

Media Law

JRSM4700/6700-001

Spring 2019

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, 901-678-2402

COURSE REQUIREMENTS**CATALOG DESCRIPTION:**

Origin and development of legal principles affecting freedom of expression and provisions of laws of libel, slander, copyright, and other statutes limiting communication in fields of publishing and broadcasting.

PREREQUISITE:

60 hours completed

TEXTBOOK:

W. Wat Hopkins, editor, *Communication and the Law*, 2019 Edition (ISBN 978-1-885219-74-9), 2018 Edition (ISBN 978-1-885219-74-9), 2017 Edition (ISBN 978-1-885219-56-5), or 2016 Edition (ISBN 978-1-885219-54-1).

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 FOR JRSM4700:

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|---|------------|
| •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. | |

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. Be prepared for unannounced quizzes on the reading and the lecture.

Throughout the semester we will have quizzes on the daily reading and lecture, and there may be an occasional homework assignment that counts as a quiz. Quizzes along with any homework assignments that may be assigned are worth 15 percent of the grade. I will drop your two lowest quiz grades including any zeroes you receive when you are absent from class on the day of a quiz. That means missed quizzes may not be made up.

You will write three exams that test your knowledge of the content of the assigned readings, the lectures, handouts and videos. Exam 1 counts 25 percent; Exam 2, 25 percent; and Exam 3, 25 percent.

Participate in class 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 instructor 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 don't miss more than five classes, you can receive all 10 participation points.

No late work will be accepted without prior arrangements acceptable to your professor unless an absence is due to illness or catastrophic emergency that can be documented. This is a professional program for media professionals who are expected to understand and meet deadlines. You should consider this class your "job" in the educational process and be on time just as you would for your job.

Graduate students registered for JRSM6700 will write a semester paper (20 percent of grade).

Graduate students (registered for JRSM6700 Media Law) must write a research paper. The paper is a legal analysis of a specific, fairly narrow question about Media Law. Your semester paper should be at least 2,500 words, or about 10, 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. A Chicago Manual of Style guide is available at:

https://owl.purdue.edu/owl/research_and_citation/chicago_manual_17th_edition/cmos_formatting_and_style_guide/general_format.html

The complete style guide is available in the bookstore and the library. **Submit a one-page proposal for this paper by Jan. 31. The research paper is due April 16.**

Graduate students registered for JRSM6700 will have this percentage breakdown for their final grade: Participation, 10 percent; Quizzes/homework, 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. JRSM majors must make at least a C in this class.

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 2019 edition of the textbook are listed first, followed by the page numbers of the 2018, 2017 and 2016 editions in parentheses.

Date	Topic	Textbook Assignment
Tues., Jan. 15	Media law intro/U.S. Constitution	365-370 (395-400; 399-404; 391-396)
Thur., Jan. 17	U.S. legal system	1: 1-21 (1-22, 1-22; 1-22)
Tues., Jan. 22	History/theory free expression	2: 23-35 (23-36; 23-36; 23-36)
Thur., Jan 24	U.S. free expression history	2: 23-35 (23-36; 23-36; 23-36)
	Bill of Rights	370-371 (400-401; 404-405; 396-397)

Tues., Jan. 29	Government prior restraint in peace/war	4: 49-66 (49-66; 49-66; 49-66)
Thur., Jan 31	Regulating student expression	7: 119-124 (119-133; 121-135; 121-135)
Tues., Feb. 5	Regulating student expression	
Thur., Feb. 7	Exam 1	
Tues, Feb. 12	Defamation: criminal and civil libel cases	6: 83-93 (83-93; 85-95; 85-95)
Thur., Feb. 14	Fault for private v. public persons	6: 93-102 (93-103; 95-105; 95-105)
Tues, Feb. 19	Libel defenses	6: 102-117 (103-118; 105-120; 105-120)
Thur, Feb 21	Protection for advertising	8: 125-133 (147-155; 149-157; 149-157)
Tues., Feb. 26	FTC advertising regulation	8: 133-140 (155-162 (157-164; 157-164)
Thur., Feb. 28	Regulating public relations	9: 141-147 (163-170; 165-172; 165-172)
March 4-8, Spring Break		
Tues., March 12	Review	
Thur., March 14	Exam 2	
Tues., March 19	Broadcast regulation	10: 153-163 (175-185; 179-189; 177-188)
Thur., March 21	Broadcast regulation	10: 163-174 (185-196; 189-200; 188-198)
Tues., March 26	Copyright law	13: 233-245 (257-270; 259-272; 253-266)
Thur., March 28	Fair use and trademark	13: 245-259 (270-286; 272-289; 266-282)

Tues, April 2	Private facts/intrusion torts	14: 261-273 (287-300; 291-303; 283-295)
Thur., April 4	False light/appropriation	14: 274-286 (300-314; 303-317; 295-309)
Tues., April 9	Access to courtroom	16: 307-321 (333-348; 336-351; 329-344)
Thur., April 11	Access to courtroom	16: 321-338 (348-365; 352-370; 344-362)
Tues., April 16	Public records access/FOIA	17: 339-350 (367-378; 371-383; 363-375)
Thur., April 18	Tennessee access laws	17: 350-355 (379-385; 383-390; 375-381)
Tues., April 23	Summary and exam review	
Tues, April 30	10:30-12:30, Exam 3	

FIVE PILLARS OF JRSM4700

- *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*: Students examine professional media practice in advertising, public relations and 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 JRSM4700:

- Understand and apply the principles and laws of freedom of speech and press in the United States as well as 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 media 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 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 first amendment protections, libel, privacy, copyright, access to government information, as well as government regulation of advertising, corporate speech and telecommunications.
- 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 legal principles and government regulations.
- Students 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 their 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 law, through textbook 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 of media law principles and court cases that affect the meaning and application of the First Amendment today in both their personal and professional lives as well as explore emerging trends in specific areas of media law such as web/social media publication, deregulation in advertising and broadcast expression, and barriers to access of government information.

HOW ASSESSMENT OF STUDENT LEARNING WILL BE MET:

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.

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.

MOBILE PHONES AND LAPTOPS:

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 the Department of 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.

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/mass 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 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:

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:

Students who need an accommodation based on the impact of a disability should 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. 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.