**Introduction to Media Law (Online)**

**MEJO 340, Summer I 2021**

Professor: Dr. Tori Ekstrand

Office: 362 Carroll Hall

Phone: 419-806-2454 (Please do not redistribute this number. Thank you.)

Twitter: @vekstra

LinkedIn: <https://www.linkedin.com/in/victoria-tori-ekstrand-8407455>

Office hours: By appointment. Please email me!

Email address: torismit@email.unc.edu

**REQUIRED TEXTS**:

Susan Ross, Amy Reynolds & Robert Trager, *The Law of Journalism and Mass Communication*, 7th ed., Thousand Oaks, Calif.: CQ Press, 2020. (Be sure to buy the correct edition.)

**SAKAI:** PowerPoint slides, assignments, and other materials will be posted to Sakai. The Assignments tool will be used to submit your work, and we will discuss topics using the Forums. The UNC Sakai service is located at <http://sakai.unc.edu>.

**REGARDING COVID**: If you or a family member becomes ill with COVID or you are facing any hardship because of COVID, please let me know. I can work with you. I don’t have to know all the details, obviously, but enough to be able to help you and to be fair to others in the course.

**COURSE DESCRIPTION**: Just as the Internet has jolted the communication business, it has sent a shockwave through the field of media 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.

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 session, 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.
* Appreciate and recognize the challenges to 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:**

* Put **9:30 a.m. Wednesday** into your calendars. **This will be the time and day the majority of your quizzes, exams and discussion boards will be due each week**.
* 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. The lessons page will detail the reading to be completed each week as well as what is due.
* Each student must complete **five 20-question quizzes** based on the reading.
* Each student must participate in **three online discussion forum assignments** on the class Sakai discussion forum.
* Each student must complete **two case briefs**.
* Each student must complete **two problem-solving exams**. One will be a **midterm exam**. The other will be a **final exam**. The final is not cumulative because of the significant additional writing required in the online course. Instructions for these exercises will be posted on your Sakai site.

**QUIZZES:** There will be five 20-question timed quizzes (50 min. to complete) based on the reading each week. Quizzes are due at 9:30 a.m. Wednesday. They are open book. Students must work alone on quizzes.

**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 an online class simply is not acceptable, and participating will be fun!

### There will be five 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 do post assignments, comment thoughtfully, expand the conversation, 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. I will post a sample of “A” level work at the beginning of the semester. No lazy postings, please. Stretch yourself and the topics. Students must work alone on their postings, but will obviously engage together in the discussions online.

### 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”!)

### Please visit the forums 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. (And, full disclosure, I can see what you have read and haven’t read as your instructor. Sakai gives us these reports. And, yes, I know you can just blow through and pretend to have read it. I wasn’t born yesterday. But like everything, you get out of this what you put in.) 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. 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. **You will receive detailed instructions about work to be completed for your discussion post on sakai.**

**PROBLEM-SOLVING EXAMS:** You will be assigned two problem-solving exercises during the semester. One will be a midterm exam. The other will be a final exam. The final will NOT be cumulative. 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 three to five pages, depending on the question. You must work on these **alone**.

**ABSENCES AND LATE WORK:** Absences from the discussion board are not permitted. Be forewarned that if you fall behind in this course, it will be extremely difficult to catch up. Late work will be docked an entire letter grade. If you are having trouble with the work in this course, please email 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.

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. Please email to make an appointment to talk.

**ZOOM: This course is asynchronous, meaning you can work on your own to meet deadlines. However, every Monday night at 8 p.m. during the term, I will be available to discuss the material and the course in Zoom. My zoom room address is on the front page of the sakai site.** You are not required to join the discussion, but if you do, and you participate, I will offer you one point extra credit toward your final grade, for a possible total of 5 additional points toward your grade. These discussions will reflect on the forum, on the reading material and on questions you have about the course and the concepts. And let’s try to have some fun, too. I love talking about current media law debates in these sessions.

**COURSE GRADING:**

Five 20-question quizzes (20 points each) 100 points

 Three discussion board assignments (40 points each) 120 points

 Two case briefs (15 points each) 30 points

 Two problem – solving exams (100 points each) 200 points

 **TOTAL**: **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 MEJO 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 327 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.**

**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 to 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\_042

762), 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” pages on Sakai frequently to see exactly where we are at in the schedule. I will include and require you to “checklist” the work you complete. 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.

**Week 1**: Introduction to Sources of Law, Theories of the First Amendment and Basic First Amendment Doctrine

**Week 2**: Basic First Amendment doctrine

**Week 3**: Libel and Privacy

**Week 4**: Commercial Speech or Reporters Privilege/Access to Information

**Week 5**: Intellectual Property