

**MEJO 340.001**  
**Introduction to Media Law (Journalism section)**  
Spring 2024

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<b>Instructor:</b>	<p>Dr. Tori Smith Ekstrand (You can call me Dr. Ekstrand or “Dr. E”.) Pronouns: She/Her/Hers General Office Hours: I’ll be available right after class, but I am happy to schedule zoom time. <b>I will make myself available. Please email me.</b> Meantime Hours: I am available for informal coffee time as well. So many students pass through life at Hussman without getting to know their instructors or taking advantage of their support. This is your chance to break that cycle. Come alone or with a friend and schedule some time with me. If you are considering either graduate school or law school, I am encouraging you to reach out. I don’t bite! Indeed, the opposite is true! ☐ Email: <a href="mailto:torismit@email.unc.edu">torismit@email.unc.edu</a> Linked In: <a href="http://www.linkedin.com/pub/victoria-tori-ekstrand/5/745/840">http://www.linkedin.com/pub/victoria-tori-ekstrand/5/745/840</a></p>
<b>Class Meets:</b>	<p>9:30 a.m. – 10:45 a.m. Mondays and Wednesdays, CA 58. Zoom: Meeting ID 932 4729 5618</p>
<b>Texts (required):</b>	<p>Ekstrand et al., The Law of Journalism and Mass Communication (Eighth Edition, 2024).</p> <p>You will need the latest edition: <a href="https://us.sagepub.com/en-us/nam/tragers-the-law-of-journalism-and-mass-communication/book275194">https://us.sagepub.com/en-us/nam/tragers-the-law-of-journalism-and-mass-communication/book275194</a>. Several hard copies of the book are available on reserve at the Park Library and at the UL for those who don’t wish to purchase it. <i>(Disclosure: Royalties on sales of the book are 5% of sales split among three of the authors, including me. For this latest edition, we’re estimating each one of us will make about \$300. Depending on the final amount, I intend to put a portion of the royalties back into Hussman School scholarships.)</i></p>

Other readings will be assigned online or noted online on the lessons page of Canvas, including articles related to international media law issues.

### **Semester Philosophy**

**"High expectations, with some flexibility and grace."** I'm crediting this statement to the [principal](#) of my daughter's former high school; Principal Taylor-Simon is an amazing educator. I expect you to prepare for class, attend class, and come ready to participate. But given the state of the world, we will also need to be flexible with each other. I'll talk more about this in class and more below.

### **What to Know About Me and How to Work with Me**

I think most students find me approachable and reasonable to work with, and I hope you will feel comfortable coming to me about any question or concern you have. I'm honestly in this to get to know as much as to teach this material. It's best to email me with concerns, questions, and/or to set up a meeting. 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 generally curious about you and your hopes and dreams. 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. *The majority of students in my class receive a "B" in this course -- which is an excellent grade for this challenging material. "A" work is outstanding work. Not as many students achieve this because legal thinking requires a new set of skills, usually. But I will teach these new skills to you, and if you work on them, an "A" is possible. I usually have a few "C's" in the class, and that is a very respectable grade in this course. Occasionally, a student will fail, but that usually can be avoided if you come for help early and often. Don't be shy or embarrassed. This is challenging material. I really want to set everyone up to succeed in the class.*

### **Special Health Policy**

My expectation is that you will attend class in person. (See more about attendance below.) However, because of ongoing COVID and flu concerns, please be considerate of everyone in the class and **DO NOT** attend class in person IF you feel sick for any reason. All lectures will be recorded for those who miss class or who like to review that material in that way. It is also possible to join remotely. If you're not able to attend class because of health concerns, please let me know in advance of the class session.

I may wear 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.

## **Course Objectives**

The study of mass communication law will help you assert your rights and avoid needless infractions of the law as a writer or media producer, particularly during a time of national polarization and low public support for media. It is an intensive overview of First Amendment case law as it relates to journalism and media information entrepreneurs. It is also designed to provoke critical thinking about ethical practice, help you understand legal reasoning and craft a legal argument. This course is designed to impart a basic understanding of how the law is made and the importance of free expression in a democracy.

Our School is accredited by the Accrediting Council on Education in Journalism and Mass Communication (ACEJMC). Among the Professional Values and Competencies for accreditation is understanding and applying the principles and our laws of freedom of speech and press in the United States, as well as understanding 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. No one course can cover all these topics completely. Our focus in this course will be American law but the course will include selected international and foreign media law principles and the extent and role of free speech and press in other countries. The ACEJMC outlines several 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://www.acejmc.org/policies-process/principles/>.

No single course could possibly give you all these values and competencies; but collectively, our classes are designed to build your abilities in each of these areas. We will focus on these:

## **Learning Outcomes:**

- Understand the origins and theory of the First Amendment and how the law and the court systems work and current attacks on the legal system.
- Understand differences in approaches to free speech domestically and internationally.
- Understand concerns about censorship in a democracy and how the law protecting against prior restraint is the backbone of the First Amendment.
- Understand more advanced legal concepts such as privacy, how they are contested in the age of “new” media and what those challenges look like “on the job.”
- Be able to apply legal tests to new scenarios and hypotheticals.
- Be able to read a case and identify its key components.
- Understand and appreciate that changes in First Amendment law are almost always the result of social struggle in the United States.
- Know the elements of claims we see in journalism practice, learn to avoid such claims or, alternatively, be prepared to defend oneself in the face of such claims.

- Think creatively and speak knowledgeably about how mastery of media law will help you in your career in media.

## Reading

Careful and sustained reading is necessary for this course. Readings will be from the text and from readings posted online. You will receive guidance on what you should be reading in each class. Therefore, attendance is critical because reading assignments will depend on our in-class progress, and there will be some group work.

## Professionalism, Attendance and Ethics

The law does not operate in a vacuum. It is shaped, studied, and molded by professionals who are required to show up on time in court, at hearings, meetings and in other settings. I expect the same 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 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 and Cameras

We meet twice 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.).** I will record and post all lectures.

I expect you to be in class unless you are ill. **Students receive two absences without explanation to me.** I would advise you to hold onto these excused absences in case you are sick. If your illness requires additional excused absences, we will talk and make the necessary accommodations.

Makeup work, particularly in-class work, is not possible for those who don't attend class regularly and who do not communicate with me. Students who attempt to do this course without attending or participating generally earn a "C" or lower.

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 you and I agree that you are attending 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!) I will work with you in case you experience some unexpected health issues.

### 3. Respect and Tolerance of Viewpoints

The study of free speech 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" for 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 know that I am fully committed to fostering and enforcing these policies.

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 any 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.

### **Exams and Grading**

Instructions about these items will be given in class.

<b>First examination</b>	<b>100 points</b>
<b>Second examination</b>	<b>100 points</b>
<b>In Class Group Work</b>	<b>70 points</b>
<b>Attendance and Professionalism</b>	<b>30 points</b>
<b><u>Final examination (cumulative)</u></b>	<b><u>200 points</u></b>
<b>TOTAL: 500 points</b>	

**A = 467-500 points**  
**A- = 453-466 points**  
**B+ = 440-452 points**  
**B = 422-439 points**  
**B- = 408-421 points**  
**C+ = 395-407 points**  
**C = 377-394 points**  
**C- = 363-376 points**  
**D+ = 349-362 points**  
**D = 318-348 points**  
**F = 317 points and less**

Undergraduate MEJO majors must earn a grade of “C” or higher in MEJO 341 as one of the School’s graduation requirements – that means earning a final point total of 377 points or higher out of a possible total of 500.

Makeup exams will be given only in cases of emergencies and then only if I am notified in advance of the scheduled exam.

Exams are done in class or scheduled with me otherwise. Group work cannot be made up unless I issue an exception, which must be negotiated in advance of class.

## 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 the 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."

All written work will include the following pledge: "On my honor, I have neither given nor received unauthorized aid on this assignment."

## Inclement Weather Policy

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

## Disability/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](#) 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 and Psychological Services**

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.

### **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 ([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 ([gvsc@unc.edu](mailto:gvsc@unc.edu); confidential) to discuss your specific needs. Additional resources are available at [safe.unc.edu](http://safe.unc.edu).

### **I’d Like to Meet You**

I spent more than ten years working in New York City media and another ten years teaching in the cornfields of Ohio. I’ve been in the “rat race” of New York and in the mellow Midwest. I like to think I can help you with your plans for after college, and I find it to be a privilege. I’d like to help. I’m happy to talk about life after UNC, the law, journalism, graduate study, the news business, life in New York, and basketball.