

Introduction to Media Law

Journalism Focus

MEJO 341.002: 3 Credits

Fall 2023

Tuesday & Thursday 11:00am – 12:15am

COURSE POLICIES & SYLLABUS

Instructor: Kenton Spencer (he/him/his)

Office: Virtual

E-mail: kentons@unc.edu

Office hours: *Available by Appointment*

COURSE OVERVIEW

Welcome to Media Law! This course is an introduction to the laws of libel, defamation, privacy, indecency, obscenity, net neutrality, copyright, trademark, commercial speech, and prior restraint. This course is designed to introduce a basic understanding of how the law is made and the importance of free expression in a democracy. This course offers an overview of First Amendment case law as it relates to advertising, public relations, and strategic communications students. 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

- ❖ Tuesday and Thursday from 11:00 a.m. to 12:15 p.m. in Carroll 11.
- ❖ Should the need arise for a remote session, here is the link for our class:
<https://unc.zoom.us/j/2012171459?pwd=TIhjcGFHOuNm1jVjZjZGek5YUT09>
 - Meeting ID: 201 217 1459
 - Passcode: 054862

REQUIRED TEXT

- ❖ SUSAN DENTE ROSS, AMY REYNOLDS & ROBERT TRAGER, THE LAW OF JOURNALISM AND MASS COMMUNICATION (8th ed. 2023) (ISBN-13: 978-1071857908).
 - Note, some helpful study aids that accompany our textbook are available at this link:
<https://edge.sagepub.com/medialaw7e>
- ❖ Additional readings will be posted on Sakai

CLASS WEBSITE

I will use Sakai, UNC's online course-information system (<https://sakai.unc.edu>), for posting course materials and communicating outside of the classroom. You should check Sakai regularly for any class materials, updates, and announcements. Inability to access the course website is not a valid excuse for lack of preparation or failure to submit assignments by the deadline. Should you experience problems with accessing the course website please call 919-962-HELP or visit <https://www.unc.edu/sakai/?3>. If you continue to experience problems after working with support about Sakai, please let me know.

COURSE LEARNING OBJECTIVES

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

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 class alone 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.

ATTENDANCE

University Policy: No right or privilege exists that permits a student to be absent from any class meetings, except for these University Approved Absences:

1. Authorized University activities
2. Disability/religious observance/pregnancy, as required by law and approved by [Accessibility Resources and Service](#) and/or the [Equal Opportunity and Compliance Office](#) (EOC)
3. Significant health condition and/or personal/family emergency as approved by the [Office of the Dean of Students](#), [Gender Violence Service Coordinators](#), and/or the [Equal Opportunity and Compliance Office](#) (EOC).

Please communicate with me early about potential absences. Please be aware that you are bound by the [Honor Code](#) when making a request for a University approved absence.

OFFICE HOURS

Virtual Office over Zoom by appointment.

COURSE ASSESSMENTS & GRADE SCALE

Grade scale:

A	= 465-500 points (93-100%)
A-	= 450-464 points (90-92.9%)
B+	= 435-449 points (87-89.9%)
B	= 415-434 points (83-86.9%)
B-	= 400-414 points (80-82.9%)
C+	= 385-399 points (77-79.9%)
C	= 365-384 points (73-76.9%) *
C-	= 350-364 points (70-72.9%)
D+	= 335-349 points (67-69.9%)
D	= 300-334 points (60-66.9%)
F	= 299 points or fewer (less than 60%)

***This course is required for students enrolled in the Hussman School of Journalism and Media. You must earn a C or better to avoid repeating the course – a final point total of 365 points or higher.**

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

<u>What</u>	<u>When</u>	<u>How Much</u>
Class Participation	Weekly	20 Points
Reading Quizzes	Bi-Weekly	50 Points
Case Study	11/19/2023	80 Points
Midterm #1	9/28/2023	100 Points
Midterm #2	11/7/2023	100 Points
Final Exam	12/9/2023 @ 8:00 AM	150 Points

CLASS PARTICIPATION

Twenty (20) points of your final grade is based on class participation. Preparation and class attendance are 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 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 reading the casebook or just from listening to me. **I will use the “Socratic method” to structure most of the class participation.** .

With that in mind, I expect you to be prepared for each class. All of the assignments in the syllabus are fair game for the exams.

READING QUIZZES

Fifty (50) points of your final grade will be based on multiple-choice and/or true-false questions administered via Sakai. There will be six (6) quizzes with approximately ten (10) questions each. Each quiz question will be worth one (1) point. You may drop your lowest one quiz score. **Since you may drop your lowest one quiz, missed quizzes may not be made-up.**

These continual assessment questions will be posted on the class Sakai site. These quizzes will be timed and accessible for a limited time. In other words, once you start the quiz you will have a limited amount of time within which to complete the quiz. Please plan accordingly. You may consult your notes and other class materials, but you may not receive assistance from anyone. The Honor Code is in effect for these quizzes.

These weekly reading quizzes serve four key purposes: (1) assess student understanding of the class materials; (2) reward students who keep up with the reading assignments and pay attention in class; (3) motivate students who see they are underperforming compared to their peers; and (4) give all students a chance to practice for the midterm and final exams.

CASE STUDY

Eighty (80) points of your final grade are based on a graded case study. A case study is an in-depth analysis of a particular legal dispute or scenario. The purpose of a case study is to provide (1) a comprehensive understanding of the legal issues involved, (2) the relevant laws and regulations,

(3) the arguments presented by each party, and (4) the outcome(s) of the case. You will be presented with a scenario depicting a legal conflict for you to analyze.

For the graded case study, you must include, at a minimum, the following information: (a) the facts of the case; (b) the legal issue; (c) arguments of the parties; (d) legal analysis; and (e) lessons learned or critique. You may also include a summary or conclusion.

EXAMS

We will have three (3) exams: two (2) exams during the semester (i.e., midterms) and a comprehensive final exam. 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. **Note: The final exam will be cumulative.**

Final exam times are based on the University final exam schedule. Exams are scheduled according to the day and start time of the first meeting of the course each week and held in the regularly assigned meeting location unless the instructor is otherwise notified. If you are unable to hold your final at the assigned time, contact Associate Dean Julie Dixon-Green to check rescheduling options.

Makeup exams will be given only in cases of a documented emergency, provided that I am given timely notice in advance of the scheduled exam.

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.

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.

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. For discussions in this class, we will abide by the [Chatham House Rule](#): “participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.” If you have questions or concerns about this Rule, please don’t hesitate to ask.

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 set up a meeting time with 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 issue in the news.

COMMUNICATING ABOUT GRADES

Grades are not open to negotiation; grades are earned. I am happy to discuss 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.

UNC HONOR CODE

[The Honor Code](#) forms a bond of trust among students, faculty, and administrators. The University of North Carolina at Chapel Hill operates under a system of self-governance, as students are responsible for governing themselves. As such, our University is transformed into a powerful community of inquiry and learning. The Honor Code embodies the ideals of academic honesty, integrity, and responsible citizenship, and governs the performance of all academic work a student conducts at the University. Acceptance of an offer of admission to Carolina presupposes a commitment to the principles embodied in our century-old tradition of honour and integrity.

You are expected to conduct yourself according to the guidelines of the University honour system. 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 are 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 honour of our University learning community.

ACCREDITATION VALUES AND COMPETENCIES

The Hussman School of Journalism and Media'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://hussman.unc.edu/accreditation>.

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, 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.

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>.

Course Schedule

This schedule is subject to change. Any changes will be reflected on the lessons page on Sakai. Reading assignments may be added or removed and deadlines may be altered as necessary. Rely on the Sakai lesson pages for up-to-date information. Any changes will be announced on Sakai. You should complete all assigned readings before lectures. **Reading assignments will often require a significant amount of time.** If at any point in the semester you are having difficulty understanding the required material, please let me know.

Reading Assignments & Class Schedule¹
MEJO 341.002
Kenton Spencer

Class	Date	Topic	Assignment	Notes
1	8/22 Tue	Introduction to the Course; Overview of Court Systems; Sakai Module 1	READ: Course syllabus READ: How to Read a Supreme Court Opinion (Sakai) VISIT: The Federal Courts website at http://www.uscourts.gov/FederalCourts.aspx READ: From the menu across the top of the page, use the drop-down – “About the Federal Courts” – and click on each subtitle and read each page (“The Federal Courts & the Public,” “Court Role and Structures,” and “Types of Cases” – and click on the hyperlinks to each sub-section on left and read those pages also). Explore the website including the federal circuits map. In which federal circuit is North Carolina? NC Court System (Sakai)	Everyone
2	8/24 Thu	Rule of Law State Action Sakai Module 1	Chapter 1 READ: Pgs. 1-48 <i>Marbury v. Madison</i> (pgs. 39-41) <i>N.C. v. Bishop</i> (Sakai) State Action Articles (Sakai)	Everyone
3	8/29 Tue	1 st A Theories & Prior Restraints Sakai Module 1	Chapter 2 READ: Pgs. 49-68 <i>New York Times Co. v. United States</i> (pgs. 89-91) <i>State v. Packer</i> (Sakai)	
4	8/31 Thu	1 st A Hierarchies Speech Forum Sakai Module 2	Quiz 1 due Midnight Sun 9/3 Chapter 2, cont. READ: Pgs. 69-100 <i>Reed v. Town of Gilbert</i> (pgs. 91-100) <i>Abrams v. United States</i> (Sakai)	
5	9/5 Tue	NO CLASS	Well-Being Day	<i>Everyone</i>

¹ The dates regarding covering the proposed material and assignments are my best estimates. I anticipate we will closely follow this schedule. However, we may need to make adjustments as the semester progresses. We may need to move certain material, slow down and cover certain material in more depth, cancel a class, or incorporate additional information. Please be flexible and consider yourself on notice that we may need to make adjustments from time to time.

6	9/7 Thu	Speech Distinctions: Disruptive Sakai Module 2	Chapter 3 READ: Pgs. 101-117 <i>Chaplinsky v. New Hampshire</i> (Sakai) <i>Elonis v. US</i> (pgs. 140-146) <i>R.A.V. v. St. Paul</i> (Sakai) Listen: A Thousand Ways to Kill You - https://one.npr.org/i/789202495:789202497 Listen: Rap on Trial: How An Aspiring Musician's Words Led To Prison Time - https://one.npr.org/i/876485823:876495368	
8	9/12 Tue	Speech Distinctions: Political & Symbolic Sakai Module 2	Chapter 3 (cont.) READ: Pgs. 117-122 <i>United States v. O'Brien</i> (Sakai) <i>Texas v. Johnson</i> (Sakai) <i>United States v. Trump</i> (Sakai)	
9	9/14 Thu	Speech Distinctions: Campus Student Speech Code Sakai Module 2	Quiz 2 due Midnight Sun 9/17 Chapter 3 (cont.) READ: Pgs. 123-136 <i>Tinker v. Des Moines</i> (Sakai) <i>Mahanoy Area School District v. B.L.</i> (pgs. 137-140) <i>Board of Education v. Pico</i> (Sakai) <i>Pen American Center v. Escambia County School</i> (Sakai) <i>Doe v. University of Michigan</i> (Sakai)	
10	9/19 Tue	Obscenity Miller Test Sakai Module 3	Chapter 10 READ: Pgs. 473-488 <i>Miller v. California</i> (Sakai)	
11	9/21 Thu	Indecency Sakai Module 3	Chapter 10, cont. READ: Pgs. 489-505 <i>FCC v. Pacifica</i> (pgs. 505-513) <i>FCC v. Fox</i> (pgs. 514-519)	
12	9/26 Tue	REVIEW	This day is built into the schedule for “spill-over” purposes to ensure you’ve been given all the material for the midterm.	Everyone
14	9/28 Thu	Midterm Exam #1	In class	Everyone

15	10/3 Tue	Commercial Speech Vice Products Sakai Module 4	Chapter 12 READ: Pgs. 582-601 <i>Central Hudson</i> (pgs. 629-633) <i>Sorrell v. IMS Health</i> (pgs. 633-643)	
16	10/5 Thu	Advertising & Commercial Speech Regulation Sakai Module 4	Quiz 3 due Midnight Sun 10/8 Chapter 12 (cont.) READ: Pgs. 602-623 <i>44 Liquormart Inc. v. Rhode Island</i> (Sakai) <i>Virginia State Bd of Pharmacy v. Virginia</i> (Sakai) <i>303 Creative v. Elenis</i> (Sakai)	
17	10/10 Tue	Commercial Political Speech Sakai Module 4	Chapter 12 (cont.) READ: Pgs. 623-628 <i>Bigelow v. Virginia</i> (Sakai) <i>Citizen United v. FEC</i> (Sakai) <i>Disney v. DeSantis</i> (Sakai)	
18	10/12 Thu	NO CLASS	University Day	<i>Everyone</i>
19	10/17 Tue	Libel and Defamation Libel per se IIED & NIED Sakai Module 5	Chapter 4 READ: Pgs. 148-198 <i>NYT v. Sullivan</i> (pgs. 198-199) <i>Hustler Mag. v. Falwell</i> (pgs. 200-202) <i>Coral Ridge Ministries Media v South Poverty Law Center</i> (Sakai) <i>US Dominion, Inc. v. Fox News</i> (Sakai) Listen: Terry Abrahamson's Dirty Joke - https://one.npr.org/i/776650608:776650610	
	10/19 Thu	NO CLASS	Fall Break	<i>Everyone</i>
20	10/24 Tue	Defenses to Defamation Section 230 Sakai Module 5	Chapter 5 READ: 203-231 <i>Milkovich v. Lorain Journal Co.</i> (pgs. 232-234) <i>Dallas Morning News v. Tatum</i> (pgs 235-244) <i>Snyder v Phelps</i> (Sakai) <i>Freeman v. Giuliani</i> (Sakai) Listen: Middle Finger to God - https://one.npr.org/i/778744140:778744142	
21	10/26 Thu	Protecting Privacy Sakai Module 6	Quiz 4 due Midnight Sun 10/29 Chapter 6 READ: Pgs. 245-269 <i>Cardi B. v. Tasha K.</i> (Sakai)	

22	10/31 Tue	Privacy Data Protection Sakai Module 6	Chapter 6 (cont.) READ: 270-291 <i>Cox Broad. v. Cohn</i> (pgs. 292-295) <i>Carpenter v. United States</i> (pgs. 296-303) <i>U.S. Dept. of Justice v. Reporters Committee for Freedom of the Press</i> (Sakai) <i>Wilson v. Layne</i> (Sakai)	
23	11/2 Thu	REVIEW	This day is built into the schedule for “spill-over” purposes to ensure you’ve been given all the material for the midterm.	Everyone
24	11/7 Tue	Midterm Exam #2	In class	
25	11/9 Thu	Copyright Sakai Module 7	Chapter 11 READ: Pgs. 520-542 <i>Google v. Oracle</i> (pgs. 569-580) <i>ABC v. Aereo</i> (Sakai) <i>Gray v. Perry</i> (Sakai) VISIT: U.S. Copyright Office website at https://www.copyright.gov/ and then READ the “Frequently Asked Questions” – all of them (just click on the first one under each main heading, and also READ the various types of works that can be registered (click on “Register a Work” on the main page and then click on each category of works)	
26	11/14 Tue	Copyright Fair Use Sakai Module 7	Chapter 11 (cont.) Read: Pgs. 543-548 <i>Campbell v. Acuff-Rose Music, Inc.</i> (Sakai) <i>Toei Animation v. Mark Fitzpatrick</i> (Sakai) SKIM: “Fair Use” at http://fairuse.stanford.edu/overview/fair-use/ SKIM: “Welcome to the Public Domain” at http://fairuse.stanford.edu/overview/public-%20domain/welcome/ SKIM: “Public Domain Trouble Spots” at http://fairuse.stanford.edu/overview/public-domain/trouble-spots/	
27	11/16 Thu	Trademarks Sakai Module 8	CASE STUDIES DUE SUN 11/19 Quiz 5 due Midnight Sun 11/19 Chapter 11 (cont.) READ: Pgs. 549-561 <i>Matal v. Tam</i> (pgs. 561-568) <i>Iancu v. Brunetti</i> (Sakai) <i>Jack Daniels v. VIP Products</i> (Sakai)	

