

Introduction to Media Law

MEJO 340.1: 3 Credits

Fall 2018

COURSE POLICIES & SYLLABUS

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Office hours: Mondays & Wednesdays 1:00 p.m. to 3:00 p.m.
Tuesdays 2:00 p.m. to 4:00 p.m.
By appointment

I am always happy to speak with students outside of my office hours. Please feel free to stop by any time. However, I reserve the hour before my class to prepare. The times when I teach are listed below. If you stop by my office during one of these time periods, I will ask you to come back during office hours or schedule an appointment. Thanks in advance for your understanding.

COURSE OVERVIEW

This course is an introduction to the First Amendment, including the laws of libel, defamation, privacy, indecency, obscenity, commercial speech, and prior restraint. This course offers an overview of First Amendment case law as it relates to journalists, copy editors, broadcasters, bloggers, Web designers, photographers and others in the field of mass communication. This course is designed to introduce a basic understanding of how the law is made and the importance of free expression in a democracy. As such we will trace some of the key developments in the philosophies underlying media law and we will survey an array of legal doctrines so that you are equipped to identify and analyze many of the practical legal issues that impact your chosen professions in practice.

CLASS TIME & PLACE

- ❖ Tuesdays and Thursdays from 12:30 p.m. to 1:45 p.m. in Carroll 33.
 - Note: I also teach MEJO 341 on Mondays and Wednesdays from 9:30 a.m. to 10:45 a.m. in Carroll 33.

REQUIRED TEXT

- ❖ ROBERT TRAGER, SUSAN DENTE ROSS & AMY REYNOLDS, THE LAW OF JOURNALISM AND MASS COMMUNICATION (6th ed. 2018) (ISBN 9781506363226).
 - Be sure to get the most recent edition (i.e., 6th), as the law is constantly evolving.
 - Note, some helpful study aids that accompany our textbook are available at this link: <https://study.sagepub.com/medialaw6e>

COURSE LEARNING OBJECTIVES

- ❖ Understand and explain the historical and philosophical bases of the First Amendment.
- ❖ Understand and explain concerns about censorship in a democracy.
- ❖ Analyze and synthesize primary sources of media law.
- ❖ Apply legal tests to new scenarios and hypotheticals.

AEJMC VALUES AND COMPETENCIES

The School of Media & Journalism's accrediting body, The Association for Education in Journalism and Mass Communication (AEJMC), outlines a number of values you should know 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. In this class, we will focus on the following values and competencies:

- ❖ Understand and apply the principles and laws of freedom of speech and press, for the country in which the institution that invites ACEJMC is located, as well as receive instruction in and 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 professional ethical principles and work ethically in pursuit of truth, accuracy, fairness and diversity;
- ❖ Think critically, creatively and independently;
- ❖ Conduct research and evaluate information by methods appropriate to the communications professions in which they work;
- ❖ Write correctly and clearly in forms and styles appropriate for the communications professions, audiences and purposes they serve;
- ❖ Critically evaluate their own work and that of others for accuracy and fairness, clarity, appropriate style and grammatical correctness;
- ❖ Contribute to knowledge appropriate to the communications professions in which they work.

CLASS ATTENDANCE

You are required to attend class. Learning is participatory. I will pass around a sign-in sheet at the beginning of each class. **It is your responsibility to ensure that you sign in every day.** Please seek out the attendance sheet. You may not sign in for another student or permit another student to sign in for you. If you do not sign in, you will be recorded as absent for the day. **You will not be permitted to sign the attendance sheet after I have left the classroom at the end of class time.** I will not engage in after-the-fact discussions as to whether or not you attended class, but did not sign in.

You may take up to three (3) absences for any reason without it adversely impacting your grade. You do not have to notify me of your reasons for these three absences, and you do not have to provide a doctor's note. **Use your absences wisely.** If you know you need to be absent for

university-related activities or other obligations, be sure to take those into account. If circumstances require substantial time out of class, consult the Senior Associate Dean for Undergraduate Studies for help to resolve your attendance situation. Good attendance gives you the continuity required to ask good questions and make constructive critiques of the course material.

LAPTOP USE & OTHER TECHNOLOGIES

Recent studies on human cognition have demonstrated that humans learn better when they are not distracted by electronics. See, e.g., Pam A. Mueller & Daniel M. Oppenheimer, *The Pen Is Mightier Than the Keyboard: Advantages of Longhand Over Laptop Note Taking*, 25 *PSYCHOLOGICAL SCIENCE* 1159 (2014). It has also been shown that in order to remember what they have been taught, it is important for students to transfer what they have learned from their short-term to long-term memories. You may therefore want to consider taking notes longhand instead of typing them on your laptop. To that end, you are encouraged to take hand-written notes and to maintain and bring your notes to class in hard-copy form. The hard-copy version of notes and case briefs can then be used by you to create and regularly update an electronic outline. In this way, you will be transferring the information you learned in class and during your reading of cases from your short-term to long-term memories.

Regardless of whether you use a laptop or pen and paper to take notes, I strongly urge you to avoid the temptation to try to take down a verbatim transcription of what is said in class. My goal for our classroom time together is to encourage you to think carefully and deeply about the quality of the legal arguments before us. That is simply not possible, at least for most people, if one is also trying to transcribe the class conversation. At a more practical level, transcribing all of our classes will result in an enormous amount of material that will be difficult to sift through and prioritize when studying for the midterm and final exams.

You should also be aware that there is a growing body of research indicating that using laptops or other electronics to multitask while in class, such as by checking email, reduces comprehension for both the multitasker and those who can see their screen. See, e.g., Fari Sana et al., *Laptop Multitasking Hinders Classroom Learning for Both Users and Nearby Peers*, 62 *COMPUTERS & EDUCATION* 62 (2013). Please avoid such multitasking in order to limit distractions for both yourself and your classmates. If you find that having an open laptop in front of you is too tempting, I encourage you to close it and to take notes by hand. Now is the time to develop good study habits.

Laptops use in class. Laptops are permitted in class; however, I reserve the right to ask you to close your laptops during presentations or other class discussions. You are expected to use your laptop only to take notes for class or view course materials and websites. Other use may result in my asking you to leave your laptop at home.

Cell phone use is not permitted in class. Silence your cell phones and keep them in your bags. I have no problem allowing you to monitor your cell phone for emergencies, but you must let me know in advance and in a courteous manner. If you are expecting an important phone call or must respond to an emergency, please let me know before class if you can.

Unauthorized recordings are prohibited. Audio or video recording of the class without my express consent is prohibited.

ACHIEVING SUCCESS

In this course we will cover a significant amount of dense material at a relatively quick pace. Some of the reading assignments are longer and more complicated than what you have encountered in other courses. Class attendance, active participation, and diligent preparedness are essential in order to master the material. The material cannot be memorized in a short amount of time. Skimming the material before class (or not reading at all) and “learning” the material from the professor in class will not lead to success. Success requires you to read, evaluate, critically think, and internalize the material before class so you can actively participate (either verbally or intellectually) during class. **The key to success in this course is preparation on a daily basis.**

CLASS PREPARATION

It is critical that each student fully participate in classroom discussions to enrich the learning experience. (See explanation of Class Participation below.) You must come to each class prepared to participate. “Prepared” means that you have already read and thought about the assigned materials for the day’s class, and you are ready to participate in class discussion.

Class time will primarily be used to (a) stress particular points made in the reading, (b) cover areas not addressed in the reading that I believe will increase your knowledge, or (c) work through hypotheticals and problems to help illustrate what you should have learned from the reading.

While I expect you to take class preparation and participation seriously, I do not require that you have a perfect answer prepared for every possible question I might pose during our class discussions. Moreover, there is rarely only one “right” answer to a legal question. Rather, different arguments of varying strength exist. I am interested in helping you hone your skills in identifying, making, and evaluating those arguments. If you have thoroughly read and considered the assigned material, but nonetheless find yourself perplexed, don’t worry. Your ability to clearly articulate to me and to your classmates what you found confusing will be a helpful learning tool for everyone.

Finally, our class conversations should always be civil and respectful. The law is about addressing and evaluating conflicting views and we will not always agree with one another. However, in debating differing viewpoints and perspectives, I require that everyone do so in a respectful and professional manner.

PROFESSIONALISM

You are attending a professional school, and as such, I expect you to act professionally during class and during any interaction with me and your fellow students. Evidence of professionalism can include, but is not limited to, arriving to class on time and being prepared for and actively engaging in class activities. I consider it disrespectful to me and your classmates to leave early, pack up your materials before the end of class, or frequently come and go during class. I reserve the right to ask you to leave class if you demonstrate disruptive or unprofessional behavior, including, but not limited to, engaging in private conversations during class time, cell phone disruptions (turn them

OFF), or being unprepared for class on more than one occasion. **If you demonstrate unprofessional, rude, or disruptive behavior, it will be counted as an absence for that day.**

E-MAIL COMMUNICATION

Because you are attending a professional school, and part of my responsibility is to teach you professionalism, **I expect all emails you send to me to be professionally written and contain an appropriate tone.** You should include an appropriate and professional salutation (i.e., not “hey prof” or “hiya”), and you should include a signature, specifying who is drafting the email. Do not assume I will know who you are from the email address. In addition, you must use correct grammar and punctuation.

If I receive an email that is not professionally written, or an email that would not be acceptable to send to an employer, I will instruct you to revise your email, and I will not further respond until you do so. Of course, if you find this email policy too burdensome, you may always come to my office hours to ask any questions you have.

I usually respond to email within twenty-four hours of reading the message. However, on weekends, evenings, and holidays my responses may be delayed. If I can answer your emailed question, I will put my response in writing and send it back to you by email. But I may ask you to come see me if the question seems to require a lengthy response.

Please feel free to e-mail me, particularly if you encounter an interesting media law issues in the news.

OFFICE HOURS

My office hours are listed on the first page of this document. These hours are specific times I have set aside to get to know you and to assist you with your work for the course. Please feel free to stop by my office during these times. You may also drop by my office during times I am not regularly scheduled for office hours. But please note that if I have another student in my office or if you drop by outside my regular office hours, I may ask you to make an appointment with me.

Occasionally my office hours will conflict with faculty meetings, conferences, or department meetings. As a result, I will need to cancel the office hours for that time. They usually do not last more than an hour. I will note these conflicts and my estimated time of return on my office door.

COMMUNICATIONS PRIOR TO EXAM DATES

For the midterms and final exam there is a “cut off” day for substantive questions. For the midterms, I will not answer substantive questions within 24 hours of the exam. And for the final exam, I will not answer substantive questions after the last day of class. Please plan your study schedule accordingly.

COURSE ASSESSMENT & GRADES

Your individual grade in this course will be determined as follows:

<u>What</u>	<u>When</u>	<u>How much</u>
Class Participation	Passim	25 points
Midterm #1	10/2/18	100 points
Midterm #2	11/06/18	100 points
Final Exam	12/07/18 @ noon	225 points

Friendly advice: Record the dates and times of all exams on your calendar NOW to ensure that your schedules are clear for ALL EXAMS, INCLUDING THE FINAL EXAM. Any changes will be announced in advance.

CLASS PARTICIPATION

Preparation class attendance is a mandatory part of this course. I expect you to be present at each class session and to be prepared to actively listen and participate. I will call on students in class to generate a conversation about the course material. By contributing your own perspectives and engaging with the perspectives of others in class you will come away with a richer understanding of the material than you would just from the casebook or just from listening to me. I will use a “panel system” to structure most of the class participation.

The class will be divided into panels. Each panel is assigned a specific class period. I will call on students from the assigned panel for the specified day. You know in advance when you will be called upon. All members of the on-call panel should be prepared to answer questions and to discuss the required reading for the day. You are always free to volunteer, and expected to do so. To be clear, members of panels that are not on call for a given day are expected to have read the required readings and are free (and encouraged) to participate in the discussion. The fact that a panel is assigned for a specific day does not relieve you of your responsibility to do the reading or to participate in class. It simply means that when I call on people for specific answers, I will choose from the panel for that particular session.

With that in mind, I expect you to be prepared for each class. All of the assignments in the syllabus below are fair game for the exams. The panels are to encourage a livelier discussion, not relieve you of any responsibility.

The six (6) panels are assigned by the **first letters of last names**:

- ❖ Panel 1: A to C
- ❖ Panel 2: D to G
- ❖ Panel 3: H to K
- ❖ Panel 4: L to O
- ❖ Panel 5: P to S
- ❖ Panel 6: T to Z

Panel 1 will be on call for the first class meeting. I may adjust the panel assignments after the first week of the course if the panels become unbalanced because of students adding or dropping the course. No panel is on call for the review sessions.

EXAMS

We will have three exams: two midterms and a final. The exams will cover material presented in class and in the readings. Exam questions may appear in the form of multiple choice, true-false, short answer, or essay questions. **The final exam will be cumulative.**

Grade scale:

A	=	417-450 points	(93-100%)
A-	=	403-416 points	(90-92%)
B+	=	390-402 points	(87-89%)
B	=	372-389 points	(83-86%)
B-	=	358-371 points	(80-82%)
C+	=	345-357 points	(77-79%)
C	=	327-344 points	(73-76%)
C-	=	313-326 points	(70-72%)*
D+	=	299-312 points	(67-69%)
D	=	268-298 points	(60-66%)
F	=	less than 268 points	(less than 60%)

***This course is required for students enrolled in the School of Journalism and Mass Communication. You must a C- or better to avoid repeating the course.**

EXTRA CREDIT

If an opportunity for extra credit arises – of which there is no promise or guarantee – it will be offered to the entire class. No individual extra credit opportunities are offered. Students should not ask for individual exceptions.

COMMUNICATING ABOUT GRADE

Grades are not open to negotiation; grades are earned. I am happy to meet with you regarding a specific assignment or exam grade as long as you contact me within one week of receiving the grade. And if there is a clerical error, I will happily correct it before final grades are posted. Also note, my emails can be considered “public” due to my role at a public university, and I cannot guarantee our correspondence will be private. As a result, I will not correspond by email with students about their grades. If you wish to discuss a grade with me, it must be done in person.

UNC HONOR CODE

You are expected to conduct yourself according to the guidelines of the University honor system (<http://honor.unc.edu>). All academic work should be done with the high levels of honesty and integrity that this University demands. You are expected to produce your own work in this class. You should properly attribute any work done by others. Your full participation and observance of the Honor Code is expected, and it is your responsibility to be aware of what constitutes a violation of the Honor Code. You should also be mindful that you are responsible for upholding and maintaining the honor of our University learning community.

DIVERSITY & INCLUSIVITY

The University is committed to fostering a diverse and inclusive academic community, and it prohibits discrimination and harassment. The University's policy statements on Equal Employment Opportunity and Nondiscrimination are outlined here: <http://policy.sites.unc.edu/files/2013/04/nondiscrim.pdf>. In summary, the University does not discriminate in offering access to its educational programs and activities on the basis of age, gender, race, color, national origin, religion, creed, disability, veteran's status, sexual orientation, gender identity, or gender expression or disabilities. Moreover, the University does not tolerate harassment based on gender, race, religion, sexual orientation, culture, disability, or for any other reason. It is also a violation of the Honor Code and Title VII of the Civil Rights Act (1964) and Title IX of the Educational Amendments. I am fully committed to fostering the University's goals, and enforcing these policies. If you need assistance with a discrimination or harassment issue, please bring it to my attention or The Office of the Dean of Students, dos@unc.edu or 919-966-4042.

SPECIAL ACCOMMODATIONS

Students with diagnosed or suspected disabilities that might impact their performance in the course should contact the Department of Accessibility Resources and Service (ARS) to determine whether and to what extent services or accommodations are available for this course. It is the goal of ARS to "ensure that all programs and facilities of the University are accessible to all members of the University community." If you need information about disabilities and accommodations, visit the Learning Center website at <http://learningcenter.unc.edu/ldadhd-services/> or call 919-962-3782. Relevant policy documents related to registration, accommodations determinations, and student registration forms are available on the ARS website at <https://ars.unc.edu/about-ars/policies>.