

# Media Law

JRSM 4700-001-501/6700-001

Fall 2019

Class meeting: TR 9:40-11:05, MJ 100

## Dr. David Arant

Office: 300 Meeman

Email: [darant@memphis.edu](mailto:darant@memphis.edu)

Phone: 901-678-2402

## 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 that affect communication in fields of publishing and broadcasting.

### Prerequisite

60 credit hours earned (undergraduate)

### Required textbook

W. Wat Hopkins, editor, *Communication and the Law*, Vision Press, 2019 Edition (ISBN 978-1-885219-74-9), 2018 Edition (ISBN 978-1-885219-74-9), 2017 Edition (ISBN 978-1-885219-56-5), or 2016 Edition (ISBN 978-1-885219-54-1).

### 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.

### Course objectives

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 the civil lawsuits most commonly filed against media publishers: libel. Next, we examine copyright law and the regulation of advertising. Finally, we examine public 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. 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. Read the assigned reading for each class period before coming to class. This is not an abstract legal theory class. 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 media professionals.

### Accessing the course website

1. Go to the University of Memphis home page: <http://www.memphis.edu>
2. Click on the "eCourseware" link at the bottom left of the Uof M home page.
3. Log in using your University of Memphis username and password.
4. Find in your Fall 2019 course list the link for JRSM 4700/6700 to enter our course.
5. Read and follow the instructions on the welcome page.

### Course structure, grades and attendance

Each week students will read assignments from the Watkins textbook and the PowerPoint slides covering that material plus additional readings as assigned. The PowerPoint slides, which are posted on the eCourseware course site, should serve to guide your textbook reading.

**Attend class in order to engage the class presentations and 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. The professor 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 miss no more than five classes, you can receive all 10 participation points. You must sign the attendance roll to document your attendance.

**You will post your response to each of the seven scenarios/questions I pose in the Discussions board of the JRSM4700 eCourseware site.** Then for each scenario you will post at least one more time, commenting at least once on a fellow student's Discussions posting in the eCourseware site. The opening date and the deadline for participation in these Discussions scenarios is included in the course schedule below. You will also receive an alert in the eCourseware course site. There might also be an occasional pop quiz in class, which I will give if it appears students are not doing their assigned textbook readings or are not paying attention in class. Your Discussions post grades as well as grades for any quizzes given count a total of 15 percent of the final grade.

**You will write three exams that test your knowledge of the assigned readings, the lectures and the PowerPoint slides.** Exam 1 counts 25 percent; Exam 2, 25 percent; and Exam 3, 25 percent. You will receive a study guide for each exam, which will include the discussion questions that will appear on the exam as well as a list of topics that might appear in the exam's multiple choice/true false items. The study guide and PowerPoint slides will be posted on the Content page of eCourseware.

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.

### Grading for JRSM 4700

Participation	10 Percent
Online eCourseware Discussions/Quiz	15 Percent
Exam One	25 Percent
Exam Two	25 Percent
Exam Three	25 Percent
Total	100 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.

### JRSM6700 Graduate Students Write Semester Paper

Graduate students (registered for JRSM 6700 Media Law) must write a research paper, which counts 20 percent of the course grade. The paper is a legal analysis of a specific, focused question/topic about Media Law. Your semester 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 September 19. Papers are due November 26.

### Grading for JRSM 6700

Semester paper	20%
Exam 1	20%
Exam 2	20%
Exam 3	20%
Online Discussion	10%
Participation	10%

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.

## COURSE SCHEDULE

The instructor reserves the right to change the schedule with notice in advance of assignments. Page numbers of the 2019 edition of the textbook are listed first, followed by the page numbers of the 2018, 2017 and 2016 editions in parentheses.

*Week 1, Tuesday, Aug. 27, Introduction and the U.S. Constitution*

Readings: The U.S. Constitution, pp. 365-370 (395-401; 399-405; 391-397)

*Week 1, Thursday, Aug. 29, U.S. legal system*

Readings: chapter 1, The Law in Modern Society, pp. 1-21 (1-21;1-22;1-22).

*Week 2, Tuesday, Sept. 3, Why we value free expression*

Readings: chapter 2, The First Amendment in Theory and Practice, pp. 2: 23-35 (23-36; 23-36; 23-36).

Week 2 Discussion (eCourseware under Communication) opens Aug.30.

*Week 2, Thursday, Sept. 5, The History of Freedom of Expression in the United States*

Readings: Bill of Rights, pp. 370-371 (400-401; 404-405; 396-397)

**Deadline:** Week 2 Discussion (eCourseware under Communication) closes at 11:59 pm Sept. 5.

*Week 3, Tuesday, Sept. 10, Government Prior Restraint in Peace and War*

Readings: chapter 4, Prior Restraint, pp. 4: 49-66 (49-66; 49-66; 49-66).

Week 3 Discussion (eCourseware under Communication) opens Sept. 6.

*Week 3, Thursday, Sept. 12, Government Prior Restraint in Peace and War*

Readings: chapter 4, Prior Restraint, pp. 4: 49-66 (49-66; 49-66; 49-66).

**Deadline:** Week 3 Discussion (eCourseware under Communication) closes at 11:59 pm Sept. 12.

*Week 4, Tuesday, Sept. 17, Free Expression Protections for High School and University Students*

Readings: chapter 7, Regulation Student Expression, pp. 4: 49-66 (49-66; 49-66; 49-66).

Week 4 Discussion (eCourseware under Communication) opens Sept. 13.

*Week 4, Thursday, Sept. 19, Free Expression Protections for High School and University Students*

Readings: chapter 7, Regulating Student Expression, pp. 4: 49-66 (49-66; 49-66; 49-66).

**Deadline:** Week 4 Discussion (eCourseware under Communication) closes at 11:59 pm Sept. 19.

*Week 5, Tuesday, Sept. 24, Review*

*Week 5, Thursday, Sept. 26, Exam 1*

*Week 6, Tuesday, Oct. 1, Defamation: Criminal libel and civil libel*

Readings: chapter 6, Defamation, pp. 83-93 (83-93; 85-95; 85-95).

*Week 6, Thursday, Oct. 3, Fault for private versus public person libel plaintiffs*

Readings: chapter 6, Defamation, pp. 93-102 (93-103; 95-105; 95-105).

Week 7 Discussion (eCourseware under Communication) opens Oct. 3.

*Week 7, Tuesday, Oct. 8, Libel Defenses*

Readings: chapter 6, Defamation, pp. 102-117 (103-118; 105-120; 105-120).

*Week 7, Thursday, Oct. 10, Libel Review.*

**Deadline:** Week 7 Discussion (eCourseware under Communication) closes at 11:59 pm Oct. 10.

*Week 8, Tuesday, Oct. 15, Fall Break*

*Week 8, Thursday, Oct. 17, First Amendment Protection for Advertising*

Readings: chapter 8, Regulating Advertising, pp. 125-133 (147-155; 149-157; 149-157).

Week 9 Discussion (eCourseware under Communication) opens Oct.17.

*Week 9, Tuesday, Oct. 22, FTC advertising regulation*

Readings: chapter 8, Regulating Advertising, pp. 125-133 (147-155; 149-157; 149-157).

*Week 9, Thursday, Oct. 24, Regulating Public Relations*

Readings: chapter 6, Regulation Public Relations, pp. 141-147 (163-170; 165-172; 165-172).

**Deadline:** Week 9 Discussion (eCourseware under Communication) closes at 11:59 pm Oct. 24.

*Week 10, Tuesday, Oct. 29, Review*

*Week 10, Thursday, Oct. 31, Exam 2*

*Week 11, Tuesday, Nov. 5, Regulating Broadcast*

Readings: chapter 10, Broadcast Regulation, pp. 153-163 (175-185; 179-189; 177-188).

*Week 11, Thursday, Nov. 7, Regulating Broadcast*

Readings: chapter 10, Broadcast Regulation, pp. 163-174 (185-196; 189-200; 188-198).

Week 12 Discussion (eCourseware under Communication) opens Nov. 8.

*Week 12, Tuesday, Nov. 12, Copyright law*

Readings: chapter 13, Intellectual Property, pp. 233-245 (257-270; 259-272; 253-266).

*Week 12, Thursday, Nov. 14, Fair use in copyright and trademark law*

Readings: chapter 13, Intellectual Property, pp. 245-259 (270-286; 272-289; 266-282).

**Deadline:** Week 12 Discussion (eCourseware under Communication) closes at 11:59 pm Nov. 14

*Week 13, Tuesday, Nov. 19, Privacy Torts: private facts; intrusion*

Readings: chapter 14, Privacy Rights, pp. 261-273 (287-300; 291-303; 283-295).

Week 13 Discussion (eCourseware under Communication) opens Nov. 15.

*Week 13, Thursday, Nov. 21, Privacy Torts: false light; appropriation*

Readings: chapter 14, Privacy Rights, pp. 307-321 (333-348; 336-351; 329-344).

**Deadline:** Week 13 Discussion (eCourseware under Communication) closes at 11:59 pm Nov. 21.

*Week 14, Tuesday, Nov. 26, Access to Public Records/Freedom of Information Act (FOIA)*

Readings: chapter 17, Access to Public Documents/Meetings, pp. 339-350 (367-378; 371-383; 363-375).

*Week 14, Thursday, Nov. 28. Thanksgiving Holiday*

*Week 15, Tuesday, Dec. 3, Tennessee access laws*

Readings: chapter 17, Access to Public Documents/Meetings, pp. 350-355 (379-385; 383-390; 375-381).

## ASSESSMENT AND OUTCOMES

### Five Pillars in JRSM 4700

- *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*: Students examine professional media practice in advertising, public relations and journalism to develop understanding of the role of media in society and why society provides special protections for publication under the First Amendment.
- *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.
- *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.

### Professional Values and Competencies for JRSM 4700

- Understand and apply the principles and laws of freedom of speech and press in the United States as well as 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 media professionals and institutions in shaping communications

### How professional values and competencies will be met

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

- 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 first amendment protections, libel, privacy, copyright, access to government information, as well as government regulation of advertising, corporate speech and telecommunications.
- 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 legal principles and government regulations.
- Students 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 their 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 law, through textbook 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 online Discussion scenarios..
- Students will participate in class discussions of media law principles and court cases that affect the meaning and application of the First Amendment today in both their personal and professional lives as well as explore emerging trends in specific areas of media law such as web/social media publication, deregulation in advertising and broadcast expression, and barriers to access of government information.

### **How assessment of student learning will be met**

#### *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 advertising, creative mass media, journalism and public relations.

#### *Application*

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

## **JOURNALISM AND STRATEGIC MEDIA 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. Undergraduate students are to begin the portfolio in JRSM 3900 and graduate students are to begin in JRSM 7002. Students are to contribute to it in every skills course thereafter. The portfolio should contain samples of the student's work from courses and/or professional experiences and should develop as the student builds skills. Portfolios will undergo a final, external review while students are enrolled in their capstone courses.

Students may use any type of web hosting for their portfolios, but it must have an independent and professional URL. Students may use any content management system, but students are encouraged to use WordPress, Wix or Squarespace. Students are encouraged to consider purchasing a URL and hosting if they plan to use the portfolio for a long term, but they 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 lives, via a common email service, such as Gmail.

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 writing 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**

Students must have their UofM email accounts activated. Students using another provider, such as Google, are required to have all UofM email forwarded to that account. Students should go to the <http://iam.memphis.edu> website to implement forwarding of UofM email. Students are required to check their email daily. They are responsible for complying with any email sent to them by professors or others in the University.

### **Electronic devices**

Some classes require a tablet, laptop or a smartphone. Others do not. Instructors will set the policy for their specific classes.

### **Attendance**

Class attendance is mandatory in Journalism and Strategic Media. Students may be assigned a failing grade for the semester for nonattendance or habitual late arrival. No late work will be accepted without prior arrangements with the class professor. Students may not be permitted to make up any missing work unless it is for an absence because of 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). Journalism and Strategic Media is a professional program, and students are expected to understand and comply with deadlines. Students who have some problem making it to class on time should make arrangements to correct the problem or consider taking another class. Students should consider this class as a "job" in the educational process and be on time just as they would elsewhere.

### **Course repetition**

Majors and minors who fail to earn the minimum passing grade ("C-") in a class required by their program of study in Journalism and Strategic Media more than three times will be dropped from the program.

Students may not use or submit work from a previous course, even if it is the same course being repeated, to fulfill requirements for assignments in another course. If students wish to substantially rework the original submission, or to work with the same general idea, that may be permissible upon discussion with and written approval from the professor of the current course. All written work will be checked for policy adherence via TurnItIn.com. All creative work will be checked for policy adherence by the professor, and judged against previous submissions. The only exception to this policy is the student's online portfolio and its attendant pieces (for example, the résumé and logo).

### **Academic integrity**

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



Further, as this is a journalism and strategic media 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 rating originality of your ideas. Also to evaluate proper use and assignment of sources. As part of this process, you may require to submit electronic as well as hard copies of your work. Other instructions to follow may also be given. By taking this course, you agree that all assignments may undergo this review process. The assignment may be included as a source document in Turnitin.com's restricted access database. It is solely for the purpose of detecting plagiarism in such documents. Assignments not submitted according to the instructor's procedures may be penalized or may not be accepted at all. (*Office of Legal Counsel, October 11, 2018*)

### **Online SETEs**

Students are urged to complete the SETEs evaluation of this course. Once the instructor has posted grades, student can immediately see that grade, provided they have completed a the SETE for that class. To access evaluation forms, students should log in to MyMemphis using their UUIDs and email passwords; click on the gray "Student" tab; complete an evaluation for each course listed and hit the "Submit" button at the bottom of the form. Completing the SETE will only take a few minutes. Faculty take the evaluations very seriously and use them to improve courses and instructional quality. Student feedback is essential and is appreciated.

### **Deadlines**

All deadlines are firm. This is journalism and strategic media. Students needing an extension on an assignment must receive approval from the 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 must follow the AP Stylebook and accepted rules of grammar and punctuation. Students are responsible for learning these rules and checking their work for errors.

### **Disability and accommodations**

Students who need an accommodation based on the impact of a disability should contact the Office for Disability Resources for Students at 901-678-2880 in 110 Wilder Tower Hall to coordinate reasonable accommodations for students with documented disabilities.

### **Diversity and inclusivity**

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. Media 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.

### **Student support**

Students who are experiencing personal or academic challenges including, but not limited to food or housing issues, family needs, or other stressors, should visit the Office of Student Accountability, Outreach & Support page to learn about resources that can help: <https://www.memphis.edu/saos/sos/crisis-resources.php>. Any student who faces personal challenges including, but not limited to securing their food or housing and believes this may affect their performance in the course is urged to contact the Office of Student Accountability, Outreach & Support (901-678-2187) located in the University Center, Suite 359 for assistance. Students may also talk with course instructors about the challenges they are experiencing. Instructors may be able to assist in connecting with campus or community support.