

JOUR4700-001 Mass Communication Law

Spring 2012

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

Course Instructor: Professor David Arant.

Office: 300 Meeman Journalism Building

Office Hours: Monday, Wednesday and Thursday, 2-4 p.m., and by appointment.

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COURSE REQUIREMENTS

CATALOGUE/COURSE DESCRIPTION:

Origin and development of legal principles affecting freedom of expression and provisions of laws of libel, slander, copyright, and other statutes limiting communication in fields of publishing and broadcasting.

PREREQUISITE:

None

TEXTBOOKS:

Don R. Pember and Clay Calvert, Mass Media Law, 17th Edition, McGraw-Hill Publishers.
ISBN 978-0-07-351197-9

CLASSROOM FORMAT:

The class will be presented in both the lecture and discussion formats. Class discussion will involve application of concepts to the law cases. Assignments will require students to analyze case fact settings and apply media law principles.

GRADING:

- Participation/ Quizzes /Homework 20 Percent
- Exam One 25 Percent
- Exam Two 25 Percent
- Final Exam 30 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.

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 to miss classes and not complete the course requirements.

TENTATIVE TIMETABLE:

The instructor reserves the right to change the schedule with notice in advance of assignments. Cellular phones must be turned off during class.

| Date | Topic | Assignment |
|--------------------------------|--|-------------------------------|
| Thur., Jan. 12 | Introduction | Bill of Rights (inside cover) |
| Tues., Jan. 17 | U.S. legal system | chap. 1, pp. 1-30 |
| Thur., Jan. 19 | History of free expression/First Amendment | chap. 2, pp. 31-46 |
| Tues., Jan. 24 | First Amendment developments | chap. 2, pp. 46-65 |
| Thur., Jan. 26 | Prior restraint in peace and war | chap. 2/3, pp. 65-87 |
| Tues., Jan. 31 | Speech and restraints in high school/college | chap. 3, pp. 87-110 |
| Thur., Feb. 2 | Time, place and manner | chap. 3, pp. 110-117 |
| Tues., Feb. 7 | Hate speech/fighting words | chap. 3, pp. 118-132 |
| Thur., Feb. 9 | Exam 1 | |
| Tues., Feb. 14 | Libel: Landscape and elements | chap. 4, pp. 136-165 |
| Thur., Feb. 16 | NY Times v Sullivan/private v. public persons | chap. 5, pp. 167-188 |
| Tues., Feb. 21 | Fault/Intentional infliction of emotional distress | chap. 5, pp. 188-204 |
| Thur., Feb. 23 | Libel Defenses/Criminal libel | chap. 6, pp. 205-238 |
| Tues., Feb. 28 | Privacy: Appropriation/Intrusion | chap. 7, pp. 241-275 |
| Thur., March 1 | Privacy: Embarrassing facts/False light | chap. 8, pp. 277-301 |
| Spring Break, March 5-9 | | |
| Tues., March 13 | Access to government information | chap. 9, pp. 303-344 |
| Thur., March 15 | Access to meetings and Tenn. access law | chap. 9, pp. 344-362 |
| Tues., March 20 | Exam 2 | |
| Thur., March 22 | Protecting news sources | chap. 10, pp. 367-410 |
| Tues., March 27 | Free press/Fair trial | chap. 11, pp. 413-437 |
| Thur., March 29 | Free press/Fair trial | chap. 12, pp. 439-466 |
| Tues., April 3 | Obscenity | chap. 13, pp. 469-495 |
| Thur., April 5 | Copyright | chap. 14, pp. 499-529 |
| Tues., April 10 | Copyright | chap. 14, pp. 429-546 |
| Thur., April 12 | Advertising | chap. 15, pp. 549-571 |
| Tues., April 17 | Advertising | chap. 15, pp. 571-588 |
| Thur., April 19 | Telecommunications Regulation | chap. 16, pp. 591-639 |
| Tues., April 24 | Review | |
| Tues., May 1 | FINAL EXAM, 10:30 a.m.-12:30 p.m. | |

ASSESSMENT

PROFESSIONAL VALUES AND COMPETENCIES FOR MASS COMMUNICATION LAW:

- 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):

1. 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.
2. 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.
3. 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.
4. Students will gain confidence in the exercise of legal protections for free expression in the practice of journalism, public relations and advertising.
5. 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):

1. 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.
2. 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 MASS COMMUNICATION LAW:

The class will consist of lecture and discussion. Don't be surprised if you are called on to share your knowledge and opinion of a topic from the reading, so keep up with the assignments. Be prepared for unannounced quizzes on the readings.

You will write three exams that test your knowledge of the content of the assigned readings, the lectures, handouts and videos. Exam I counts 25 percent, Exam II counts 25 percent, and the Final Exam, 30 percent.

Read all assigned readings. Participate in class discussions. You will have a chance to

demonstrate your knowledge of the material when the professor calls on you to discuss the content of the readings in class.

Throughout the semester we will have pop quizzes and there will be occasional homework assignments that counts as a quiz. Participation/quizzes/homework assignments are worth 20 percent of the grade. You will be allowed to drop your two lowest pop quiz grades including any zeroes you receive when you are absent from class on the day of a quiz. That means no missed quizzes may be made up. **You will also be required to attend the Freedom of Information Congress on Thursday, March 22.**

The instructor will evaluate your participation for the final grade. Each absence over five will lower your participation grade by one point. If you're absent, you can't participate.

No late work will be accepted without prior arrangements acceptable to your professor unless an absence is due to illness or catastrophic emergency that can be documented. This is a professional program for journalists who are expected to understand and comply with deadlines. You should consider this class your "job" in the educational process and be on time just as you would elsewhere.

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

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.

CELLPHONES:

You must turn them off during class.

ATTENDANCE:

Class attendance is mandatory in the Department of Journalism. You may be assigned a failing grade for the semester for nonattendance, or habitual late arrival. 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.

"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.

DISABILITY:

Any student who feels s/he may need an accommodation based on the impact of a disability should contact the Office for Disability Services at (901) 678-2880 in 110 Wilder Tower Hall to coordinate reasonable accommodations for students with documented disabilities.

EXIT EXAM FOR ALL JOURNALISM MAJORS:

All Journalism majors are required to take the Journalism Exit Exam their last semester before graduation. Please contact the Journalism office staff anytime during the semester to sign up. You may take the test anytime there are open lab hours during the semester. You will not be certified to graduate until you have completed the test.