

Media Law

JRSM 4700-001/501

Fall 2022

Class meeting: 11:20 a.m. to 12:45 p.m., Tuesday & Thursday

MJ 100

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Office Hours: 9:30 a.m. to noon Mondays: noon to 2:30 p.m. Wednesdays

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). The 2021 edition available for purchase from the UofM bookstore (<https://www.bkstr.com/memphisstore>) or from Vision Press: <http://vision-press.com>.

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 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 fall 2022 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 Watkins textbook and the PowerPoint slides covering that material plus additional readings as assigned. The PowerPoint slides, which are posted on the Canvas 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 three 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 eight 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, 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 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	5 Percent
Online Canvas Discussions	20 Percent
Exam One	25 Percent
Exam Two	25 Percent
Exam Three	25 Percent
Total	100 Percent

A = 92.5-100%; A- = 89.5-92.4%
B+ = 86.5-89.4%; B = 79.5-86.4%; C+ = 76.5-79.4%;
C = 72.5-76.4%; C- = 69.5-72.4%
D+ = 66.5-69.4%; D = 59.5-66.4%
F 0-59.4%

Course Calendar

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.

Tuesday, Aug. 23, Introduction and the U.S. Constitution

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

Online Discussion opens Aug. 23: Introduce yourself and express your opinion about the First Amendment (The Online Discussions board is in Canvas).

Thursday, Aug. 25, Chapter 1, U.S. legal system

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

Tuesday, Aug. 30, Chapter 1, U.S. legal system

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

Chapter 1 Online Discussion in Canvas closes at 11:59 p.m., Aug. 30: Introduce yourself and express your opinion about the First Amendment.

Thursday, Sept. 1, Chapter 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).

Chapter 2 Bad Speech Discussion in Canvas opens Sept. 1

Tuesday, Sept. 6, The History of Freedom of Expression in the United States

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

Deadline: Chapter 2 Bad Speech Discussion in Canvas closes at 11:59 p.m., Sept. 6

Thursday, Sept. 8, Chapter 4, 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 in Canvas opens Sept. 8

Tuesday, Sept. 13, Chapter 4, 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 in Canvas closes at 11:59 p.m., Sept. 13.

Thursday, Sept. 15, Exam 1 Review

Tuesday, Sept. 20, Exam 1, in person at 9:40 a.m. in Meeman Journalism 100.

Thursday, Sept. 22, Chapter 6, Defamation: Criminal libel and civil libel

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

Libel Discussion in Canvas opens Sept. 22.

Tuesday, Sept. 27, Chapter 6, Fault for private versus public person libel plaintiffs

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

Thursday, Sept. 29, Chapter 6, Libel Fault and Defenses

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

Deadline: Libel Discussion in Canvas closes at 11:59 p.m., Sept. 29

Tuesday, Oct. 4, Chapter 7, 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 in Canvas opens Oct. 4.

Thursday, Oct. 6, Chapter 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 in Canvas closes at 11:59 p.m., Oct. 6.

Thursday, Oct. 13, Review for Exam 2

Tuesday, Oct. 18, Exam 2

Thursday, Oct. 20, Chapter 8, First Amendment Protection for Advertising

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

Advertising Regulation Discussion in Canvas opens Oct. 20.

Tuesday, Oct. 25, Chapter 8, FTC advertising regulation

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

Deadline: Advertising Regulation Discussion in Canvas closes at 11:59 p.m., Oct. 25.

Thursday, Oct. 27, Chapter 13, Copyright law

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

Copyright Discussion in Canvas opens Oct. 27.

Tuesday, Nov. 1, Chapter 13, Fair use in copyright and trademark law

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

Deadline: Copyright Discussion in Canvas closes at 11:59 p.m., Nov. 1.

Thursday, Nov. 3, Chapter 14, Privacy Torts: private facts; intrusion

Readings: chapter 14, Privacy Rights, pp. 251-258 (261-273; 287-300; 291-303).

Tuesday, Nov. 8, Chapter 14, Privacy Torts: false light; appropriation

Readings: chapter 14, Privacy Rights, pp. 258-266 (273-286; 300- 212; 303-315).

Privacy/Open Records Discussion in Canvas opens Nov. 8.

Thursday, Nov. 10, Chapter 17, Public Records/Freedom of Information Act (FOIA)

Readings: chapter 17, Access to Public Documents/Meetings, pp. 317-331 (339-355; 367-385; 371-390).

Tuesday, Nov. 15, Chapter 17, Tennessee Public Records Act/Tennessee Open Meetings Law.

Deadline: Privacy/Open Records Discussion in Canvas closes at 11:59 p.m., Nov. 15.

Thursday, Nov. 17, Practicing Media Law as a Communication Professional

Tuesday, Nov. 22, Exam 3 Review

Tuesday, Nov. 29, 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

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 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

Students 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

If a student tests positive for COVID-19, they need to notify the Dean of Students Office at deanofstudents@memphis.edu and notify the University of their result. Faculty are expected to be accommodating with extra time for assignments; however, decisions will vary on a case-by-case basis according to the severity of the student's illness. To prevent the spread of COVID-19, students are encouraged to wear masks indoors, wash hands frequently and wipe down their workstations with sanitizing wipes before and after class.