

Media Law for the Digital Age

MEJO 718, Spring 2020

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REQUIRED TEXTS:

Robert Trager, et al., *The Law of Journalism and Mass Communication*, 6th ed., Thousand Oaks, Calif.: CQ Press, 2017. (Be sure to buy the correct edition.)

SAKAI: PowerPoint slides, reserve readings, reading assignments, research-paper instructions and other materials will be posted to Course Materials on the Sakai site for this course. The Assignments tool will be used to submit your work, and we will discuss topics using the Discussion Forums. 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 the Internet has shaken that balance. 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!

AEJMC VALUES AND COMPETENCIES: The School of Journalism and Mass Communication's accrediting body (AEJMC, The Association for Education in Journalism and Mass Communication) 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. In this class, we will these 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.

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 eight online discussions on the class Sakai discussion forum. See additional instructions below.
- Each student must complete three problem-solving exercises. Instructions for these exercises are posted on your Sakai site.
- Each student must complete a research paper or project. 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. The project outline is also detailed below. These options will be addressed and discussed online.

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, and participating will be fun!

There will be eight weeks during which you will use the discussion board. For those weeks, 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.

Please visit the discussion board several times each week. If you post the first day and never return, you never learn how your classmates and your professor have responded to your posts. Also, please don't wait until the last day to post.

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.

You will receive feedback and a grade after each week of discussion.

PROBLEM-SOLVING EXERCISES: You will be assigned three problem-solving exercises during the semester. 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. Alternatively, I may ask you to brief a case and answer some questions about its significance. 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 three to five pages, depending on the question.

FINAL ASSIGNMENT: This is a part of the course that is guaranteed to make your brain grow. 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. Each student will be required to identify a research topic in the field of communication law and to read what other scholars already have written on that topic. You have two options on how to proceed from there. You will need to decide early in the semester whether you want to go the traditional research route or the long-form feature route.

OPTION A: A 20-page paper, including footnotes. Students choosing this option will develop a 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. Your paper could conclude with a set of guidelines or best practices for people in your business.

OPTION B: Long-form feature journalism piece (about 3,000 words) that must have a committed publisher. While this latter option may at first look easier than the 20-page paper, the long-form piece will require additional work including interviews with key stakeholders in the case, a pitch letter to an online or printed publication suitable for your piece, and an

indication of interest from the published outlet. The goal of this option is to give you a chance to be a thought leader online or in print on a particular media law issue (not to mention it makes for a nice resume addition, a social media boost and something to talk about in a future job interview.)

To help ensure your success, you will work on your final project in five stages as outlined below.

	<u>OPTION A</u> : 20-25 page paper.	<u>OPTION B</u> : Long-form feature journalism piece
Stage 1	Write a two to three-page memo describing your research topic. (checkmark only)	
I will provide each student with comments on your topic. Changes to your topic will likely be necessary BEFORE you can move to stage 2.		
Stage 2	Research and write the introduction and a five-page literature review or complete annotate bibliography. Details will be forthcoming. Write what you think <i>might</i> be your research questions.	
Stage 3	Write a one-page research questions and methodology section for your paper.	Write a one-page research questions and methodology section for your article. -AND- Write a pitch letter and conduct interviews related to the topic. You will share with me what interest you have from publishers in your work or you will demonstrate how this work will be seen and promoted online. I will consider a wide range of publishers from mainstream online pubs like <i>Slate</i> to local newspapers such as the <i>N&O</i> . We will discuss other publication options. So you will need to demonstrate a significant effort on this.(5% of grade)
I will provide each student with feedback on stages 2 & 3 deliverables that should inform the final deliverable.		

Stage 4	Complete your 20-page paper	Complete your long-form feature journalism project (25% of final grade)
Stage 5	Present your paper to the class	Present your project to the class (5% of your final grade)

More detailed instructions on each part of your research paper/long-form feature and your paper presentation will be posted in the Research Paper folder in Course Materials 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 any time 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 before the end of that week. 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
Problem-solving exercises	20 percent
Research paper/project memo	checkmark only
Literature review or Annoated Bibliography	10 percent
Research questions and methodology/pitch letters & interviews	5 percent

Final research paper/long-form feature	40 percent
Presenting your work to classmates	5 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>), 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 (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 think this might apply to you, please contact ARS by telephone at 962-8300 or visit the ARS 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 2014-2015 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 TOPICS

Please check the "Lessons" page on Sakai frequently to see exactly where we are at in the schedule. It may be that we need to adjust our schedule, and I reserve the right to do so. I try not to do that, but occasionally news events warrant that we spend more time on a topic. The Lessons page, as well as announcements from me, will keep you informed when and if things change. More details on each week can be found in Sakai.