



**Media Law for the Digital Age**

**JOMC 718**

**Spring 2014**

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Graduate assistant: Liz Woolery, ewoolery@email.unc.edu. Liz, who is a third-year Ph.D. student specializing in media law, will be available to help you with your research.

**REQUIRED TEXTS**:

Kent R. Middleton & William E. Lee, *The Law of Public Communication*, New York: Pearson (2014). (Be sure to buy the correct edition.) This book can be purchased in paperback. There should be used copies for sale in UNC Student Stores, if you’re in town. Or you can rent an online version here: <http://www.coursesmart.com/the-law-of-public-communication-ninth-edition/kent-r-middleton-william-e-lee/dp/9780205913367>.

Cathy Packer, Hugh Stevens & C. Amanda Martin, eds., *North Carolina Media Law Handbook*, 20012-13. (This is on online book. To access it, go to <http://ncmedialawhandbook.com>. You will have to register and pay $25 to obtain a password. Then you will have access for at least one year.)

*The Bluebook: A Uniform System of Citation*, 19th ed. (2010). (This book shows you how to footnote your research paper.)

**SAKAI:** PowerPoint slides, reserve readings, reading assignments, research-paper instructions and other materials will be posted to Resources on the Sakai site for this course. The Assignments tool will be used to submit your work, and we will discuss weekly topics using the Discussion Forums in Sakai. The UNC Sakai service is located at <http://sakai.unc.edu>.

**COURSE DESCRIPTION**: Just as the Internet has jolted the communication business, it has sent a shockwave through the field of communication law. Professional communicators and legal scholars are struggling to understand how “old” law applies to “new” technology, and to figure out what, if any, new law is needed. This is the subject of this course: traditional media law and its application to new communication technologies.

There are many questions to be answered.  Do privacy and libel law, which were developed to apply to traditional media, need to be changed for the Internet Age?  If so, how?  Was Congress correct when it enacted legislation to protect website operators from liability for material posted on their sites by third parties?  Does copyright law need to be reformed to ensure that it does not stifle creativity in the digital media? Should journalists and others be allowed to tweet and blog from court, or should they be restricted under the rules that for years have applied to broadcasting?

In this course, you will explore the delicate balance that traditionally has existed between freedom and control of the communication media and how that balance has been shaken by the Internet. You will study both the old and the new law because both are relevant today.  You also will study both theoretical aspects of the law and how the law applies to your professional work.  Knowing the theory will enhance your understanding of the law and enable you to participate in the on-going national debate over how the Internet and other media should – or should not – be regulated.

Because the courts, especially the U.S. Supreme Court, are ultimately responsible for interpreting the First Amendment and maintaining the balance between freedom and control, your study will focus on judicial decisions and reasoning.  The bulk of the readings and online class discussions will be aimed at analyzing and understanding court opinions affecting the media.  It is important to recognize, however, that other very significant sources of media law exist.  Therefore, you also will study statutory and administrative law.

**COURSE OBJECTIVES:**

* Familiarize you with the U.S. system of freedom of expression, including its historical and philosophical bases.
* Help you to develop an understanding of the judicial system and process.
* Provide you with a working knowledge of media law so that, when working as a professional communicator, you can assert your legal rights and avoid needless infractions of the law. By the end of the semester, you should be able to use the law you have learned to answer legal questions in the workplace. For example, you will be able to figure out whether you have a legal right to use a particular photograph on your company’s website and to reliably predict whether you can be successfully sued over the content others post on your website.
* Improve your ability to read critically and to analyze and synthesize what you read.
* Introduce you to legal-research skills so you can research legal issues and keep abreast of changes in the law in the future.
* Teach you to appreciate freedom of expression!

**COURSE WORK:**

* Careful and sustained reading is necessary for this course. Assigned readings include a textbook, court decisions, and articles. Additional readings may be assigned besides those listed on the assignment sheet because the law is changing all the time. All reading assignments should be completed before they are discussed online.
* Each student must participate in online discussions on the class Sakai discussion forum each week. See additional instructions below.
* Each student must complete one case brief and six problem-solving exercises. Instructions for both types of assignments are posted on your Sakai site.
* Each student must complete a research paper. The research paper will be written in these four parts: research topic memo, introduction and literature review, research questions and methodology, and the final paper. Instructions and research tutorials are posted on your Sakai site.

### **Discussion Forum:** Instead of meeting in a classroom with desks and chairs, you will meet in a virtual classroom – on the Discussion Forum on the class Sakai site. It is important for you to make insightful, comprehensive and regular contributions to the discussion. Lack of participation in a graduate-level class simply is not acceptable. Remember, the online discussion is analogous to class time. This three-credit course will require about 2.5 hours of online discussion time each week. That time is the time you spend reading the comments, posting comments and responding to comments.

### Wednesdays and Thursdays will be considered reading days. Discussion will begin at 9:30 a.m. on Friday of each week and conclude by 9:30 a.m. the following Wednesday. **Please use reading days to read the Instructor’s Comments for the week as well as all of the required readings before you do the Discussion Forum assignments.**

You are *not* expected to respond to each and every comment. What you are expected to do is to comment thoughtfully, expand the conversation, bring in your professional experiences, and share your viewpoints and solutions. What you should strive for is to inspire each other and expand your horizons. Please post *quality* comments and questions. No lazy postings, please. Stretch yourself and the topics.

### Feel free to disagree with your instructor and each other. Please be respectful in all of your comments, and, please, no casual chatter. (There’s a discussion forum for that—“Water Cooler”!)

This is how the online discussions will be organized:

1. For the first two weeks of the class, online discussions will be a warm up to the more focused, scholarly discussions we will have the rest of the semester. For these two weeks, there will be no discussion leaders. All students should follow the guidelines given in each week’s discussion forum in responding to the discussion prompts.
2. For each of the next 10 weeks of the semester, three or four students will be assigned to lead the online discussion, and all other students will respond to the discussion leaders’ posts.
3. You will not use the discussion board during Week 13 of the course.

Here is what I expect from the discussion leaders and the other students:

**Student discussion leaders:** You will lead us in our discussion and understanding of the readings for that week. Each student discussion leader is expected to make **two substantive and original posts (new posts, not responses to other posts)** during the week. A substantive post is one that answers several of the questions posed and/or provides a link and insight into a new article you’ve found that addresses a point made in the readings. When you respond to the discussion prompts, be sure to **substantiate your answers** by making explicit connections to expert sources (i.e. the texts, readings, other credible sources you find in the course of your study). It is important for you to read and react to the course materials. You also are welcome to respond to any comments made by your classmates, but I am looking for at least two original, substantive posts during the week from each of you if you are one of the two students who have been assigned to lead the discussion.

**Students who are not discussion leaders:**When you are not assigned to lead the online discussion, you still are expected to read the readings, make sure you understand the material and provide a detailed response **to at least one post made by one of the discussion leaders for that week**. A detailed response is more than, “I agree.” I expect you to add your insight to what the readings say or to what the group leaders have said; to add information from your personal experience; and/or to post information about a supplementary reading or link. Also, you are always welcome to respond to any of your classmates’ posts.

**Your professor’s role on the discussion forum:** My role is to facilitate your discussions with each other. I will ask follow-up questions, provide additional information and correct any errors of law I spot. (No, I will not correct your opinions!) Believe me, when you first write about the law, you will make mistakes. That’s okay. That’s how you learn. I will not, however, respond to the discussion every day. In addition, I may sometimes respond to groups of posts and not necessarily to everyone’s individual posts.

**CASE BRIEF:** To help you learn to read and understand court decisions, you will be assigned to brief one decision of the U.S. Supreme Court. The required brief will be a two-page summary of the Court’s decision. Instructions for how to brief a case and a sample case brief are in Resources on your Sakai site.

**PROBLEM-SOLVING EXERCISES:** You will be assigned a weekly problem-solving exercise for six weeks of the course. These are practical exercises that teach you to apply the law you are learning in this course to the kinds of problems professional communicators encounter in the workplace. I will give you a real or hypothetical set of facts and then ask you a short set of very specific legal questions. You will identify the relevant legal issue or issues, identify the relevant legal rules and/or case precedents, explain how those rules and/or case precedents apply to the facts of the case, and state your conclusion. These are open-book exercises, but you can use only your assigned readings – no outside research. Your written answers probably will range from two to four pages, depending on the question.

**RESEARCH PAPERS**: This is a part of the course that is guaranteed to make your brain grow. Each student will be required to identify a research topic in the field of communication law, to read what other scholars already have written on that topic, to develop of set of research questions related to the topic, and then to read and analyze primary legal materials (e.g., court decisions, congressional hearings, or statutes) to answer the research questions. This will result in a 20-page paper, including footnotes.

To help ensure your success, you will work on the paper in four stages, and you will receive feedback from your professor at each stage. These are the four stages:

1. First you will write a two to three-page memo describing your research topic.
2. Once your professor has approved and commented on your topic, you’ll research and write the introduction and a five-page literature review for your paper.
3. Next you’ll write a one-page research questions and methodology section for your paper.
4. When you have received feedback on all of that, you’ll complete the paper.

I welcome topics that are job-related. If you have a recurring media-law problem in your workplace or if you’re beginning to see a new media-law problem at work, this might be a good way to find a solution to the problem. Your paper could conclude with a set of guidelines or best practices for people in your business.

More detailed instructions on each part of your research paper and your paper presentation will be posted in the Research Paper folder in Resources on your Sakai site. You also will be trained in how to use Westlaw Next, an online database of legal materials, and you will be assigned a Westlaw password.

**ABSENCES AND LATE WORK:** Absences from the discussion board are permitted and late work is accepted only when I’ve approved the absence or delay ***in advance.***  I will approve absences and delays in cases of illness or business trips, for example, but not because you “just didn’t finish.” Be forewarned that if you fall behind in this course, it will be extremely difficult to catch up. If you are having trouble with the work in this course, call me!

**READ YOUR EMAIL, PLEASE, AND I’LL READ MINE!** I frequently will send you deadline reminders, schedule changes, news stories and other important information. Don’t miss it. Also, email is the best way to communicate with me. I check email regularly on weekdays and usually at least once a day on weekends. Never expect an immediate response during the evening or any time the Tar Heels are playing basketball. I’ll try to always let you know if I’m planning to be away from email for any extended period of time, such as for a full day.

I’ll also be happy to talk to you on the phone or in person. I’m going to ask you to do many things you haven’t done before, so I expect you’ll have questions and need help. Your responsibility is to ask for help. You can call me anytime at my office. Or you can email to make an appointment to talk. There also will be occasions when I’ll announce telephone office hours. That’s when you can call me at home – between 2 and 4 p.m. on a Sunday afternoon, for example.

**COURSE GRADING:** Your weekly written assignments are due at 9:30 a.m. Wednesdays, and I will try to grade them immediately. That means you usually will have your papers back before 5 p.m. Friday. Of course, grading your research papers will take longer. You will receive a grade and extensive feedback (sometimes more than you want ☺) on each assignment.

If you do not complete your research paper, you will receive an F in the course.

This is the way your final grade will be calculated.

 Discussion-board participation 20 percent

 Case brief and problem-solving exercises 40 percent

 Research paper memo 5 percent

 Research paper introduction and literature review 5 percent

 Research questions and methodology 5 percent

 Final research paper 25 percent

**UNC HONOR CODE:** It shall be the responsibility of every student at the University of North Carolina at Chapel Hill to obey and to support the enforcement of the Honor Code ([http://instrument.unc.edu](http://instrument.unc.edu/)), which prohibits lying, cheating, or stealing when these actions involve academic processes or University, student, or academic personnel acting in an official capacity.

**STUDENTS WITH DISABILITIES:** Students with diagnosed or suspected disabilities that might impact their performance in the course should contact the Department of Accessibility Resources and Service (AR&S) to determine whether and to what to extent services or accommodations are available for this course. It is the goal of AR&S to “ensure that all programs and facilities of the University are accessible to all members of the University community.” If you think this might apply to you, please contact AR&S by telephone at 962-8300 or visit the AR&S website at <http://accessibility.unc.edu/about-us> for additional information.

**DIVERSITY AND INCLUSIVITY:** The University is committed to fostering a diverse and inclusive academic community, and it prohibits discrimination and harassment. Please review the University policy statements on diversity and inclusivity, and prohibited harassment and discrimination, both in *The Graduate School 2011-2012 Record* available online at <http://www.unc.edu/gradrecord/>.

**ONLINE COURSE STATEMENT:**

1. By enrolling as a student in this course, you agree to abide by the University of North Carolina at Chapel Hill policies related to the Acceptable Use of online resources. Please consult the Acceptable Use Policy (<http://help.unc.edu/1672>) on topics such as copyright, net-etiquette and privacy protection.

2. As part of this course you may be asked to participate in online discussions or other online activities that may include personal information about you or other students in the course. Please be respectful of the rights and protection of other participants under the UNC Chapel Hill Information Security Policies (<http://its.unc.edu/ITS/about_its/its_policies/index.htm>) when participating in online classes.

3. When using online resources offered by organizations not affiliated with UNC Chapel Hill, such as Google or YouTube, please note that the Terms and Conditions of these companies and not the University’s Terms and Conditions apply. These third parties may offer different degrees of privacy protection and access rights to online content. You should be well aware of this when posting content to sites not managed by UNC Chapel Hill.

4. When links to sites outside of the unc.edu domain are inserted in class discussions, please be mindful that clicking on sites not affiliated with UNC-Chapel Hill may pose a risk for your computer due to the possible presence of malware on such sites.

5. Online courses may at times require Web-based assignments that are public in nature and may be viewed by third parties online. This is especially true in social media and blogging platforms. Be mindful of the information you choose to share publicly as part of your assignments. Under the Federal Family Education Rights and Privacy Act of 1974 (FERPA) and UNC’s FERPA regulation (<http://registrar.unc.edu/AcademicServices/PoliciesProcedures/StudentRights/CCM1_042762>), a student’s education records are protected from disclosure to third parties. However, FERPA protection does not extend to material shared publicly by students.

**WEEKLY SCHEDULE**

Week 1 (Jan. 8-15): How the law is made and how the court systems are structured; important, interesting and timely topics in Internet law

Week 2 (Jan. 15-22): Introduction to the First Amendment and incorporation

Week 3 (Jan. 22-29): Prior restraints

Week 4 (Jan. 29-Feb. 5): Copyright and trademark law

Week 5 (Feb. 5-12): Copyright continued, focusing on the Digital Millennium Copyright Act, aggregating news, user agreements and the Creative Commons

Week 6 (Feb. 12-19): Libel basics

Week 7 (Feb. 19-26): Online libel

Week 8 (Feb. 26-Mar. 5): Research papers

Week 9 (Mar. 5-19, which includes spring break): Privacy and newsgathering

Week 10 (Mar. 19-26): Reporter’s privilege

Week 11 (Mar. 26-Apr. 2): Access to information

Week 12 (Apr. 2-9): Advertising law

Week 13 (Apr. 9-16): Research papers

Week 14 (Apr. 16-23): Discussion of research papers