

JOMC 341.001
Introduction to Media Law
(for advertising, public relations, strategic communications students)
Fall 2015

Instructors: Dr. Tori Smith Ekstrand
Office Hours: 11:30 a.m. to 1 p.m., Mondays and Wednesdays
Sign up for an appointment **by emailing me directly**

Office: Carroll Hall 362
Phone: 919-962-4088 (best way to reach me is email, though)
Email: torismit@email.unc.edu (PLEASE DO NOT EMAIL ME AT MY GMAIL ADDRESS.)
Linked In:
<http://www.linkedin.com/pub/victoria-tori-ekstrand/5/745/840>

Kyla Garrett, Teaching Assistant
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Class Meets: 1:25 p.m. – 2:40 p.m.
Mondays and Wednesdays
Carroll Hall 33

Texts (required): Robert Trager et al. *The Law of Journalism and Mass Communication*, Fourth Edition (2014).

Cathy Packer, Hugh Stevens & C. Amanda Martin, eds., *North Carolina Media Law Handbook*, 2007. (This is available online at <http://ncmedialawhandbook.com/>.) (Referred to as NCMLH in the syllabus.) **VERY HELPFUL, QUICK PRIMER TO HAVE.**

Other readings will be assigned online or noted online.

Supplemental International Reading to List on the Syllabus:

Kyu Ho Youm, *International and Foreign Law* in ROY L. MOORE & MICHAEL D. MURRAY, *MEDIA LAW AND ETHICS* 677-730 (4th ed. 2012). This chapter will be available on our Sakai site via protected password as a library course reserve item.

Course Objectives

The study of mass communication law will help you assert your rights and avoid needless infractions of the law as a writer or media producer. This course is designed to help you recognize your legal rights to gather, prepare and disseminate media, ads, public relations and more. It is an intensive overview of First Amendment case law as it relates to journalism and specifically to ad/PR and information entrepreneurs. It is also designed to provoke critical thinking about ethical practice, help you understand legal reasoning and craft a legal argument. This course is designed to impart a basic understanding of how the law is made and the importance of free expression in a democracy.

Our School is accredited by the Accrediting Council on Education in Journalism and Mass Communication (ACEJMC). Among the Professional Values and Competencies for accreditation is understanding and applying the principles and our laws of freedom of speech and press in the United States, as well as having an understanding of 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. No one course can cover all of these topics completely. Our focus in this course will be American law but the course will include selected international and foreign media law principles and the extent and role of free speech and press in other countries. The ACEJMC outlines a number of values you should be aware of and competencies you should be able to demonstrate by the time you graduate from our program. Learn more about them here:

<http://www2.ku.edu/~acejmc/PROGRAM/PRINCIPLES.SHTML#vals&comps>

No single course could possibly give you all of these values and competencies; but collectively, our classes are designed to build your abilities in each of these areas. We will focus on these:

Learning Outcomes

- Understand the origins and theory of the First Amendment and how the law and the court systems work.
- Understand differences in approaches to free speech internationally.
- Understand concerns about censorship in a democracy and how the law protecting against prior restraint is the backbone of the First Amendment.
- Understand more advanced legal concepts such as privacy and commercial speech, how they are contested in the age of “new” media and what those challenges look like “on the job.”
- Be able to apply legal tests to new scenarios and hypotheticals.
- Be able to read a case and identify its key components.
- Understand and appreciate that changes in First Amendment law are almost always the result of social struggle in the United States.
- Know the elements of claims we see in ad/PR, learn to avoid such claims or, alternatively, be prepared to defend oneself in the face of such claims.

- Think creatively and speak knowledgeably about how mastery of media law will help you in your career in media.

Reading

Careful and sustained reading is necessary for this course. Readings will be from the text, from articles in class and from readings posted online. You will receive guidance on what you should be reading in each class. Therefore, attendance is critical because reading assignments will depend on our in-class progress.

Lecture, Sakai and Announcements

Normally, Powerpoints will be posted in advance of the lecture, and I will post links to any materials we discuss in class that are relevant. I will also post study guides and practice materials. **Please keep up with sakai and email announcements.** I try not to clutter your inboxes if I can help it.

Professionalism, Attendance and Ethics

The law does not operate in a vacuum. It is shaped, studied and molded by professionals who are required to show up on time in court, at hearings, meetings and in other settings. I expect the same professionalism from you in this class. Therefore, these are the following requirements for our classroom atmosphere:

1. Attendance

Attendance at lectures is essential. There is a clear correlation between class attendance and grades. The highest grade that students who missed two or more classes achieved the last time I taught this course was a C. Most of these students received lower grades or failed out of the course.

You begin the semester with an *attendance credit of two absences without penalty.* You need not provide any excuse or explanation for these absences. However, *for each absence in excess of two, your final grade will be reduced by five points.* (See the points section below.) You should, therefore, use your two absences wisely. The roll will be taken in the first five minutes of class. Students who arrive after that will be counted as absent. Quizzes and in-class activities will also be at the beginning of class and cannot be made up.

2. Your personal workspace

I'm very in tune with the general mood and atmosphere of the classroom and am eager to build a relationship with you and foster relationships among students within the class. Large lecture classes can be challenging for both instructors and students. Large lecture requires extra effort on your part and mine. To do this well, there is a certain level of interpersonal respect we need to encourage!!

Therefore:

- **Smartphone and laptop use is prohibited.** This includes under the desk or in your lap. Phones should be out of sight and silent. **I will deduct 5 points from your total points if I see you using yours during class time. I just do it.** Please practice restraint because you will need this skill on the job and in life, generally.
- **Leaving the classroom is prohibited.** The only exception to this is if you are about to be sick in the bathroom or you are in urgent need of a bathroom and it cannot wait. If you leave, I will assume you are not well and will likely inquire about your health. I have obviously experienced too many students coming in and out of lecture to text, so I have had to put this policy in place. If you need to leave class early for a legitimate reason (an internship interview, a Dr's appointments), please just let me know at the beginning of class. Please sit in the back and quietly leave, watching the door on the way out. There should be no random departures and slamming doors while class is in session.
- **Your body should remain in the seat** with your legs on the floor.

Please sleep at home and not on the desks in our classroom. Please use your absences on days when you are very tired. That's one reason they exist.

4. Respect and Tolerance of Viewpoints

The study of free speech requires more tolerance and understanding than the study of some other subjects. Indeed, there is an entire theory of the First Amendment that is based on the principle of tolerance. There are and will be many political and social views in our classroom! This makes it the perfect place to talk about free speech, but it can also create tensions. Tensions are OK! What we don't want are tensions that escalate into "fighting words" or "speech that creates a chilling effect" on other students. (Stay tuned and we'll talk about these concepts.) We want to create an atmosphere in which students feel safe to talk and in which they feel heard, even if other students do not agree with their views.

The University is committed to fostering a diverse and inclusive academic community, and prohibiting discrimination and harassment. Please review the University policy statements on diversity and inclusivity, and prohibited harassment and discrimination, both in *The Undergraduate Bulletin 2014-2015* at <http://www.unc.edu/ugradbulletin/>. Please know that I am fully committed to fostering and enforcing these policies.

In particular, we need to be sensitive to people who differ from us in race, ethnicity, gender, sexual orientation, class, age, ability and religion. While we want to encourage free speech in the classroom, courts have been very clear that speech that disrupts a classroom environment may not be tolerated. Let's not even go there. We want to create a room that embraces our differences and helps us learn through those differences.

As lawyers will tell you, a contract like this is not a one-way street. **Therefore, in return for your active attention, professionalism and participation in class, I pledge to:**

- Work hard to keep the class engaging, interesting and relevant to your studies.
- Make time for active participation and explore topics and subjects that the class directs.
- Take breaks when classroom lethargy seems suddenly unbearable!
- Keep to our schedule. But if we need to change our schedule, we pledge to promptly alert you to changes and negotiate such changes with you, with reasonable timeframes, alternatives, etc.
- Be fair and equitable in our treatment of all students and in grading.
- Listen carefully to your concerns about the course.
- Support you in your UNC endeavors and your plans after graduation.

Exams and Grading

There will be 10 quizzes online, two exams, one in-class news presentation and one final in this course.

Instructions about these items will be given in class.

Quizzes	100 points
First examination	100 points
Second examination	100 points
In-Class Media News	15 points
Participation	10 points
Final examination	125 points
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	450 points

A = 417-450 points

A- = 403-416 points

B+ = 390-402 points

B = 372-389 points

B- = 358-371 points

C+ = 345-357 points

C = 327-344 points

C- = 313-326 points

D+ = 299-312 points

D = 268-298 points

F = 267 points and less

Undergraduate JOMC majors must earn a grade of “C-” or higher in JOMC 340 as one of the School’s graduation requirements – that means earning a final point total of 313 points or higher out of a possible total of 450.

Makeup exams will be given only in cases of proven emergencies and then only if I am notified in advance of the scheduled exam. No make-up quizzes are given.

Honor Code

The Honor Code and the Campus Code, embodying the ideals of academic honesty, integrity and responsible citizenship, have for over 100 years governed the performance of all academic work and student conduct at the University. Acceptance by a student of enrollment in the University presupposes a commitment to the principles embodied in these codes and a respect for this most significant University tradition.

Your participation in this course comes with the expectation that your work will be completed in full observance of the Honor Code. Academic dishonesty in any form is unacceptable, because any breach in academic integrity, however small, strikes destructively at the University's life and work.

The [Instrument of Student Judicial Governance](#), which contains the provisions of the Honor Code, states that students have four general responsibilities under the Code:

1. Obey and support the enforcement of the Honor Code;
2. Refrain from lying, cheating, or stealing;
3. Conduct themselves so as not to impair significantly the welfare or the educational opportunities of others in the University community; and
4. Refrain from conduct that impairs or may impair the capacity of University and associated personnel to perform their duties, manage resources, protect the safety and welfare of members of the University community, and maintain the integrity of the University.

The [Instrument](#) defines plagiarism as "deliberate or reckless representation of another's words, thoughts, or ideas as one's own without attribution in connection with submission of academic work, whether graded or otherwise."

Please submit all written work with the following pledge: “On my honor, I have neither given nor received unauthorized aid on this assignment.”

Inclement Weather Policy

If the campus is open, class will take place. Any other cancellations will be posted online before 9 a.m.

Special or High Needs Students

If you are a student with a documented disability or a student with a unique personal situation (e.g. – a terminally ill family member or you are struggling with depression, etc.), you MUST let me know during the first two weeks of class so that we can work together to make your experience in this class a success. I am very happy to work with you to make the necessary accommodations, and I will keep these matters confidential. I also like to have some documentation. (There are, unfortunately, students who can and will take advantage of this privilege.) I cannot, however, accommodate you to the point that it would be unfair to other students in the class. But there are many possibilities, and I urge you to come speak to me earlier rather than later in the semester. I cannot help you in this regard if you come to me at the last minute.

Students who may need academic accommodations and associated resources, like extended testing time, must contact the Department of Accessibility Resources and Service (DARS) in a timely manner to determine whether and to what extent such accommodations or resources are necessary for this course. However, only DARS can make this determination for you – not your professor. It is the goal of UNC 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 DARS confidentially as soon as possible either by telephone at 962-8300 or visit the DARS website at <http://accessibility.unc.edu/about-us> for additional information. Please know that I am fully committed to this policy and will abide by any recommendations DARS may make for you for this course.

I’d Like to Meet You

I spent more than ten years working in New York City media and another ten years teaching in the cornfields of Ohio and learning about life “in the middle.” I’ve been in the “rat race” of New York and in the mellow Midwest. I like to think I can help you with your plans for after college, and I find it to be a privilege, actually. I’d like to help. Kyla and I both enjoy building relationships with our students. Please be sure to come visit. I’m happy to talk about life after UNC, the law, public relations, graduate study, the news business, life in New York, and basketball.

Fall 2015 Schedule
JOMC 341.001
Ekstrand- Intro to Media Law (Ad/PR/Strat Comm)

- Week 1:**
8/19 **Introductions, Getting Ready to Study Law**
READ: Syllabus
READ: Trager et al., Chapter 1
CASE: Read Citizens United excerpt
READ: North Carolina Constitution – Preamble and Declaration of Rights at:
<http://statelibrary.dcr.state.nc.us/nc/stgovt/preamble.HTM#PREAMBLE>
Take practice quiz
- Week 2:**
8/24, 8/26 **Sources of Law, the Court System, First Amendment Basics**
READ: Trager et al., Chapter 2
CASE: None
READ: NCMLH, section on NC Courts
READ: “Understanding the Federal Courts”
Available at <http://www.uscourts.gov/FederalCourts.aspx>
From the menu on the left, click on “Understanding the Federal Courts.”
Read that page. Then, from the menu on the left, click on the link for each subheading under “Understanding the Federal Courts” and read those pages as well. Then, click on the link in the menu for “Jury Service” and read that page as well.
Take Quiz 1 on Weeks One & Two
- Week 3:**
8/31, 9/2 **First Amendment Basics**
READ: Trager et al., Chapter 3
CASE: Read Texas v. Johnson, Tinker excerpts
Take Quiz 2
- Week 4:**
9/9 **First Amendment Basics**
READ: Trager et al., Chapter 11, only these pages:
CASE: None
pp. 474-483 (up to “Program and Advertising Regulations)
pp. 487-516
Take Quiz 3
- Week 5:**
9/14, 9/16 **First Amendment Basics**
READ: Trager et al., Chapter 12
CASE: Miller v. California, FCC v. Fox excerpts
Take Quiz 4

Week 6: EXAM WEEK
9/21, 9/23 Exam on 9/23.

Week 7 Defamation & Privacy
9/28, 9/30 Attend First Amendment Day Activities on 9/29. No class on 9/30.
READ: Trager et al., Chapter 4
CASE: NYT v. Sullivan, Gertz v. Welch excerpts
Take Quiz 5

Week 8: Defamation & Privacy
10/5, 10/7 READ: Trager et al., Chapter 5
CASE: Milkovich v. Lorain Journal excerpt only
READ: NCMLH online, chapter on libel
Take Quiz 6

Week 9: Defamation & Privacy
10/12, 10/14 READ: Trager et al., Chapter 6
CASE: None
Take Quiz 7

Week 10: Defamation & Privacy
10/19, 10/21 READ: Trager et al., Chapter 7
CASE: Hustler case excerpt only
READ: NCMLH online, chapter on privacy.

Week 11: Exam Week
10/26, 10/28 Exam on 10/28

Week 12: Commercial Speech
11/2, 11/4 READ: Trager et al., Chapter 14
Take Quiz 8

Week 13: Commercial Speech
11/9, 11/11 READ: NCMLH
Handouts
Take Quiz 9

Week 14: Intellectual Property
11/16, 11/18 READ: Trager et al., Chapter 13
Take Quiz 10

Week 15: Intellectual Property
11/23 READ: NCMLH

Week 16: Contracts & Catch Up
11/30, 12/2

Week 17: Finals Week

**The date and time of your final CANNOT be changed.
The final is 125 multiple choice questions and is cumulative.
Dec. 7 at noon in CA 33.**