

## Media Law

JRSM 4700/6700-001/501

Fall 2024

Class meeting: Tuesday/Thursday 9:40 a.m. to 11:05 p.m.

MJ 112

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Office Hours: Tuesday / Thursday 1 p.m. – 4 p.m. & Wednesday 9 a.m. – 10:30 a.m.

I am available for in-person, phone or video chat during office hours. I'm also available by appointment during normal business hours (Monday through Friday, 9 a.m. – 5 p.m. CT). Contact me via email for an appointment or for questions or comments relating to our class. Your messages via Canvas and email will get responses within 24 hours.

### 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

Clay Calvert, Dan Kozlowski and Derigan Silver, *Mass Media Law, 22nd Edition* (2023), McGraw Hill, ISBN 1260837424.

Here's the link to the University of Memphis Library's eBook license of *Mass Media Law*, 22nd edition that allows up to three users to access the textbook at the same time:

<https://ebookcentral.proquest.com/lib/memphis/detail.action?docID=6976088>

LexisNexis Uni via the University of Memphis Library's research page. Click on the hyper link next to the resource home field.

<https://sierra.memphis.edu/record=e1001579~S4>

All other readings as well as links to documentaries and videos will be posted on Canvas

### 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 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 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 2024 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 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. I will evaluate your participation for the final grade. Attendance will be taken, and it is worth 5 percent of your grade.**

I know you are adults and can make your own decision about attending class, but I consider it disrespectful for you to miss class on a regular basis. Of course, there are times when you are ill (and you should stay home), but you should not be so overextended that you cannot regularly attend Media Law as well as your other courses, including those connected to our department. Should you miss a session, you are responsible for getting the notes from someone who did attend. If you need clarification on those notes, contact me.

**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 unless an absence is due to illness or catastrophic emergency that can be documented. I expect you to submit work on time. If work is going to be late, contact me ahead of the deadline. Technology issues are not legitimate excuses for late work. Plan ahead and make sure you observe deadlines.

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.

### **Makeup Exams**

You are expected to take the exams on the scheduled days. Sometimes, however, events occur that are outside of our control. If you find yourself with an unavoidable conflict affecting an exam, you must have documented proof of the necessity of the absence, in advance if possible. Legitimate conflicts are a call to military service or jury duty or a medical emergency that requires you to miss class. **No makeup exams will be scheduled without documentation.**

I am completely aware that you might face some stress, challenges, or conflicts during our time together. What does that mean for you? That you may need help outside of the "classroom." I'm 110 percent committed to seeing you succeed, and I'll help you in whatever way possible. But you have to take the initiative to ask, to come to office hours, and to contact me if you have questions.

### **What grades are not**

*They are not a reward or punishment; they are not a measure of effort; they do not represent the essence of who you are; they do not define what you can or cannot achieve.*

### **Grading for JRSM 4700**

Attendance	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%

### 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 2,000 words. You should read and cite in the text of the paper *at least* 8 sources (other than the textbook) that includes legal cases, journal articles, law review articles, books or government web sites relevant to your paper. **Submit a one-page proposal for this paper by Sept. 17<sup>th</sup>.** 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.

**Individual paper check-in meetings October 21<sup>st</sup> – 25<sup>th</sup>.**

**The first draft of the paper is due Nov. 14<sup>th</sup>.** 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 Dec. 3<sup>rd</sup>, 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](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](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

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

### Course Calendar

The instructor reserves the right to change the schedule with notice in advance of assignments. Page numbers of the 22nd edition of the Clay Calvert *Mass Media Law* are listed on the Course Calendar document which is available on the Course Canvas site.

### General topics / concepts to be covered include (but are not limited to):

Sources of law (Constitution, statutes, administrative...and why it matters)  
Origins and evolution of the interpretation of the First Amendment

Theories of free speech throughout our history  
Seditious libel (criticizing the government) and incitement  
Contemporary prior restraints - strict versus intermediate scrutiny  
“Time, place and manner” regulations  
Fighting words doctrine/true threats/hate speech  
Student press freedom/ high school versus college level  
Libel and privacy (Case study of the evolution of libel law during the American Civil Rights Movement and the long civil rights struggle. Other cases relating to the #metoo movement.)  
The right to speak anonymously  
Federal Freedom of Information Act/state sunshine laws – your right to public records and why this is so vital for a functioning democracy.  
Right of access to public meetings and the court system  
Free press-fair trial issues/balancing our rights under the Constitution  
Anonymous sources/Shield law/Reporter’s Privilege  
Tortious interference  
Regulation of Electronic Media  
Indecency and Obscenity  
Copyright  
Commercial speech/advertising

## 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.

## COURSE POLICIES

### Office Hours

Office hours are a chance for you to get help with your work, go over and ask questions about material covered in class, talk about connections you're making between class material and what you're passionate about outside of Class, and to talk about how I can help you succeed both inside our classroom and in other journalism-y things you're doing, too. Office hours are generally student-directed (e.g. you decide what we talk about), but we can also help you formulate questions to ask. You are always welcomed to bring a friend to office hours if that makes you more comfortable!

### Communication

I expect there will be times when you wish to communicate with me outside of class, either by phone or email. Per university policy, class-related email must come from your UM student email account. Please remember this is a professional communication setting. You should compose your communications appropriately. That means:

- Messages should have a clear and concise subject line.
- Messages should begin with an appropriate salutation (not "Hey").
- Write in clear, grammatically correct sentences with proper punctuation.
- Avoid abbreviations associated with texting, and no emojis.
- Make the overall message clear. I don't necessarily need the minute details of an emergency situation, but I do need to know what's going on to assess how it impacts you and your class performance. Make sure it's clear what you're asking.
- End your message with an appropriate signature. (your full name is fine.)

For more, see:

<https://www.insidehighered.com/views/2015/04/16/advice-students-so-they-dont-sound-silly->

### **Inclusivity and Classroom Civility**

It is my intention to make our classroom an anti-racist, anti-sexist, anti-oppressive space. Every student in this classroom, regardless of personal history or identity categories, is a valued member of our community. Your experiences are valuable and important, and you should feel free to share them as they become relevant to our class. No student is ever expected or believed to speak for all members of a group. In this classroom, you have the right to determine your own identity. You have the right to be called by whatever name you wish, and for that name to be pronounced correctly. You have the right to be referred to by whatever pronouns you wish. If you find there are aspects of my course, instruction, or our classroom environment that result in barriers to your inclusion, please contact me privately without fear of reprisal. I firmly believe that you are valuable, important, and necessary. I promise to treat you as such, and help you see in yourself throughout the semester that you have a unique contribution to make in the world.

I hope you will join me in this mission. As such, respecting the time, backgrounds, experiences and identities of your fellow classmates is required. Any biased, racist, sexist, homophobic, transphobic, or intolerant behavior or writing is unacceptable. I reserve the right to ask you to leave the classroom for the day as a result of any such speech or behavior, and you will lose any points for in-class work you miss. I expect a respectful, civil atmosphere in class at all times. I will expect you to contribute to class discussions. I or other students may present points of view that you do not agree with. We can disagree politely. I will expect everyone to respect other students, myself and the TAs in all our interactions, whether face-to-face or electronically. That includes arriving to class on-time and not departing early. Packing up while course content is still being presented is disrespectful and distracting to others.

### **Electronic Devices**

Laptop computers and tablets can be useful tools for learning, but they also can be a distraction. Research has determined students are more engaged in class and retain information better when taking notes by hand, but learning styles and needs vary. You are welcome to use laptops/tablets for your note taking and other tasks related to the course content as long as they do not become a distraction. I reserve the right to limit your use of electronic devices if the use is distracting to others. Cell phones should always be silenced and put away during class.

### **Accessibility**

We all learn differently. If there are aspects of this course that prevent you from learning or exclude you, please let me know as soon as possible, so we can collectively make the classroom and the course more accessible. If you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let me know as soon as possible.

If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please register with the Disability Resources for Students, <https://www.memphis.edu/drs/>, 110 Wilder Tower, 901.678.2880, and then notify me of your eligibility for reasonable accommodations. ***Additionally, there are a range of free resources available to all students on campus, including the Center for Writing and Communication and the Educational Support Program (ESP).***

## On Power

A university setting creates situations where certain people have power over others. Not everyone uses that power responsibly. If a professor, TA, grad student, job supervisor, or anyone with whom you should have a professional, academic, or peer relationship seems to be pushing the boundaries of that relationship in a way that makes you uncomfortable (whether that's sexual or not), or in a way where you're not sure if you "should" be uncomfortable or not, and you need help figuring out what to do, reach out and talk to me. I will listen, and either help figure out what to do, or point you in the direction of someone who can help.

I am what is called a "mandated reporter." This means that if you tell me about someone's behavior that is targeting and harming you because of your identity, or if I witness this kind of behavior myself, I am required to report that to the Title IX office. However, you are not committed to any mandatory next step based on me contacting this office: The University of Memphis Office for Institutional Equity. Learn more about your rights and options at <https://www.memphis.edu/oie/title9/index.php> or call 901.678.2713. You also may make an anonymous report online. I promise to support you, stand with you, and advocate for you, whatever you choose to do.

**If you are struggling with this class, with your University of Memphis experience, or any aspect of your life, you must let me know you're having an issue to get help or accommodations as it pertains to class. Do not wait until the end of the semester to try to pull together your life/health/grade in this class. Come talk to me, and I will do my best to help get you back on track.**

## Copyright in course materials

The materials you encounter in your coursework at the University of Memphis is subject to many different types of copyright protection, depending on the author as well as how it is used. In a single course you may encounter materials created by your instructor, an article that is shared with you in an extemporaneous way under the Teach Act, and materials such as course packets where each copy includes a royalty payment to the author. As a student, you are responsible for how you use course materials and must ensure that the rights of copyright holders are not violated by sharing them, posting materials online, etc.

## Student work and copyright

Just like materials created by your instructor are protected by copyright, the things you create as a student are owned by you. For example, if your instructor uses TurnItIn to check for plagiarism in student papers, the University has an agreement with TurnItIn so that no papers are shared with that company and are only used to cross-reference.

## Academic Freedom

Some students may consider some of the material covered in this course to be controversial or even offensive. It is not my intention to upset you but I do want you to routinely question what you know and how you came to think the way you do. If anyone becomes uncomfortable with any of the topics we cover, please come to see me before or after class. An alternative assignment can be arranged if needed.



## JOURNALISM AND STRATEGIC MEDIA POLICIES

### Portfolio requirement:

As an undergraduate student in the Department of Journalism and Strategic Media, you are required to develop and maintain an active portfolio of your work. Portfolios begin in JRSM 3900/3905. The portfolio should contain samples of coursework and/or professional experiences and should develop as you build skills. Portfolios will undergo a final, external review while you are enrolled in your capstone course.

You may use any type of web hosting for your portfolio, but it must have an independent and professional URL. You may use any content management system, but you are encouraged to use WordPress, Wix, or Squarespace. It is also encouraged to purchase a URL if you plan to use the portfolio long term. You must keep the portfolio active for six months following graduation from the University of Memphis.

You should have a professional email address you plan to use throughout your professional life, 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
- Professional social media links (minimum LinkedIn)

You may wish to include a blog, video reels, photograph galleries, presentations, design PDFs, audio files or writing pieces as examples of professional work. The professional work should ultimately be tailored to the career you seek after graduation. Your portfolio should show a unique blend of work.

### Email

You must have your UofM email account activated. If you are using another provider, such as Google, you are required to have all UofM emails forwarded to that account. Go to the [account management website](#) for information about implementing email forwarding. You are required to check your email daily.

### Electronic devices

Some classes require a tablet, laptop or a smartphone. Others do not. Instructors will set the policy for their specific classes.

### AI/Chat GPT

The use of artificial intelligence software, such as Chat GPT, is prohibited in some courses and required in others in Journalism & Strategic Media. Please refer to specific guidelines for this course in the course-specific part of the syllabus.

### Attendance

Class attendance is mandatory in Journalism & Strategic Media. You may be assigned a failing grade for the semester for nonattendance or habitual tardiness.

## Course repetition

Majors and minors who fail to earn the minimum passing grade (C-) in a class required by your program of study in Journalism & Strategic Media after three attempts will be dropped from the program.

You 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. Substantially reworking the original submission, or working with the same general idea, may be permissible upon discussion and with written approval from the professor of the current course.

## Academic integrity

The University of Memphis expects all students to behave honestly and follow the policies stated in the Student Code of Rights and Responsibilities. If you need more information about the University policy on academic integrity visit the [Office of Student Accountability's website](#).

In addition to University-wide policies, the Department of Journalism & Strategic Media considers making up quotes from sources, turning in substantially the same assignment for credit in two different courses or receiving any assistance from others for work assigned to be done on your own, as acts of cheating and 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, you are expected to comply with copyright and intellectual property laws 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 and to evaluate proper use and assignment of sources. All creative work may be checked for policy adherence by the professor. The only exception to this policy is your online portfolio and its attendant pieces (for example, the résumé and logo). 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.

## Online SETEs

You are encouraged to complete the SETEs evaluation of this course. If completed, once the instructor has posted final grades, you can immediately see that grade. To access evaluation forms, log in to MyMemphis; click the "Student Pages" dropdown menu and select "My Resources" and find the SETE evaluation forms; 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 seriously and use them to improve courses and instructional quality. Your feedback is essential and is appreciated.

## Deadlines

All deadlines are firm. Because Journalism & Strategic Media is a professional program, students are expected to understand and comply with deadlines. 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.

You may be permitted to make up missing work if it is for an absence because of illness or other catastrophic emergency, such as a death in the family that can be documented.

### **AP Style and grammar**

All written work in this class must follow the AP Stylebook and accepted rules of grammar and punctuation. You are responsible for learning these rules and checking your work for errors.

### **Disability and accommodations**

If you need an accommodation based on the impact of a disability, contact Disability Resources for Students at 901-678-2880 in 110 Wilder Tower Hall to coordinate reasonable accommodations.

### **Diversity and inclusivity**

The Department of Journalism & Strategic Media values diversity in all its forms. Some of these forms include ability, age, appearance, ethnicity, gender identity, immigration status, language, nationality, race, religion/spirituality, sex, sexuality, socio-economic status, and other personal identities and experiences. As such, students are expected to participate in fostering an inclusive environment that respects the differences of others.

Students are expected to approach their work through a diverse lens. Creating messages that resonate with diverse audiences requires an understanding of a variety of perspectives, which are carried out through multiple platforms, such as digital and traditional media outlets.

The department seeks to foster healthy and positive classroom discussions and experiences. As such, faculty and students are expected to remain respectful and professional at all times.

### **Weather policy**

Always check with local media, the University of Memphis website regarding inclement weather.

### **Student support**

If you are experiencing personal or academic challenges including, but not limited to food or housing issues, family needs, or other stressors, visit the Student Outreach & Support page to learn about resources that can help: <https://www.memphis.edu/deanofstudents/crisis/index.php> or contact the Dean of Students Office at 901-678-2187, or in person in Suite 359 in the University Center for assistance. You may also talk with course instructors about the challenges you are experiencing. Instructors may be able to assist in connecting you with campus or community support.