

Mass Communication Law

JOUR4700/6700-M50

Summer: June 1-August 7, 2015

Course Instructor: Dr. David Arant

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Office: 300 Meeman Journalism Bldg

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 limiting communication in fields of publishing and broadcasting.

PREREQUISITE:

None

TEXTBOOK:

W. Wat Hopkins, editor, *Communication and the Law*, 2015 Edition, Vision Press. ISBN 978-1-885219-48-0

COURSE OBJECTIVE:

Mass Communication Law examines the body of law concerning the freedom and regulation of American mass media. This course is designed to give you a basic understanding of the law affecting mass media as well as media-related fields. If you plan to work in public relations, advertising, broadcasting, newspapers, magazines, or Internet publishing, this course will help you understand the laws that will affect you on a daily basis.

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 actions 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 essays and complete the quizzes on all the readings. You need to know the basic principles of communication law to function as a journalist, broadcaster, advertiser or corporate communicator. While this course is not designed to make you an authority on media law, it will help you to 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 requirements 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.

Each week you will post a response to the question/issue posed in the Discussions section of the eCourseware site, and then you will post at least one more time, this time commenting on a fellow student's discussion board posting in the eCourseware JOUR4700 course site.

Each week you will answer several essay questions. You will find the answers on 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. Your grammar and punctuation in your answers do count. You will submit your essay in the Dropbox of the eCourseware JOUR4700 course site. I will evaluate each answer and post your grade in Grades in eCourseware each week.

Finally, to test your comprehension, **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 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 complete assignments on time just as you would in your job.

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| • QUIZZES | 40 PERCENT |
| • DISCUSSION BOARD | 20 PERCENT |
| • ESSAY QUESTIONS | 40 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 not to complete the course requirements.

CLASS ASSIGNMENT SCHEDULE:

All PowerPoint slides, discussion board postings, quizzes taken and assignments submitted will be done through the eCourseware site, which you access from the University of Memphis home page, www.memphis.edu, and clicking on the My Memphis portal on the right-hand corner of the page. Under the eCampus Resources tab, click on the link to eCourseware and then on the course, JOUR4700-M50. Or you can go directly to the eCourseware site at by logging in with your U of Memphis username/password at <https://elearn.memphis.edu/>.

You should post to each week's discussion board no later than Friday night at 11:59 p.m. Central Daylight Time for that week.

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., Thursday, Aug. 7, the last day of classes for the summer 2014 term.

The instructor reserves the right to change the schedule with notice in advance of assignments.

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

Read U.S. Constitution and Bill of Rights in your textbook, pp. 405-411, and chap. 1, The Law in Modern Society, pp. 7-28.

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

Read chapter 2, pp. 29-42.

Week 3, June 15-21, Prior restraint

Read chapter 4, pp. 55-73

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

Read chapter 6, pp. 93-108

Week 5, June 29-July 5, Libel: Categories of plaintiffs, damages and defense strategies

Read chapter 6, pp. 108-127

Week 6, July 6-12, Regulating Student Expression

Read chapter 7, 129-155.

Week 7, July 13-19, Regulating Advertising

Read chapter 8, pp. 159-173

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

Read chapter 13, pp. 265-293

Week 9, July 27-Aug. 2, Privacy Rights in an Open and Changing Society

Read chapter 14, pp. 295-321.

Week 10, Aug. 2-7, Access to Public Documents and Meetings,

Read chapter 17, pp. 369-395.

JOUR6700 Graduate Students write a semester paper (25% of grade for graduate students):

Graduate students (registered for JOUR 6700 Mass Communication Law) must write a research paper. 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 July 1. Papers are due August 3.

Graduate students registered for JOUR6700 therefore will have this percentage breakdown for their final grade: Semester paper, 25%; essay questions, 30%; discussion board, 15%; quizzes, 30%).

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 Department of Journalism undergraduate students 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 during every skills course thereafter. The portfolio should contain samples of the student's work from courses and/or professional experience and should develop as the student builds skills. Portfolios will undergo a final review while students are enrolled in the capstone course for their concentration.

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 <http://iam.memphis.edu> 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. Personal student information, such as grades, is restricted to your UM email address.

MOBILE PHONES AND LAPTOPS:

Some classes require a tablet, laptop or a smartphone to be used during class or to complete class assignments. Others do not allow them. Your instructor will set the policy for his/her specific class. Not applicable to online classes.

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. Your instructor will set the policy for his/her specific class. Students with excessive absences are encouraged to withdraw from the course prior to the drop deadline.

DEADLINES:

All deadlines are firm. Assignments turned in late will NOT be accepted unless arrangements have been made with the instructor.

ACADEMIC INTEGRITY:

In addition to university-wide policies stated in the Code of Student Rights and Responsibilities, the Department of Journalism considers any fabrication of content and/or sources, misappropriation and plagiarism of facts or other content, turning in substantially the same assignment for credit in two different courses, receiving any assistance from others for work assigned to be completed on his/her own, and violations of copyright law as acts of academic dishonesty punishable to the degree determined appropriate by the course instructor and/or department chair. Penalties might include grade reductions, failure of the course and/or 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).

Intellectual property and copyright guidelines

1. Ideas cannot be copyrighted.
2. Anything set down in a tangible form, i.e., written, is by law copyrighted.
3. If, in a paraphrase, your work is “substantially similar” to a copyrighted work, you are guilty of copyright infringement.
4. A citation indicates where you got material. However, that portion you do not show as a direct quote must be “substantially original” to you. In other words, you can’t just paste in something from another’s work, put a citation at the bottom and call it your own. You need a full rewrite in your own words and syntax so the unquoted material is “substantially original” to you.

Plagiarism: From UM Student Handbook: The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full or clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

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 me privately to discuss your specific needs. Please contact the Office for Disability Services at 901-678-2880 in 110 Wilder Tower to coordinate reasonable accommodations for students with documented disabilities.

DIVERSITY:

Students are required to respect the differences of others and treat all persons with civility. Discriminatory, derogatory and threatening language or behavior will not be tolerated. Further, students are expected to consider their work through a diverse mind. Mass communication reach a mass audience, and students should be aware of how those messages are received by a diverse audience.

WEATHER POLICY:

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. Online classes are always open.

AP STYLE AND GRAMMAR:

All written work 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.