

**Media Law**

JOUR4700/6700-M50

Summer 2017

Dr. David Arant

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**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

**TEXTBOOK:**

W. Wat Hopkins, editor, *Communication and the Law*, 2017 Edition (ISBN 978-1-885219-56-5), 2016 Edition (ISBN 978-1-885219-54-1) or 2015 Edition (ISBN 978-1-885219-52-7), Vision Press.

**COURSE OBJECTIVE:**

Media Law examines the body of law concerning the freedom and regulation of American media. This course is designed to give you a basic understanding of the law affecting free expression as well as communication in the media professions. If you plan to work in public relations, advertising, broadcasting, news, magazines, or other online publishing, this course will help you understand the laws that will affect your work daily.

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 prior restraint/censorship of expression, including government attempts to restrict student expression.

Then, we consider civil lawsuits invoked against media publishers: libel and invasion of privacy.

Next, we examine copyright law and the regulation of advertising.

Finally, we examine access to government information and meetings.

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 essay questions and complete the quizzes on each topic. You need to know the basic principles of media law to function as a journalist, broadcaster, advertiser or public relations communicator. While this course is not designed to make you an authority on media law, you will gain an understanding of the

protections of the First Amendment as well as your responsibilities and rights as citizens and as professionals.

### **COURSE STRUCTURE, GRADES AND ATTENDANCE**

You will have several assignments for this asynchronous course for 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 Watkins textbook and the PowerPoint lectures covering that material plus additional readings as assigned. The PowerPoint slides should serve to guide your textbook reading. For information not available in the textbook, view my short videos embedded in the PowerPoint slides.

**Each week you will post a response to the question/issue posed in the Discussions section of the eCourseware site.** Then you will post at least one more time, this time commenting on a fellow student's discussion board posting in the JOUR4700 eCourseware site. Responding to more than one student is encouraged. This is a discussion.

**Each week you will answer several essay questions on the assigned reading and PowerPoint.** You will find the answers in the assigned textbook 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. The grammar and punctuation in your answers do matter. You will submit your essay answers in the Dropbox of the eCourseware JOUR4700 course site each week. I will evaluate each answer and post my evaluation in eCourseware each week.

Finally, to test your comprehension of the material, **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 and just look up answers when you log-in to take the quiz. There's not time to look up the answers to the questions when taking the quiz. I would suggest that before taking the quiz you study the assigned readings and PowerPoint lectures for the week as well as answer the essay questions on the chapter. You will take the quiz in the Quizzes tool of the eCourseware JOUR4700 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 program for media professionals who are expected to understand and comply with deadlines. You should consider this class your "job" in the educational process and complete assignments on time just as you would in your job.

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| • <b>QUIZZES</b>          | <b>40 PERCENT</b> |
| • <b>DISCUSSION BOARD</b> | <b>20 PERCENT</b> |
| • <b>ESSAY QUESTIONS</b>  | <b>40 PERCENT</b> |

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 essay question answers will be done through the eCourseware site. You can access eCourseware from the University of Memphis Home Page by clicking on the My Memphis portal link at the top of the page. Under the UofM Online tab, click on the link to eCourseware and then on the course, JOUR4700-M50. Or log directly into eCourseware with your University of Memphis username and password.

You should complete your postings to each week's Discussion board no later than Friday night at 11:59 p.m. Central Daylight Time for that week. The first Discussion is 11:59 p.m., Friday, June 2.

The deadline for submitting 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., Friday, Aug. 4, the last day of the summer 2017 summer term. The first deadline for submitting the essay question and taking the quiz is 11:59 p.m., Sunday, June 4.

**The instructor reserves the right to change the schedule with notice in advance of assignments. Page numbers of the readings in the 2017 edition of the Wat Hopkins textbook are listed first, along with the 2016 and 2015 edition page numbers in parentheses.**

**Week 1, May 30- June 4, Introduction to law and the U.S. legal system**

Read U.S. Constitution and Bill of Rights in your textbook, pp. 399-405 (391-397; 405-411), and chap. 1, The Law in Modern Society, pp. 1-22 (1-22; 7-28).

**Week 2, June 5-11, History and theory of free expression/First Amendment**

Read chapter 2, pp. 23-36 (23-36; 29-42).

**Week 3, June 12-18, Prior restraint**

Read chapter 4, pp. 49-67 (49-67; 55-73).

**Week 4, June 19-25, Libel: Establishing a case**

Read chapter 6, pp. 85-101 (85-101; 93-109).

**Week 5, June 26-July 2, Libel: Categories of Plaintiffs, Damages and Defense Strategies**

Read chapter 6, pp. 101-120 (101-120; 109-128).

**Week 6, July 3-9, Regulating Student Expression**

Read chapter 7, pp. 121-148 (121-148; 131-157).

**Week 7, July 10-16, Regulating Advertising**

Read chapter 8, pp. 149-164 (149-164; 159-173).

**Week 8, July 17-23, Intellectual Property: Copyright**

Read chapter 13, pp. 259-289 (253-282; 265-293).

**Week 9, July 24-30, Privacy Rights in an Open and Changing Society**

Read chapter 14, pp. 291-317 (283-309; 295-321).

**Week 10, July 31-Aug. 4, Access to Public Documents and Meetings**

Read chapter 17, pp. 371-390 (363-381; 377-395).

**JOUR6700 Graduate Students Write Semester Paper**

Graduate students (registered for JOUR 6700 Media Law) must write a research paper, which counts 30 percent of the course grade. 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 June 22. Papers are due July 31.

Graduate students registered for JOUR6700 have this percentage breakdown for their final grade: Semester paper, 30%; essay questions, 25%; discussion board, 20%; quizzes, 25).

## **FIVE PILLARS OF 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 students in the Department of Journalism and Strategic Media 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 from every course thereafter. The portfolio should contain samples of the student's work from his/her courses and/or professional experience and should develop as the student builds skills. Portfolios will undergo a final, external review while students are enrolled in the capstone course for their majors.

Students may use any type of web hosting for their portfolios, but it must have an independent and professional URL. The department requires students to use WordPress to build their portfolio sites. Students are encouraged to consider purchasing a URL and hosting if they plan to use the portfolio for a long term, but must keep the portfolio active for six months following graduation from the University of Memphis.

Students should have a professional email address they plan to use throughout their professional life, via a common email service, such as Gmail or Yahoo.

All portfolios must contain the following items:

- Samples of work from courses and/or professional activities. (Example: Broadcasting students must include a video reel)
- A current résumé
- A personal profile
- Contact information/means of contact
- Social media links

Students might wish to include a blog, video reels, photograph galleries, SoundSlides presentations, design PDFs, audio files, and Storify pieces as examples of professional work. The professional work should ultimately be tailored to the career the student seeks after graduation. Thus, each student's portfolio should show a unique blend of work.

**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.

**MOBILE PHONES AND LAPTOPS:**

Some classes require a tablet, laptop or a smartphone. Others do not. Your instructor will set the policy for her/her specific class.

**ATTENDANCE:**

Class attendance is mandatory in the Department of Journalism and Strategic Media. 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.

**CHEATING:**

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.

Further, as this is a journalism/mass communication class, students are expected to comply with copyright law, and must have sufficient permission to use any copyrighted materials used in creative projects, unless otherwise informed in cases of exercises or reproduction.

"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 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.

**DEADLINES:**

Remember there’s a reason “DEAD” makes up half the word “deadline.” All deadlines are firm. This is journalism and strategic media. If you get into trouble, talk to your instructor. Exceptions will be made for reasonable circumstances if the student notifies the instructor prior to the due date.

**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.

**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 Hall 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:**

Always 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.