

Media Law

JRSM 4700/6700-M50

Summer 2020

Dr. David Arant

Office: 300 Meeman

Email: darant@memphis.edu or email the professor within eCourseware

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, 2020 Edition (ISBN 978-1-885219-86-2), 2019 Edition (ISBN 978-1-885219-74-9), 2018 Edition (ISBN 978-1-885219-74-9), or 2017 Edition (ISBN 978-1-885219-56-5).

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, creative mass media 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. You must read your textbook assignments and eCourseware PowerPoint slides carefully, so you will be able to discuss the material, answer the essay questions and complete the quizzes on each chapter. This is not an abstract legal theory class. As a journalist, broadcaster, advertiser or public relations communicator, you need to understand the basic principles of media law in order to successfully navigate your domain. While this course is not designed to make you an authority on media law, you will gain an understanding of your rights under the First

Amendment as well as your responsibilities 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.
3. Log in using your University of Memphis username and password.
4. On that ePortfolio page, in your Summer 2020 eCourse list, click on the link for JRSM 4700/6700 - M50 to enter the Media Law course.
5. Read all the news items on the Course Home page and follow their instructions.
6. In the right column of the Course Home page, please notice the Calendar items listed.

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. Each week you will read a chapter from the Watkins textbook and the PowerPoint slides covering that material plus additional readings assigned. The PowerPoint slides should serve to guide your textbook reading. I have also prepared short videos to accompany some topics. For an introduction to the law, please view my introductory video listed first in the PowerPoint slide folder.

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 two more times, commenting on a fellow student’s discussion board posting in the JRSM4700/6700 eCourseware site. Responding to more than two students is encouraged. This is a discussion.

Each week you will answer several essay questions on the assigned reading and PowerPoint lecture. You will find the answers in the assigned textbook chapter and my PowerPoint/lecture posted on eCourseware. You will answer each question in complete sentences. Remember this course is taught as part of journalism and strategic media programs. Grammar, punctuation and clear writing in your answers do matter. You will submit your essay answers in the Dropbox of the eCourseware JRSM4700 course site each week. I will evaluate each answer and post my evaluation in eCourseware each week.

Finally, to test your comprehension/retention 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 for the quiz. There’s not time to look up all the answers to the questions when taking the quiz. I suggest that before taking the quiz you study the assigned readings and PowerPoint lecture for the week as well as complete the essay questions on the chapter. You will take the quiz in the Quizzes tool of the eCourseware JRSM4700 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.

Grading for JRSM 4700

Quizzes	30%
Discussion Board	20%
Essay Questions	50%

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 25 percent of the course grade. The paper is a legal analysis of a specific, focused question/topic about Media 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* 12 sources other than the textbook (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. The Chicago Manual of Style is available online at: <http://owl.english.purdue.edu/owl/resource/717/01/>. A printed version of the style guide is available in the bookstore and the library. Submit a one-page proposal for this paper by June 15. First draft of the paper is due July 17. Final papers are due Aug. 4.

Grading for Graduate Students registered for JRSM 6700

Semester paper	25%
Quizzes	25%
Discussion Board	15%
Essay Questions	35%

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.

Class assignment schedule

All PowerPoint slides, discussion board postings, quizzes taken and essay question answers will be done through the eCourseware site. Click on the link to eCourseware and then on the course, JRSM4700/6700-M50.

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 deadline is 11:59 p.m., Friday, June 5.

The deadline for submitting the essay questions and completing the quiz covering the weekly readings is no later than 11:59 p.m. Central Daylight Time, Sunday night of each week. The first deadline for submitting the essay question and completing the quiz is 11:59 p.m., Sunday, June 7.

The instructor reserves the right to change the schedule with notice in advance of assignments. Page numbers of the readings in the 2020 edition of the Hopkins' textbook are listed first, followed by the 2019, 2018 and 2017 edition page numbers in parentheses.

Week 1, June 1-7, Introduction to law and the U.S. legal system

Read in your textbook the U.S. Constitution and Bill of Rights, pp. 365-370 (395-401; 399-405; 391-397), and chapter 1, The Law in Modern Society, pp. 1-21 (1-21;1-22;1-22).

Week 2, June 8-14, History and theory of free expression/First Amendment

Read chapter 2, pp. 23-35 (23-36; 23-36; 23-36).

Week 3, June 15-21, Prior restraint

Read chapter 4, pp. 49-66 (49-66; 49-67; 49-67).

Week 4, June 22-28, Libel: Establishing a case

Read chapter 6, pp. 83-98 (83-99; 85-101;85-101).

Week 5, June 29- July 5, Libel: Categories of Plaintiffs, Damages and Defense Strategies

Read chapter 6, pp. 98-117 (99-118; 101-120;101-120).

Week 6, July 6-12, Regulating Student Expression

Read chapter 7, pp. 119-124 (119-146; 121-148; 121-148).

Week 7, July 13-19, Regulating Advertising

Read chapter 8, pp. 125-140 (147-162;149-164; 149-164).

Week 8, July 20-26, Intellectual Property: Copyright

Read chapter 13, pp. 13: 233-259 (257-286; 259-289; 253-282).

Week 9, July 27-August 2, Access to Public Documents and Meetings

Read chapter 17, pp. 339-355 (367-384; 371-390; 363-381).

ASSESSMENT

Five Pillars in JRSM 4700

- *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*: 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 publication under the First Amendment.

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: complete essay questions and a series of quizzes over assigned materials.
- 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 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.

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

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

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.