

Media Law

JOUR4700/6700-001.501

Fall 2016

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

Room 100

Professor David Arant

Office: 300 Meeman Journalism Building

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

Email: darant@memphis.edu; phone, 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

TEXTBOOKS:

W. Wat Hopkins, editor, *Communication and the Law*, 2016 Edition, Vision Press, ISBN 978-1-885219-52-7.

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 10 Percent
- Quizzes/Homework 15 Percent
- Exam One 25 Percent
- Exam Two 25 Percent
- Exam Three 25 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.

Graduate Students Registered for JOUR6700 write a semester paper (20 percent of grade)

Graduate students (registered for JOUR 6700 Media Law) must write a research paper. The paper is a legal analysis of a specific, fairly narrow question 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* 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 Sept. 29. The research paper is due Nov. 29.

Graduate students registered for JOUR6700 therefore will have this percentage breakdown for their final grade: Participation, 10 percent; Quizzes, 10 percent; Exam 1, 20 percent; Exam 2, 20 percent; Exam 3, 20 percent; Semester paper, 20 percent.

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 path to F and D grades 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. Page numbers of the 2016 edition of the textbook are listed first, followed by the page numbers of the 2015 edition in parentheses.

<i>Date</i>	<i>Topic</i>	<i>Reading Assignment</i>
Tues., Aug. 23	Introduction to Media Law Read U.S. Constitution and Bill of Rights, textbook, pp. 391-397 (405-411)	
Thur., Aug. 25	U.S. legal system	chap. 1, pp. 1-22 (7-28)
Tues., Aug. 30	History/theory free speech/First Amendment	chap. 2, pp. 23-36 (29-42)
Thurs., Sept. 1	First Amendment protection: conduct v speech	chap. 3, pp. 37-48 (43-54)
Tues., Sept. 6	Prior restraint in peace and war	chap. 4, pp. 49-67 (55-73)
Thur., Sept. 8	Defamation: criminal libel and civil libel case	chap. 6, pp. 85-95 (93-103)
Tues., Sept. 13	Fault for private v. public persons	chap. 6, pp. 95-105 (103-113)
Thurs., Sept. 15	Libel defenses	chap. 6, pp. 105-20 (113-129)
Tues., Sept. 20 Exam 1		
Thur., Sept. 22	Regulating student expression	chap. 7, pp. 121-135 (131-145)
Tues., Sept. 27	Regulating student expression	chap. 7, pp. 135-148 (145-157)
Thur., Sept. 29	Constitutional protection for advertising	chap. 8, pp. 149-157 (159-167)
Tues., Oct. 4	FTC and deceptive advertising	chap. 8, pp. 157-164 (167-173)
Thur., Oct. 6	Regulating public relations	chap. 9, pp. 165-176 (175-186)
Tues., Oct. 11 Fall Break		
Thurs., Oct. 13	Broadcast Regulation	chap. 10, pp. 177-196 (187-207)
Tues., Oct. 18	Broadcast Regulation/ Exam Review	
Thurs., Oct. 20 Exam 2		
Tues., Oct. 25	Intellectual Property/Copyright	chap. 13, pp. 253-266 (265-277)
Thurs., Oct. 27	Copyright fair use and trademark	chap. 13, pp. 266-282 (277-293)
Tues., Nov. 1	Privacy: Embarrassing facts/intrusion	chap. 14, pp. 283-295 (295-309)
Thurs., Nov. 3	False light/appropriation	chap. 14, pp. 295-309 (307-321)
Tues., Nov. 8	Confidential news sources	chap. 15, pp. 311-328 (323-341)
Thurs., Nov. 10	Access to Courts	chap. 16, pp. 329-344 (343-358)
Tues. Nov. 15	Access to Courts	chap. 16, pp. 344-362 (358-376)
Thurs., Nov. 17	Access to public documents/FOIA	chap. 17, pp. 363-375 (377-389)
Tues., Nov. 22	Tenn. access law	chap. 17, pp. 375-381 (389-395)
Tues., Nov. 29	Exam Review	
Tues, Dec. 6, 10:30-12:30 Exam 3		

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

Students may use any type of web hosting for their portfolios, but it must have an independent and professional URL. The department requires students to use WordPress to build their portfolio sites. Students are encouraged to consider purchasing a URL and hosting if they plan to use the portfolio for a long term, but 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 life, via a common email service, such as Gmail or Yahoo.

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 Storify 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:

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.

MOBILE PHONES AND LAPTOPS:

Some classes require a tablet, laptop or a smartphone. Others do not. Your instructor will set the policy for her/her specific class.

ATTENDANCE:

Class attendance is mandatory in the Department of Journalism and Strategic Media. 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.

Further, as this is a journalism/mass communication 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 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.

DEADLINES:

Remember there’s a reason “DEAD” makes up half the word “deadline.” All deadlines are firm. This is journalism and strategic media. If you get into trouble, talk to your 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 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.

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 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. Mass communications 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.