

# MEJO 741: Media Law, Ethics and Contemporary Issues

## Fall 2023

Professor: Dr. Tori Ekstrand

Meeting Times: 3:30 – 4:45 p.m. Tuesdays and Thursdays, Curtis Room 302

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**COURSE DESCRIPTION:** Democracy and the First Amendment are under attack, and disinformation is threatening core US government functions. The consequences for media and journalism are serious, and the battlefronts are numerous. Journalists and media professionals themselves have been both psychologically and physically attacked. Public trust in journalists and media professionals is at an all-time low and traditional news organizations, particularly at the local level, are facing enormous economic pressures. Additionally, both 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. The landscape is grim, but both U.S. history and the legacy of free expression show that the long game is essential to retaining these freedoms. We are part of that long game. Consequently, it is more essential than ever to understand the boundaries and pressure points of free expression as a journalist and media professional.

This course will provide students with a basic framework for current legal issues, including libel, copyright and First Amendment law, as well as discussion of journalism ethics and contemporary issues.

There are many questions to be answered. How can media advance the work of democracy in such a period of legal and ethical challenge? How can we adhere to good media ethics, and better communicate and help the public understand our work? Do privacy and libel law, which were developed to apply to and protect traditional media, need to be changed for the digital 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?

In this course, you will explore the delicate balance that traditionally has existed between freedom and control of the media and how digital media and politics have 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 and ethics. Knowing some theory and ethics will enhance your understanding of the law and

enable you to participate in the on-going national debate over how digital media should – or should not – be regulated and how you can function well as a professional in this environment.

#### **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 and current pressures on democratic norms.
- Provide you with a working knowledge of media law so that, when working as a journalist or media professional, 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.
- Develop familiarity with and understanding of codes of ethics from multiple media organizations and their utility in your work.
- 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.
- Cover the law as a journalist and develop familiarity with how it is working or not working well today.

#### **REQUIRED TEXTS:**

1. Media Ethics: A Guide for Professional Conduct (5<sup>th</sup> Edition), by Fred Brown and the SPJ Ethics Committee. Available at: <https://www.spj.org/ethicsbook.asp>.
2. FIRE's Guide to Free Speech On Campus, available at <https://www.thefire.org/research-learn/fires-guide-free-speech-campus>. This is a very succinct and free practical guide to the First Amendment and media law.
3. Social Media and the Law: A Guidebook for Communication Students and Professionals (3<sup>rd</sup> Edition), edited by Daxton R. Stewart. Available free at Davis Library Online Access at: <https://catalog.lib.unc.edu/catalog/UNCb11251992>.
4. The Art of Access: Strategies for Acquiring Public Records, by David Cuillier and Charles N. Davis. Available free at Davis Library Online Access at: <https://catalog.lib.unc.edu/catalog/UNCb11249157>.

**CANVAS:** PowerPoint slides, reserve readings, reading assignments, assignment instructions and other materials will be posted to Course Materials on the CANVAS for this course. The assignments tool will be used to submit your work.

**HOW TO WORK WITH ME:**

I think most students find me approachable and reasonable to work with, and I hope you will, too. I hope you will feel comfortable coming to me about any question or concern you have. It's best to email me with concerns, questions, and/or to set up a meeting, but I'm always happy to talk one-on-one after class, too. I'm very responsive on email and work hard to respond to students within 24 hours of an email. I've been teaching for a while now, and what I enjoy most is knowing and supporting my students. *ALL* my students!! I'm genuinely interested in you and your plans. Don't miss out on getting to know me; I'll do my best to know you, but I always appreciate students who try to reach out to me. The course is challenging, but it's very possible to do well if you do the work and keep up with the content. I aim to set everyone up to succeed in the class.

**SPECIAL HEALTH POLICY:**

Because of the ongoing COVID pandemic, please be considerate of everyone in the class and DO NOT attend class in person if you feel sick for any reason. If you're not able to attend class because of health concerns, please let me know in advance of the class session. I will be wearing a mask because I help to take care of my elderly parents who both have heart failure. They've made it this far without getting COVID, and I don't want to be the one who gives it to them. You will have the option to attend virtually if you don't feel well. Please reach out to me if you need that option so that I look for you online.

**PROFESSIONALISM AND ATTENDANCE:**

Law and ethics do not operate in a vacuum. They are shaped, studied, and molded by professionals who are required to show up on time in court, at hearings, meetings and in other settings. Democratic and professional norms may be under stress, but I expect professionalism from you in this class. Therefore, these are the following requirements for our classroom atmosphere:

**1. Who Says What in Class... Stays in Class**

Recent research shows that students are participating less in class. In some cases, this is because of concerns about political polarization in the United States but also because students are concerned about what their peers may post online about what they say. I'd like for us to follow the [Chatham Rules](#) in our class. This doesn't mean we can't talk about what happened in class. Far from it. I want us to talk about class outside of class. But we will need to refrain from identifying who said what in class.

It is **HUGELY** important that we establish a level of trust with each other and resist the urge to instantly cancel each other. Cancelling has its place, but it can be destructive in a classroom and can lead to silencing and shutdown. We'll talk more about what we want in terms of debate and discussion. You should feel free to talk, debate and participate out loud without fear of being called out online. We should all feel free to disagree. Because class will be recorded, it will be particularly important to respect the Chatham Rules. A violation of the Chatham Rules will be a violation of this syllabus, and the honor code.

## 2. Class Time, Attendance

The class meets once a week. **You should attend class in person, and I will take attendance. You may attend virtually if you feel ill/are ill or have some other special circumstance (ie – a job interview, etc.).** That may change, obviously, if campus policy about the variants changes, and we move entirely online. I reserve the right to make changes to this policy.

I don't have a specific class attendance policy, other than to come. Makeup work is not possible for those who don't attend class regularly and your success in this class is not likely without regular attendance.

We will be doing some in-class work, and I'll do my best to alert you when that's coming. You'll be doing that work in groups – mostly reading cases and answering some questions about the case for class discussion. Groups will meet in person. If we have online attendees, those attendees will meet in breakouts. If you attend virtually, cameras don't have to be on, though I do appreciate you letting me know you are there with participation and alerting me to any sound issues. (Thank you for that in advance!)

## 3. Respect and Tolerance of Viewpoints

The study of free expression and ethics requires more tolerance and understanding than the study of some other subjects. This is the case more the ever before. Indeed, there is an entire theory of the First Amendment that is based on the principle of tolerance (which has some obvious drawbacks and limitations. We don't tolerate racism in class, for instance). That said, 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 tough, especially now, but they are OK. What we don't want are tensions that escalate into "fighting words" or "speech that creates a chilling effect" on other students or certainly not "incitement." Stay tuned and we will talk more about these concepts and doctrines. 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. Inclusion matters, and I will work hard to make all students feel included in different ways.

**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 understand that our classmates differ from us in race, ethnicity, gender, sexual orientation, political orientation, class background, 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 zoom lethargy seems suddenly unbearable!
- Keep to our schedule. But if we need to change our schedule, I 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.

## 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.”

### **WEATHER POLICY**

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

### **ACCOMMODATIONS**

**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.),** please talk to me or email me 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 and reasonable accommodations. **While I prefer to have documentation from Accessibility Resource Services (ARS) to help you, there are times when students do not report a disability and/or struggle with mental health or a family situation. I am happy to have these conversations with you and provide reasonable accommodations as required by law.** I cannot, however, accommodate you to the point that it would be unfair to other students in the class – or to the point in which you will miss important material in the course. In some cases, I will encourage you (but cannot require you) to visit with ARS. 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 (ARS) in a timely manner to determine whether and to what extent such accommodations or resources are necessary for this course. However, only ARS can make this determination for you. 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 ARS confidentially as soon as possible either by telephone at 962-8300 or visit the ARS 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 ARS may make for you for this course.

### **COUNSELING**

CAPS is strongly committed to addressing the mental health needs of a diverse student body through timely access to consultation and connection to clinically appropriate services, whether for short or long-term needs. Go to their website: <https://caps.unc.edu/> or visit their facilities on the third floor of the Campus Health Services building for a walk-in evaluation to learn more. We are very lucky to have our own Hussman counselor, Carolyn Eberling. You can schedule an appointment with them at [cebeling@email.unc.edu](mailto:cebeling@email.unc.edu).

### **TITLE IX**

Any student who is impacted by discrimination, harassment, interpersonal (relationship) violence, sexual violence, sexual exploitation, or stalking is encouraged to seek resources on

campus or in the community. Reports can be made online to the EOC at <https://eoc.unc.edu/report-an-incident/>. Please contact the University's Title IX Coordinator (Elizabeth Hall, interim – [titleixcoordinator@unc.edu](mailto:titleixcoordinator@unc.edu)), Report and Response Coordinators in the Equal Opportunity and Compliance Office ([reportandresponse@unc.edu](mailto:reportandresponse@unc.edu)), Counseling and Psychological Services (confidential), or the Gender Violence Services Coordinators ([gvsoc@unc.edu](mailto:gvsoc@unc.edu); confidential) to discuss your specific needs. Additional resources are available at [safe.unc.edu](http://safe.unc.edu).

### **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 emphasize 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 clearly in forms and styles appropriate for the communications professions, audiences and purposes you serve;
- Critically evaluate your 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 you work.

### **COURSE GRADING:**

Your work in this course will be assessed based on three short stories, one longer story and your regular attendance, participation and professionalism. More details on these assignments will be offered in the schedule and in class. The breakdown is as follows:

Ethics Story	20 percent
First Amendment Day Story	20 percent
Public Records assignment	10 percent

Final Contemporary Media Law or Ethics Issue story	40 percent
Regular attendance and professionalism	10 percent

**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 Record* available online at <http://www.unc.edu/gradrecord/>.

### **WEEKLY TOPICS**

Please check the “Lessons” page on Canvas 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 Canvas.