

Media Law

JRSM 4700-001-501/6700-001

Fall 2021

Class meeting: TR 9:40-11:05, MJ 100

Dr. David Arant

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Phone: 901-678-2402

Office Hours: 1:30-3:30 Monday, Tuesday and Wednesday, and other times by appointment; because 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. In fall 2021 masks are mandatory when inside university buildings, including our offices and classrooms.

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, 2021 (ISBN 978-1-885219-89-3), Edition 2020 Edition (ISBN 978-1-885219-86-2), 2019 Edition (ISBN 978-1-885219-74-9), or 2018 Edition (ISBN 978-1-885219-74-9).

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.

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 responsibilities as citizens and as media professionals.

Accessing the eCourseware website

1. Go to the University of Memphis home page: <http://www.memphis.edu>
2. Click on the "eCourseware" link at the bottom left of the Uof M home page.
3. Log in using your University of Memphis username and password.
4. Find in your Fall 2021 course list the link for JRSM 4700/6700 to enter our course.
5. Read and follow the instructions on the welcome page.

Course structure, grades and attendance

Each week students will read assignments from the Watkins 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 over five 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 JRSM4700/6700 eCourseware site. In addition, for each scenario you will post a comment replying to at least one fellow student's Discussions posting in the eCourseware site. The opening date and the deadline for participation in these Discussions scenarios is included in the course schedule below. You will also receive an alert for Discussion deadlines in the eCourseware course site. 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, the lectures and the 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 the Content page of eCourseware.

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 undergraduates

Participation	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 3,000 words. 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). Submit a one-page proposal for this paper by Sept. 9. 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 Nov. 1. 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 Nov. 30, 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

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

Grading for JRSM 6700

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

COURSE SCHEDULE

The instructor reserves the right to change the schedule with notice in advance of assignments. Page numbers of the 2021 edition of the Wat Hopkins *Communication and the Law* textbook are listed first, followed by the page numbers of the 2020, 2019 and 2018 editions in parentheses.

Week 1, Tuesday, Aug. 24 , Introduction and the U.S. Constitution

Readings: The U.S. Constitution, 340-345 (395-401; 399-405; 391-397)

Online Discussion opens Aug. 24: Introduce yourself and express your opinion about the First Amendment (The Discussion board is in eCourseware under the Communication dropdown).

Week 1, Thursday, Aug. 26 , U.S. legal system

Readings: chapter 1, The Law in Modern Society, pp. , pp. 1-21 (1-21;1-22;1-22)

Week 2, Tuesday, Aug. 31, U.S. legal system

Readings: chapter 1, The Law in Modern Society, pp. , pp. 1-21 (1-21;1-22;1-22)

Online Discussion closes at 11:59 p.m., Aug. 31: Introduce yourself and express your opinion about the First Amendment (eCourseware under Communication).

Week 2, Thursday, Sept. 2 , Why we value free expression

Readings: chapter 2, The First Amendment in Theory and Practice, pp. 23-34 (23-34; 23-35; 23-36).

Bad Speech Discussion (eCourseware under Communication) opens Sept. 2.

Week 3, Tuesday, Sept. 7, The History of Freedom of Expression in the United States

Readings: Bill of Rights, pp. 345-346 (344-345, 370-371; 400-401)

Deadline: Bad Speech Discussion (eCourseware under Communication) closes at 11:59 pm Sept. 8.

Week 3, Thursday, Sept. 9, Government Prior Restraint in Peace and War

Readings: chapter 4, Prior Restraint, pp. 47-65 (47-64; 49-66; 49-67)

Censoring Social Media Discussion (eCourseware under Communication) opens Sept. 9.

Week 4, Tuesday, Sept. 14, Government Prior Restraint in Peace and War

Readings: chapter 4, Prior Restraint, pp. 47-65 (47-64; 49-66; 49-67)

Deadline: Censoring Social Media Discussion (eCourseware under Communication) closes at 11:59 pm Sept. 14

Week 4, Thursday, Sept. 16, Exam Review

Week 5, Tuesday, Sept. 21, Exam 1

Week 5, Thursday, Sept. 23, Defamation: Criminal libel and civil libel

Readings: chapter 6, Defamation, pp. 81-95 (79-93; 83-98; 83-99)

Libel Discussion (eCourseware under Communication) opens Sept. 23.

Week 6, Tuesday, Sept. 28, Fault for private versus public person libel plaintiffs

Readings: chapter 6, Defamation, pp. 81-95 (79-93; 83-98; 83-99)

Week 6, Thursday, Sept. 30, Libel Fault and Defenses

Readings: chapter 6, Defamation, 95-112 (93-113; 98-117; 99-118).

Deadline: Libel Discussion (eCourseware under Communication) closes at 11:59 pm Sept. 30.

Week 7, Tuesday, Oct. 5, Free Expression Protections for High School and University Students

Readings: chapter 7, Regulation Student Expression, 117-122 (115-120; 119-124; 119-146).

Helmsman Discussion (eCourseware under Communication) opens Oct. 4.

Week 7, Thursday, Oct. 7, Free Expression Protections for High School and University Students

Readings: chapter 7, Regulating Student Expression, pp. 117-122 (115-120; 119-124; 119-146).

Deadline: Helmsman Discussion (eCourseware under Communication) closes at 11:59 pm Oct. 8.

Week 8, Oct 10-12, Fall Break

Week 8, Thursday, Oct 14, Review for Exam 2

Week 9, Tuesday, Oct. 19, Exam 2

Week 9, Thursday, Oct. 21, First Amendment Protection for Advertising

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

Advertising Regulation Discussion (eCourseware under Communication) opens Oct. 19.

Week 11, Tuesday, Oct. 26, FTC advertising regulation

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

Deadline: Advertising Regulation Discussion closes at 11:59 p.m Oct. 22.

Week 11, Thursday, Oct. 28, Copyright law

Readings: chapter 13, Intellectual Property, pp. 223-232 (233-245; 257-270; 259-272).

Copyright Discussion (eCourseware under Communication) opens Nov. 1

Week 12, Tuesday, Nov. 2, Fair use in copyright and trademark law

Readings: chapter 13, Intellectual Property, pp. 232-245 (245-259; 270-286; 272-289).

Deadline: Copyright Discussion (eCourseware under Communication) closes at 11:59 pm Nov. 5.

Week 12, Thursday, Nov. 4, Privacy Torts: private facts; intrusion

Readings: chapter 14, Privacy Rights, pp. 249-256 (261-273; 287-300; 291-303).

Week 13, Tuesday, Nov. 9, Privacy Torts: false light; appropriation

Readings: chapter 14, Privacy Rights, pp. 256-264 (273-286; 300- 212; 303-315).

Privacy/Open Records Discussion (eCourseware under Communication) opens Nov. 11.

Week 13, Thursday, Nov. 11, Public Records/Freedom of Information Act (FOIA)

Readings: chapter 17, Access to Public Documents/Meetings, pp. 317-329 (339-355; 367-385; 371-390).

Week 14, Tuesday, Nov. 16, Tennessee Public Records Act/Tennessee Open Meetings Law.

Deadline: Privacy/Open Records Discussion (eCourseware under Communication) closes at 11:59 pm Nov. 19

Week 14, Thursday, Nov. 18, Practicing Media Law as a Communication Professional

Week 15, Tuesday, Nov. 23, No in-person class meeting: research paper work day for graduate students writing semester papers and for undergraduate honors students writing honors papers.

Week 16, Tuesday, Nov. 30, Final Exam Review;

Graduate student semester research papers and honors papers due Nov. 30.

Week 17, Tuesday, Dec. 7., Final Exam, 10:30-12:30

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 them 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.

Students 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. If students wish to substantially rework the original submission, or to work with the same general idea, that may be permissible upon discussion with and written approval from the professor of the current course. All written work will be checked for policy adherence via TurnItIn.com. All creative work will be checked for policy adherence by the professor, and judged against previous submissions. The only exception to this policy is the student's online portfolio and its attendant pieces (for example, the résumé and logo).

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 and accommodations

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 and inclusivity

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

Student 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.

COVID-19 protocols for this course

COVID-19 Health and Safety Policy - Masks and Social Distancing

Faculty, staff, students and visitors are expected to monitor current health and safety measure requirements posted to our website and shared through other official communication channels including, but not limited to University email. Definitions related to those requirements and enforcement mechanisms appear in the [COVID-19 Health and Safety Policy \(GE2040\)](#). **Please be reminded that the University currently requires that all persons, regardless of vaccination status, wear masks indoors and in places where appropriate social distancing is not possible.**

Classroom experiences from recent semesters have shown that the campus community generally understands and complies voluntarily with the mask requirement. The policy does permit faculty members to take action for non-compliance of mask use.

Additionally, if students have concerns about faculty or staff mask use, contact Human Resources at hr@memphis.edu or 901.678.3573. Faculty who are delivering on-campus instruction may remove their face mask to teach, provided they are located within a delineated teaching area that is no less than 6 feet from students.

Student Health

Students who are experiencing symptoms such as sneezing, coughing or a higher than normal temperature should inform me by email so they can be excused from class and should stay home. Students should contact their health care provider or the Student Health Center at <https://www.memphis.edu/health/>.

Students who have a positive COVID-19 test should contact the Dean of Students at deanofstudents@memphis.edu or 901.678.2187.

Testing & Notification

The University will continue to provide testing for the entire campus community. The details regarding test availability and locations can be found [here](#). Do not come to campus if you are experiencing symptoms, are in isolation or quarantine due to positive test results or exposure, pending test results, or have reason to believe you have come in contact with the virus.

Student Resources

Students who need additional resources can contact the Dean of Students Office at <https://www.memphis.edu/deanofstudents/crisis/index.php>.

Guidelines for classes, labs and equipment in Meeman Journalism Building in Fall 2021

- Anyone feeling sick should stay home.
- Social distance from all others at least 6 feet when possible.
- Wear a mask at all times when in University buildings and outside when social distancing isn't possible.
- Wash hands or use hand sanitizer regularly.
- No more than one person in the elevator at a time.
- Disinfect your workstation before and after use, including desks, keyboards, mice and screens. Wash your hands after cleaning.
- Air purifiers must run at all times during class meetings.