

## Media Law

JRSM 4700/6700-001

Spring 2024

Class meeting: TR 9:40-11:05, MJ 112

### Dr. David Arant

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**Office Hours:** 1:30-3:30 p.m., Monday, Tuesday and Wednesday, and other times by appointment; because as department chair I have to attend many meetings, please call ahead or book an appointment to make sure I'm in the office. I am also available for phone or Zoom appointments.

## 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

Clay Calvert, Dan Kozlowski and Derigan Silver, *Mass Media Law, 22nd Edition* (2023), McGraw Hill, ISBN 1260837424.

Here's the link to the University of Memphis Library's eBook license of *Mass Media Law*, 22nd edition that allows up to three users to access the textbook at the same time:

<https://ebookcentral.proquest.com/lib/memphis/detail.action?docID=6976088>

### 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, 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 then examine government prior restraint/censorship of expression, including government attempts to restrict student expression. We also study the civil lawsuit most commonly filed against media publishers: libel. Next, we examine government regulation of advertising and copyright. Finally, we examine legal protections for privacy as well as for 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. 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 legal and ethical responsibilities as citizens and as media professionals.

### Accessing the Canvas website

1. Go to the University of Memphis online learning home page:  
<http://memphis.instructure.com>
2. Log in using your University of Memphis username and password.
3. Find in your Spring 2024 course list the link for JRSM 4700 to enter our course.
4. Read and follow the instructions on the welcome page.

### Course structure, grades and attendance

Each week students will read assignments from the Calvert 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 classroom 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 after you've missed five classes 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 will receive all 5 participation points. As you enter class, you must sign the attendance roll to document your attendance.

**You will post your response to each of the nine scenarios/questions I pose in the Discussions board on the JRSM4700 Canvas course site.** In addition, for each scenario you will post a comment replying to at least one fellow student's Discussions posting in the Canvas site. The opening date and the deadline for participation in these Discussions scenarios is included in the course schedule below. Your Discussions grades count a total of 20 percent of the final grade.

**You will write three, in-person exams that test your knowledge of the assigned readings, lectures and 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 items/topics that might appear in the exam's multiple choice/true-false items. The study guide and PowerPoint slides are posted on Canvas.

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/attendance	5 Percent
Online eCourseware Discussions	20 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 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 seminar paper should be at least 2,000 words. You should read and cite in the text of the paper *at least* 8 sources (other than the textbook) that includes legal cases, journal articles, law review articles, books or government web sites relevant to your paper. Submit a one-page proposal for this paper by Feb. 1. The proposal should have a purpose statement for the paper followed by an outline describing the various sections of the paper you plan to address. Then, you list the cases and/or statutes as well as the secondary sources about your paper’s topic that you’ve found so far.

The first draft of the paper is due April. 2. I’ll give you feedback on your first draft within the week. After you receive my feedback, you will complete the final draft of the paper. Final papers are due April 23, our last class day of the semester.

This paper’s style should follow The Chicago Manual of Style, which is a footnote style that provides for clearer references when citing legal cases. An overview of citations of books, journals and websites in the Chicago Manual of Style is available online at:

[https://owl.purdue.edu/owl/research\\_and\\_citation/chicago\\_manual\\_17th\\_edition/cmos\\_formatting\\_and\\_style\\_guide/chicago\\_manual\\_of\\_style\\_17th\\_edition.html](https://owl.purdue.edu/owl/research_and_citation/chicago_manual_17th_edition/cmos_formatting_and_style_guide/chicago_manual_of_style_17th_edition.html)

For citing law cases and other legal sources in Chicago style see:

[https://owl.purdue.edu/owl/research\\_and\\_citation/chicago\\_manual\\_17th\\_edition/cmos\\_formatting\\_and\\_style\\_guide/legal\\_public\\_and\\_unpublished\\_materials.html](https://owl.purdue.edu/owl/research_and_citation/chicago_manual_17th_edition/cmos_formatting_and_style_guide/legal_public_and_unpublished_materials.html)

### Grading for JRSM 6700

Participation/attendance	5%
Online Discussion	15%
Exam 1	20%
Exam 2	20%
Exam 3	20%
Semester paper	20%

# Course Calendar

The instructor reserves the right to change the schedule with notice in advance of assignments. Page numbers of the 22nd edition of the Clay Calvert *Mass Media Law* are listed below.

*Module 1: Tuesday, Jan. 16, Introduction and the U.S. Constitution*

**Module 1 Discussion opens Jan. 16: Introduce yourself and express your opinion about the First Amendment (Access the Online Discussions board in Canvas).**

*Module 1: Thursday, Jan. 18, U.S. legal system*

Readings: chapter 1, The American Legal System, pp.1-17

*Module 1: Tuesday, Jan 23, U.S. legal system*

Readings: chapter 1, The American Legal System, pp.18-37

**Module 1 Discussion closes at 11:59 p.m., Jan. 23: Introduce yourself and express your opinion about the First Amendment.**

*Module 2: Thursday, Jan. 25, Freedom of Expression and the First Amendment*

Readings: chapter 2, The First Amendment: The Meaning of Freedom, pp. 40-58.

**Module 2 Discussion: Bad Speech in Canvas opens Jan. 25.**

*Module 2: Tuesday, Jan.30, The History of Freedom of Expression in the United States*

Readings: chapter 2, The First Amendment: The Meaning of Freedom, pp. 58-77.

**Deadline: Module 2 Discussion: Bad Speech closes in Canvas at 11:59 p.m., Jan. 30.**

*Module 3: Thursday, Feb. 1, Government Prior Restraint in Peace and War*

Readings: chapter 2, The First Amendment: The Meaning of Freedom, pp. 78-85.

**Module 3 Discussion: Censoring User Content on Social Media opens in Canvas Feb. 1.**

*Module 3: Tuesday, Feb. 6, Government Prior Restraint in Peace and War*

Readings: chapter 2, The First Amendment: The Meaning of Freedom, pp. 78-85.

**Deadline: Module 3 Discussion: Censoring User Content on Social Media closes in Canvas at 11:59 p.m., Feb. 6.**

*Thursday, Feb. 8, Exam 1 Review*

**Tuesday, Feb. 13, Exam 1, in person at 9:40 a.m. in Meeman Journalism 100.**

*Module 4: Thursday, Feb.15, Defamation: Criminal libel and civil libel*

Readings: chapter 4, Defamation: Establishing a Case, pp. 160-192

**Module 4 Discussion: Libel opens in Canvas Feb. 15.**

*Module 4: Tuesday, Feb. 20, Fault for private versus public person libel plaintiffs*

Readings: chapter 5, Defamation: Proof of Fault, pp. 195-215

*Module 4: Thursday, Feb. 22, Chapter 6, Defenses and Damages*

Readings: chapter 6, Defamation: Defenses and Damages, pp. 234-264.

**Deadline: Module 4 Discussion: Libel closes in Canvas at 11:59 p.m., Feb. 22**

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*Module 5: Tuesday, Feb. 27, Free Expression Protections for High School and University Students*

Readings: chapter 3, The First Amendment: Contemporary Problems, pp. 88-104

**Module 5 Discussion: Helmsman opens in Canvas Feb. 27**

*Module 5: Thursday, Feb. 29, Free Expression Protections for High School and University Students*

Readings: chapter 3, The First Amendment: Contemporary Problems, pp. 106-130.

**Deadline: Module 5 Discussion: Helmsman closes in Canvas at 11:59 p.m., Feb. 29.**

*March 4-8, Spring Break*

*Tuesday, March 12, Review for Exam 2*

**Thursday, March 14, Exam 2**

*Module 6: Tuesday, March 19, Constitutional Right of Privacy & Privacy Tort of Appropriation; intrusion*

Readings: chapter 7, Invasion of Privacy: Appropriation, pp. 267-312.

**Module 6 Discussion: Constitutional Right of Privacy opens in Canvas March 19.**

*Module 6: Thursday, March 21, Privacy Torts: Intrusion*

Readings: chapter 7, Invasion of Privacy: Intrusion, pp. 267-312

*Module 6: Tuesday, March 26, Publication of Private Information & False Light*

Readings: chapter 7, Publication of Private Information & False Light, pp. 315-343.

**Deadline: Module 6 Discussion: Right of Privacy closes in Canvas 11:59 p.m., March 26.**

*Module 7: Thursday, March 28, Public Records/Freedom of Information Act (FOIA)*

Readings: chapter 9, Gathering Information: People, Places, Records, pp. 245-292

**Module 7 Discussion: Open Records opens in Canvas March 28.**

*Module 7: Tuesday, April 2, Tennessee Public Records Act/Tennessee Open Meetings Law.*

Readings: chapter 9, Gathering Information: People, Places, Records, pp. 292-407.

**Deadline: Module 7 Discussion: Open Records closes in Canvas at 11:59 p.m., April 2.**

*Module 8: Thursday, April 4, Copyright law*

Readings: chapter 13, Intellectual Property, pp. 223-234 (233-245; 257-270; 259-272).

**Module 8 Discussion: Copyright opens in Canvas April 4**

*Module 8: Tuesday, April 9, Fair use in copyright and trademark law*

Readings: chapter 13, Intellectual Property, pp. 235-245 (245-259; 270-286; 272-289).

**Deadline: Module 8 Discussion: Copyright closes in Canvas at 11:59 p.m., April 9.**

*Module 9: Thursday, April 11, Chapter 8, First Amendment Protection for Advertising*

Readings: chapter 8, Regulating Advertising, pp. 123-137 (121-135; 125-140; 147-162).

**Module 9 Discussion: Advertising Regulation opens in Canvas April 11.**

*Module 9: Tuesday, April 16, Chapter 8, FTC advertising regulation*

Readings: chapter 8, Regulating Advertising, 123-137 (121-135; 125-140; 147-162).

**Deadline: Module 9 Discussion: 9 Advertising Regulation closes in Canvas at 11:59 p.m., April 16.**

*Thursday, April 18, Practicing Media Law as a Communication Professional*

*Tuesday, April 23, Exam 3 Review*

*Week 15, Tuesday, 10:30 a.m.-12:30 p.m., April 30, Exam 3*

## **ASSESSMENT AND OUTCOMES**

### **Professional Values and Competencies in JRSM 4700 Media Law**

- Apply the principles and laws of freedom of speech and press, both in a global context and in the United States.
- Demonstrate an understanding of the multicultural history and role of 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 be able to explain media law's protections for and regulation of media practice. Students will understand their First Amendment freedoms of speech and press as well as grasp the fundamentals of the law of libel, privacy, copyright, access to government information, advertising regulation and telecommunications.
- Students will be able to analyze the political and social forces that shape the law and explain how the law is not a static but an evolving system of legal principles and government regulations in response to societal changes.
- Students will understand 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 inclusion in American life.
- Students will gain confidence in their exercise of legal protections for free expression in the practice of advertising, creative mass media, journalism and public relations.

*Performance standards to be met (demonstrable skills, abilities, techniques, applied competencies)*

- Earn a passing score on periodic tests and/or exams.

- Participate in discussion posed in class to stimulate critical thinking. Independent thinking is encouraged.
- Apply their understanding of law to the various scenarios/questions in the online Discussion Board as well as respond respectfully and thoughtfully to the opinions of classmates with whom they agree or disagree.

## How assessment of student learning will be met

### *Awareness*

- Awareness of the First Amendment protections and basics of media law.
- Awareness of the historical progression of First Amendment freedoms and their application in journalism and media practice.
- Increased awareness of the equal protection under the law for the expression of diversity.

### *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.
- Students will be required to present justification for their opinions in applying First Amendment protections and media law to various legal questions affecting advertisers, journalists and public relations professionals and thus show their understanding of the foundations of media law.

### *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.
- Successfully write essays demonstrating a grasp of the fundamentals of media law.

## JOURNALISM AND STRATEGIC MEDIA POLICIES

### Portfolio requirement

As an undergraduate student in the Department of Journalism and Strategic Media, you are required to develop and maintain an active portfolio of your work. Portfolios begin in JRSM 3900/3905. The portfolio should contain samples of coursework and/or professional experiences and should develop as you build skills. Portfolios will undergo a final, external review while you are enrolled in your capstone course.

You may use any type of web hosting for your portfolio, but it must have an independent and professional URL. You may use any content management system, but you are encouraged to use WordPress, Wix, or SquareSpace. It is also encouraged to purchase a URL if you plan to use the portfolio long term. You must keep the portfolio active for six months following graduation from the University of Memphis.

You should have a professional email address you plan to use throughout your professional life, 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
- Professional social media links (minimum LinkedIn)

You may wish to include a blog, video reels, photograph galleries, presentations, design PDFs, audio files or writing pieces as examples of professional work. The professional work should ultimately be tailored to the career you seek after graduation. Your portfolio should show a unique blend of work.

### **Email**

You must have your UofM email account activated. If you are using another provider, such as Google, you are required to have all UofM emails forwarded to that account. Go to the [account management website](#) for information about implementing email forwarding. You are required to check your email daily.

### **Electronic devices**

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

### **AI/Chat GPT**

The use of artificial intelligence software, such as Chat GPT, is prohibited in some courses and required in others in Journalism & Strategic Media. Please refer to specific guidelines for this course in the course-specific part of the syllabus.

### **Attendance**

Class attendance is mandatory in Journalism & Strategic Media. You may be assigned a failing grade for the semester for nonattendance or habitual tardiness.

### **Course repetition**

Majors and minors who fail to earn the minimum passing grade (C-) in a class required by your program of study in Journalism & Strategic Media after three attempts will be dropped from the program.

You 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. Substantially reworking the original submission, or working with the same general idea, may be permissible upon discussion and with written approval from the professor of the current course.

### **Academic integrity**

The University of Memphis expects all students to behave honestly and follow the policies stated in the Student Code of Rights and Responsibilities. If you need more information about the University policy on academic integrity visit the [Office of Student Accountability's website](#).

In addition to University-wide policies, the Department of Journalism & Strategic Media considers making up quotes from sources, turning in substantially the same assignment for credit in two different courses or receiving any assistance from others for work assigned to be done on your own, as acts of cheating and 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, you are expected to comply with copyright and intellectual property laws 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 and to evaluate proper use and assignment of sources. All creative work may be checked for policy adherence by the professor. The only exception to this policy is your online portfolio and its attendant pieces (for example, the résumé and logo). 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.

### **Online SETEs**

You are encouraged to complete the SETEs evaluation of this course. If completed, once the instructor has posted final grades, you can immediately see that grade. To access evaluation forms, log in to MyMemphis; click the "Student Pages" dropdown menu and select "My Resources" and find the SETE evaluation forms; 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 seriously and use them to improve courses and instructional quality. Your feedback is essential and is appreciated.

### **Deadlines**

All deadlines are firm. Because Journalism & Strategic Media is a professional program, students are expected to understand and comply with deadlines. 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.

You may be permitted to make up missing work if it is for an absence because of illness or other catastrophic emergency, such as a death in the family that can be documented.

### **AP Style and grammar**

All written work in this class must follow the AP Stylebook and accepted rules of grammar and punctuation. You are responsible for learning these rules and checking your work for errors.

### **Disability and accommodations**

If you need an accommodation based on the impact of a disability, contact Disability Resources for Students at 901-678-2880 in 110 Wilder Tower Hall to coordinate reasonable accommodations.

### **Diversity and inclusivity**

The Department of Journalism & Strategic Media values diversity in all its forms. Some of these forms include ability, age, appearance, ethnicity, gender identity, immigration status, language, nationality, race, religion/spirituality, sex, sexuality, socio-economic status, and other personal identities and experiences. As such, students are expected to participate in fostering an inclusive environment that respects the differences of others.

Students are expected to approach their work through a diverse lens. Creating messages that resonate with diverse audiences requires an understanding of a variety of perspectives, which are carried out through multiple platforms, such as digital and traditional media outlets.

The department seeks to foster healthy and positive classroom discussions and experiences. As such, faculty and students are expected to remain respectful and professional at all times.

### **Weather policy**

Always check with local media, the University of Memphis website regarding inclement weather.

### **Student support**

If you are experiencing personal or academic challenges including, but not limited to food or housing issues, family needs, or other stressors, visit the Student Outreach & Support page to learn about resources that can help: <https://www.memphis.edu/deanofstudents/crisis/index.php> or contact the Dean of Students Office at 901-678-2187, or in person in Suite 359 in the University Center for assistance. You may also talk with course instructors about the challenges you are experiencing. Instructors may be able to assist in connecting you with campus or community support.