course for their concentrations.

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 <http://iam.memphis.edu> 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.

MOBILE PHONES AND LAPTOPS:

Some classes require a tablet, laptop or a smartphone to be used during class or to complete class assignments. Others do not allow them. Your instructor will set the policy for her/her specific 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. Students are permitted three total unexcused absences without penalty. After three absences, the student's final grade will be deducted one letter grade for each absence. After seven unexcused absences, the student will fail the course. Absences for illness and other catastrophic emergencies, such as a death in the family, must be documented (e.g. doctor's note or obituary) to be excused from the total absence count. Students with excessive unexcused absences are encouraged to withdraw from the course prior to the drop deadline.

DEADLINES:

All deadlines are firm. This is journalism and mass communications. Assignments turned in late will NOT be graded. Late work is not accepted unless prior arrangements have been made with the instructor. Students are NOT permitted to make up assignments, quizzes, tests, etc. that occurred during an unexcused absence. Students who will miss class and/or a deadline because of an excused absence are expected to notify the instructor immediately upon knowing the absence will occur; exceptions will be made for reasonable circumstances. Students who are absent during the final exam are not permitted to make up the exam and will earn a grade of 0, which might result in failure of the course.

ACADEMIC INTEGRITY:

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, a student receiving any assistance from others for work assigned to be done on his/her own, and violations of copyright law as acts of academic dishonesty punishable to the degree determined appropriate by the course instructor and department chair. Penalties might include grade reductions or 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)

Intellectual property and copyright guidelines

1. Ideas cannot be copyrighted, but the way they are described can.
2. Anything set down in a tangible form, i.e., written, is by law copyrighted.
3. If, in a paraphrase, your work is “substantially similar” to a copyrighted work, you are guilty of copyright infringement.
4. A citation indicates where you got material. However, that portion you do not show as a direct quote must be “substantially original” to you. In other words, you can’t just paste in something from another’s work, put a citation at the bottom and call it your own. You need a full rewrite in your own words and syntax so the unquoted material is “substantially original” to you.

Plagiarism: From UM Student Handbook: 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 acknowledgement. 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.

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 me privately to discuss your specific needs. Please contact the Office for Disability Services at 901-678-2880 in 110 Wilder Tower to coordinate reasonable accommodations for students with documented disabilities.

DIVERSITY:

Students are required to respect the differences of others and treat all persons with respect. Discriminatory, derogatory and threatening language or behavior will not be tolerated. Further, students are expected to consider their work through a diverse mind. Mass communications reach a mass audience, and students should be aware of how those messages are received by a diverse audience.

WEATHER POLICY:

Check with local media and the University of Memphis website regarding inclement weather. If the university is closed or classes are canceled, this course will not meet. However, students will still be responsible for that day’s work.

AP STYLE AND GRAMMAR:

All written work in this class should follow the AP Stylebook and accepted rules of grammar and punctuation. If you don’t know the style for a particular phrase, look it up or ask your classmates or the instructor.