

COMM 282-201: Media Law (2964)

Fall 2017

Room: CLC 423

Tu.-Th.: 10:00-11:15

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Purpose of Course

The purpose of this course is to familiarize you with the boundaries of press freedom, the significance of the First Amendment and the nature and limits of the laws and regulations that uniquely affect your profession.

The goal is not to make you experts, nor to eliminate your need for legal advice in the future, but to prepare you to recognize the multitude of legal problems you may confront as working professionals and to help you avoid potential hazards.

You will also be challenged in this course to think deeply about the theoretical, moral and ethical problems that underlie the legal issues we address in class, and to begin formulating your own ideas about the proper scope of the freedoms of speech and press.

Course Learning Objectives

- Students will demonstrate a broad understanding of the history and scope of the First Amendment as well as a thorough knowledge of the laws and regulations that uniquely affect media industries and media professionals.
- Students will be able to identify legal problems in real and hypothetical situations and to resolve those problems by applying legal principles.
- Students will reflect on the meaning of freedom in society and the rights and duties of media professionals. They will also begin formulating their own theories about the limits of freedom of speech and press.

Top Hat

This class will use Top Hat, the class response software adopted by Loyola Chicago. You are responsible for signing up for the service and come to class with a tablet, smart phone, or laptop. I recommend you download the Top Hat app on these devices. This software's prime purpose is to increase the interactivity of the class and enable everyone to contribute. Top Hat will also be used to take attendance. If you are in class but do not have access to a connected device, let me know beforehand.

Hash Tag

I will tweet relevant items for this class under #COM282. My handle is @bas_vanacker. Feel free to tweet as well and increase your participation grade.

A Note of Caution

Communication law is fascinating, but it is not easy. Try to keep up with the readings, which are manageable if you do them before every class, but will pile up if you fail to do so. Avoid this, as it will lead to poor grades. The exams are part multiple choice format and will be a challenge for those who have been putting off studying until the last minute. Not all readings will be discussed in class, but they can still be part of the exam. I provide a reading guide to help you navigate through the readings.

Attendance

I do take attendance but you will not be penalized for not attending class. However, it will be impossible to do well without attending class on a regular basis. Not only will you miss course content, you will also be unable to participate and missing too many classes will eventually drag down your participation grade.

Only in cases of a documented illness, family emergency or other extenuating circumstances will an exception to this policy be made. If you will miss class because of one of the above reasons, please notify me in advance. Students who have to miss class because they are representing Loyola University at an official function or event will have the chance to make up any missed work. This situation normally includes only such events as official athletic games or Loyola-sponsored competitions, e.g., debate, theater. It is the student's obligation to inform the instructor of such an authorized absence in a timely fashion; in most cases, this information can be made available to the instructor at the beginning of the semester. For athletic events, an instructor should receive a written schedule of away dates from an academic advisor. If the absence is authorized, the instructor will assist the student in making up the work that s/he has missed.

Grading

This class is not back-loaded as many of your classes are. By Thanksgiving, 70% of your grade will be completed. I prefer grading throughout the semester instead of having 50% of the grade be determined in the last two weeks of the semester (though there will be an assignment and group activity at the end of the semester). Keep that in mind, don't count on a strong finish to straighten the ship. I do not offer extra credit

Participation

1. Your participation is expected, essential and graded. Almost 10% of your final grade will be based on participation. Those who make exceptional contributions to class discussions are also eligible for extra credit -- no more than a couple of points -- awarded

at my discretion. Please not that “frequent contributions” alone are not enough to earn you a B in participation. I also expect that you display a grasp of the material in order to earn an above-average grade.

A: Frequent and meaningful contributions to class discussion that show insight and understanding of material.

B: Frequent and meaningful contribution to class discussion.

C: Occasional participation to class discussion.

D: Only participates when called upon.

F : No class participation

Not doing readings will count heavily against your participation grade.

2. Through the class discussion tool Top Hat I will be able to use and evaluate your participation. Throughout the class, I will ask opinion and right/wrong questions through Top Hat. These will be taken into account when assessing your participation score.

Quizzes

1. On numerous occasions, you will be expected to complete a quiz on Sakai BEFORE coming to class on the readings of that day. These quizzes will be announced in class and through Sakai. These quizzes need to be completed by 9:45 AM on the day of class. These quizzes will not be timed. I will send an announcements through Sakai if a quiz is posted, but it your responsibility to check out for each class if a quiz is posted. Quizzes will always be posted within an hour of the end of the previous class.

2. On occasion, a quiz will also be administered during class time, either through Sakai, Top Hat or hard copy.

Quizzes are used to test whether or not you did the readings.

In-class assignments

Throughout the semester you will complete a number of in-class assignments. Be advised that there will be an in-class assignment on the last day of class that will count for half of your in-class assignment score.

In class assignments test your ability to apply concepts taught in class.

Discussion Ground Rules

You need to come to class with an open mind and a willingness to challenge your own assumptions and beliefs. Our classroom will be a place of completely open inquiry. You should feel free to ask any question, advance any argument or challenge any idea, even if that means simply playing devil’s advocate. In doing so, however, you must be respectful of others in the class.

Exams

There will be three exams worth 36% total. Each one is closed-book and consists mainly of multiple-choice questions and apply-the-law problems. Only in cases of a documented illness, family emergency or other extenuating circumstances will an exception to this policy be made. If you will miss class because of one of the above reasons, please notify me in advance. Students who have to miss class because they are representing Loyola University at an official function or event will have the chance to make up any missed work. This situation normally includes only such events as official athletic games or Loyola-sponsored competitions, e.g., debate, theater. It is the student's obligation to inform the instructor of such an authorized absence in a timely fashion; in most cases, this information can be made available to the instructor at the beginning of the semester. For athletic events, an instructor should receive a written schedule of away dates from an academic advisor. If the absence is authorized, the instructor will assist the student in making up the work that s/he has missed.

Written Assignments

1. Media Law Problems -- You will be asked to read three different fact scenarios over the course of the semester that pose specific media law problems. You will then write 1-2 page responses to those scenarios in which you identify the legal problems presented and explain how you would resolve them in light of the legal principles you have learned in class and from the book. You will have one week to complete these.
2. Mock Trial -- Each of you will be assigned to represent an imaginary client involved in a contemporary media law controversy. You will represent one side of the controversy and argue your client's case in a mock trial setting. One of the team members will serve as the litigator for the group, presenting the best arguments to the court (i.e., the rest of the class) while the other team members will pose questions to the litigator representing the other team/client.
3. Essay based on the mock trial – You will write a brief based on the mock trial assignment that will be due two weeks after your presentation.
3. FOIA Request -- You will have to complete a FOIA request.
4. Send an encrypted email – You will have to send an encrypted email to your instructor.

Deadlines

Assignments will be turned in via Sakai. The deadline will be clearly communicated and will be enforced. It is your responsibility to ensure your paper is properly uploaded.

Papers turned in within 24 hours of due date will be deducted 25%. Papers turned in within 48 hours will be deducted 50%. After that, late papers will no longer be accepted. I do not use Turnitin as a default, but might run papers through Turnitin if I suspect plagiarism. If I do this, I will ensure your paper does not contain identifying information and does not become part of the database.

Loyola's Policy on Academic Dishonesty

The basic commitment of a university is to search for and to communicate the truth as it is honestly perceived. The university could not accomplish its purpose in the absence of this demanding standard. To the extent that this standard is respected, a genuine learning community can exist. Students of this university are called upon to know, to respect, and to practice this standard of personal honesty.

Plagiarism is a serious form of violation of this standard. Plagiarism is the appropriation for gain of ideas, language, or work of another without sufficient public acknowledgement and appropriate citation that the material is not one's own. It is true that every thought probably has been influenced to some degree by the thoughts and actions of others. Such influences can be thought of as affecting the ways we see things and express all thoughts. Plagiarism, however, involves the deliberate taking and use of specific words and ideas of others without proper acknowledgement of the sources.

The faculty and administration of Loyola University Chicago wish to make it clear that the following acts are regarded as serious violations of personal honesty and the academic ideal that binds the university into a learning community:

Submitting as one's own:

1. Material copied from a published source: print, internet, CD-ROM, audio, video, etc.
2. Another person's unpublished work or examination material.
3. Allowing another or paying another to write or research a paper for one's own benefit.
4. Purchasing, acquiring, and using for course credit a pre-written paper.

The critical issue is to give proper recognition to other sources. To do so is both an act of personal, professional courtesy and of intellectual honesty.

Plagiarism on the part of a student in academic work or dishonest examination behavior will result minimally in the instructor assigning the grade of "F" for the assignment or examination. In addition, all instances of academic dishonesty must be reported to the chairperson of the department involved. The chairperson may constitute a hearing board to consider the imposition of sanctions in addition to those imposed by the instructor, including a recommendation of expulsion, depending upon the seriousness of the misconduct.

Academic cheating is another serious act that violates academic integrity. Obtaining, distributing, or communicating examination materials prior to the scheduled examination without the consent of the teacher; providing information to or obtaining information from another student during the examination; attempting to change answers after the examination has been submitted; and falsifying medical or other documents to petition

for excused absences all are violations of the integrity and honesty standards of the examination process.

In the case of multiple instances of academic dishonesty across departments, the academic dean of the student's college may convene a hearing board. Students retain the right to appeal the decision of the hearing board to the academic dean of the college in which they are registered. The decision of the dean is final in all cases except expulsion. The sanction of expulsion for academic dishonesty may be imposed only by the Provost upon recommendation of the dean.

Classroom Etiquette and Rules

- Act professionally

Grades

Final grades will be calculated on a total point basis, as follows: (in case of conflict with what is stated elsewhere in the syllabus, this break down is the correct one).

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|---------------------------------|-------------|
| Exams | 33% |
| Media Law Problems | 13% |
| FOIA and encryption assignments | 4 % |
| Mock trial essay | 15 % |
| Mock Trial | 5% |
| Quizzes | 12.5% |
| Participation | 9.5 % |
| In class assignments | 8% |
| Total | 100% |

Grades for all course work are based on the following standards:

Grading Scale

A, A-, B+, B, B-, C+, C, C-, D+, D, F, WF are assigned the following credit points for purposes of grade point average (GPA) calculations: A = 4.0; A- = 3.67; B+ = 3.33; B = 3.00; B- = 2.67; C+ = 2.33; C = 2.00; C- = 1.67; D+ = 1.33; D = 1.00; F = 0; WF = 0.

| | |
|-----------|----|
| 100 - 93% | A |
| 93 - 90% | A- |
| 90 - 88% | B+ |
| 88 - 83% | B |
| 83 - 80% | B- |
| 80 - 78% | C+ |
| 78 - 73% | C |
| 73 - 70% | C- |

| | |
|-----------|----|
| 70 - 68% | D+ |
| 68 - 63% | D |
| 63 - 60% | D- |
| below 60% | F |

Readings

All readings for this course will either be linked on the course website or come from the required textbook: *The Law of Journalism and Mass Communication* (5th Ed.) by Robert Trager et al. There are earlier editions of this textbook available, but you are responsible for the content in the 5th edition.

Students with Disabilities

Any student with a learning disability that needs special accommodation during exams or class periods should provide documentation from Services for Students with Disabilities confidentially to the instructor. The instructor will accommodate that student's needs in the best way possible, given the constraints of course contents and processes. It is the student's responsibility to plan in advance in order to meet their own needs and assignment due dates.

Reading schedule

This schedule is tentative and can be modified throughout the semester. It has been my experience that some classes move along quicker than others. Sometimes when I feel that students are particularly interested in a topic, I devote more attention to it. As a result we may fall behind or pull ahead. I reserve the right to change the reading schedule and announce these changes in class. Additional readings will be made available through Sakai. You will be responsible for those readings. Test dates, however, will NOT change. You can pencil those in your calendars.

August 29: Intro

August 31: Chapter 1: The court system

September 5: Chapter 2: The First Amendment, origin and values (as you see, three classes will cover this chapter, take a look at the "reading guide" tab in Sakai figure out what to read for each of these three classes)

September 7: Chapter 2: Court scrutiny of speech restrictions

September 12: Chapter 2: Prior Restraints

September 14: Chapter 3: Threats and incitement (check "reading guide" in Sakai)

September 19: Chapter 3: Offensive speech/hate speech

September 21: Chapter 3: Speech in schools (time allowing)

September 26: Test 1

September 28: Chapter 4: The elements of libel

October 3: Chapter 4: U.S. v. Sullivan and the development of the fault standard in libel law + Intentional infliction of emotional distress

October 5: Chapter 5: Libel defenses

October 10: Libel review session

October 12: Chapter 6: False light and appropriation

October 17: Chapter 6: Intrusion and publication of private facts

October 19: Chapter 7: pp. 313-29; 348-52 : More privacy laws

October 24: Test 2

Check reading guide in Sakai for instructions on the readings.

October 26: Getting information

October 30: Reporters' privilege in a time of leaks

November 2: Copyright

November 7: Advertising

November 9: Obscenity and indecency

November 14: Review session

November 16: Test 3

November 21: Preparation for group debate

November 23: Thanksgiving

November 28: Group Debates

November 30: Group Debates

December 5 and 7: Current topics in media law

