MDST 3504

Media Policy and Law

Spring, 2017

Neu Hall 141

MWF 11:00-11:50

Instructor: Katie Allen

Email: [kra9t@virginia.edu](mailto:kra9t@virginia.edu) (email me here rather than collab)

Alternate email: [kra135@psu.edu](mailto:kra135@psu.edu)

Twitter: @kralaw (please make sure to request to follow me on Twitter)

Office: 242 Wilson Hall

[*http://www.virginia.edu/webmap/ACentralGrounds.html*](http://www.virginia.edu/webmap/ACentralGrounds.html)

*Office Hours:*

Mondays and Wednesdays: 1:00-2:30\* or by appointment

Virtual Office Hours available upon request

\***subject to change/reschedule: notice by twitter**

Reading Materials

* Required Text: Trager, R., Russomanno, J., and S.D. Ross (2010). *The Law of Journalism and Mass Communication*
* Excerpted material will be on *Collab, Resources*
* Information on proper legal citation (necessary for all writing assignments) may be accessed at:

<http://www.law.cornell.edu/citation/>

* Following Current Events and News: An awareness of current events and a consideration of how they specifically impact our own lives and legal system are essential for understanding much of this course material, as many of the classroom examples will be placed in the context of current events. As such you will be expected to regularly follow:
* The print news-online, alternative, and traditional, taking advantage of the *New York Times, USA Today, Huffington Post Daily Times*
* In very rare instances, special news programs or commentary (i.e. *Nightline*, BBC reports, Internet content, etc.) specifically related to the issues we are discussing in class.
* Major broadcast news, e.g., MSNBC, CNN, FOX, CBS, ABC, NBC, PBS, HLN,
* A great way to keep up to date is to follow a legal news source (e.g., SCOTUSblog.com, The AM Law (American Lawyer) Daily) blogs, or on Twitter, Facebook and similar sites
* ***Often class discussions will reference current events in the context of Mass Communications Law. Current events discussed in class discussions are fair game for exams and quizzes.***

COURSE OVERVIEW & LEARNING OBJECTIVES

This course is intended to introduce students to the many important legal questions that news media professionals face routinely in reporting news and information to the public as well as your rights under the constitution and statutory law regarding freedom of expression. No prior knowledge of the law is necessary. This class requires only preparation and critical thinking. Through reading assignments, lectures and class discussions, students will gain an understanding of the legal problems in several key areas of media law: freedom of speech and the press, libel, privacy, news gathering practices, free press/fair trial, the regulation of obscene materials, copyright, and the regulation of advertising and telecommunications. You will:

* Develop an understanding of and appreciation for the protections embedded in the First Amendment.
* Understand and apply principles of libel and privacy and the responsibilities of a free press
* Understand the First Amendment and the protections afforded to all citizens, journalists or other.
* Understand the history and evolution of Mass Communications law and the challenges faced in trying to keep the law evenly paced with technological innovations.
* Understand the concept of governmental transparence and how freedoms of information laws empower citizens to hold their government accountable on both the state and federal levels.
* Understand how U.S. telecommunications policy is formulated and applied within the confines of the First Amendment and our legal and legislative interpretations
* Recognize that ethics and law are not synonymous and that what is lawful is not always ethical.

COURSE REQUIREMENTS

*Quizzes (20%)*

There will be 4 quizzes during the semester. Quizzes will be multiple-choice format and will address assigned readings and lectures. Quizzes will be administered via Angel on the Wednesday of the quiz week.

*Exams (30%)*

You will have three midterm examinations. They will include multiple-choice and short answer questions. All questions will be challenging, and will require an accurate synthesis and application of the material.

*Response Paper (25%)*

You will be required to write one response paper on an issue in media law (details forthcoming).

*Final Paper (25%)*

There will be a final essay, 5-7 pages-maximum, in which you have the opportunity to examine some aspect of Mass Communications law or policy. You will be provided with a list of issues from which you may choose. If you are particularly interested in a topic that is not posted, speak to me about your research idea and if acceptable you may write your paper on that topic. This final paper accounts for 25 percent of your grade. This paper must be prepared in legal scholarly form, with an appropriate system of scholarly documentation, i.e., Blue Book Citation.

The final draft of your essay is due in the assignment tab on Friday May 12 at 11:55pm

Details and guidelines for substance and grading will be provided in both class and the “Resources” tab of Collab.

All assignments will be posted on the Calendar tab of Collab.

In summary, course requirements are weighted as follows:

Quizzes: 20% of final grade

Exams: 30% of final grade

Response Paper: 25% of final grade

Final Paper: 25% of final grade

Total: 100%

EXTRA CREDIT OPPORTUNITIES

In addition to the graded course requirements there will be 2 extra credit opportunities yet to be determined. They may take the form of lecture attendance, out of class movie or documentary viewing or other form. Both will require a writing component. Those who complete the extra credit assignments receive either 1 or 2 extra credit points based on the quality of their work. **OUTSIDE OF THESE TWO OPPORTUNITIES, THERE WILL BE NO EXTRA CREDIT ASSIGNED. IT IS UP TO YOU TO PURSUE THE OPPORTUNITY AT THE TIME GIVEN.**

***ANY REQUEST FOR FURTHER EXTRA CREDIT (e.g., “is there any way I can improve my grade”) WILL BE DENIED ON THE GROUNDS THAT IT UNFAIRLY ADVANTAGES ONE STUDENT OVER THE OTHERS.***

GRADING

\*Grades are earned based on the following scale:

|  |  |  |
| --- | --- | --- |
|  | A+ | 100 |
| A | 95 |
| A- | 90 |
| B+ | 87 |
| B | 83 |
| B- | 80 |
| C+ | 77 |
| C | 73 |
| C- | 70 |
| D+ | 67 |
| D | 63 |
| D- | 60 |
| F | 0-59 |
| IN - Incomplete |  |

Please note that with the exception of ***participation consideration*** as described in the Attendance Policy below, there is no ‘rounding’ in the grading scale. For example, an 89.0 is an B+ and is not rounded up to an A-, etc. Your numerical score is firm.

POLICIES

Thank you in advance for cooperating with the following policies:

* Attendance Policy: Attendance is not mandatory although ***highly encouraged***. This class is about critically evaluating the state of international communications and dialogue and debate with fellow students fosters your ability to do so. Further, for those students who ***attend class regularly and actively participate*** in class discussions ***participation consideration*** will be given when deciding whether or not to round up final grades, e.g., a 94.9 would be rounded to a 95, giving the student an A, rather than an A-.
* Personal communication devices: Use of cell phones, tablets, or any other personal communication devices or programs in the classroom during class time is strictly prohibited. **Made sure these devices are turned off prior to entering the classroom, you will be asked to leave if they disturb the class.**
* Food and Beverages: Food and drinks are officially prohibited in the classroom by university policy. Although I will not be policing the room you will be asked to dispose of any food items I see being eaten flagrantly and may be asked to leave if you are found consuming them during class time more than once.
* Classroom Etiquette: **It is more than likely that during discussion and other times you may encounter ideas and positions with which you do not agree. Some may even offend you**. This is part of the strategy behind the course, designed to challenge you to engage with alternative and opposing perspectives. This process is vital to grooming your critical thinking skills. Should you disagree with the concepts under review, please remember to stop and think about what is being said before drawing conclusions and making impulsive statements. When you do respond, please do so in a *thoughtful* and *respectful* manner. Passion is essential for debate, however disrespect, condescension, and/or outright dismissal of your fellow students or course content is unacceptable. No topic or perspective is off limits, but they must be presented with maturity and critical thinking.
* Online behavior: Emails or correspondence to both me and other students should be done so with the *Rules of Netiquette.*

[*http://www.albion.com/netiquette/corerules.html*](http://www.albion.com/netiquette/corerules.html)

* Missed deadlines: No excuses for late work will be accepted unless coming from an official source (e.g., a note from your doctor, an email from your advisers or coaches, etc.) I will not make exceptions, for to do so is to reward unprofessional behavior as well as to give one student an advantage over the others. I suggest that you get your work done and done on time.
* Emailing the instructor: Please only email me through ***UvaCollab***; *I am not responsible for answering email sent through ‘webmail,’* as it can easily get lost amidst other emails I receive. While I may not always be able to answer emails immediately, I will make every effort to answer your email as quickly as possible. If you have not received a response from me within 24 hours, you can assume I did not receive your correspondence.
* Twitter: If you do not already have a Twitter account, please go to <https://twitter.com/> to sign up for one and request to follow me @kralaw; I will disseminate information through Twitter as well as UvaCollab. Don’t worry! I will not follow you.
* **ACADEMIC INTEGRITY**: Academic integrity is the pursuit of scholarly and creative activity in an open, honest and responsible manner, free from fraud and deception, and is an educational objective of University. Cheating, including plagiarism, falsification of research data, using the same assignment for more than one class, turning in someone else's work, or passively allowing others to copy your work, will result in academic penalties at the discretion of the instructor, and may result in the grade of "XF' (failed for academic dishonesty) being put on your permanent transcript. In serious cases it could also result in suspension or dismissal from the University. As students studying communications, you should understand and avoid plagiarism (presenting the work of others as your own, AKA [Milli Vanilli](https://en.wikipedia.org/wikki/Milli_Vanilli)). The rules and policies regarding academic integrity should be reviewed by every student, and can be found online at:

<http://www.virginia.edu/onmyhonor/honorNetscape.html>

Any student with a question about academic integrity or plagiarism is strongly encouraged to discuss it with me. Please remember, once a matter has been referred to Academic Integrity, it is out of my hands and there is no dropping the issue.

* Disability access: UVA welcomes students with disabilities into the University's educational programs. If you have a disability-related need for reasonable academic adjustments in this course, contact the Student Disability Access Office, located in the Elson Student Health Center, and at 434.243.5180 or sdac@virginia.edu For further information regarding SCAC, please visit their web site at

<http://www.virginia.edu/studenthealth/sdac/sdac.html>

Should you have the need for reasonable academic adjustments, you should notify me as early in the semester as possible.

COURSE OUTLINE WITH READINGS

**Week 1 /January 18- January 20**

**Introduction**

Lectures and Subject Matter:

-*Introduction to the course: syllabus overviews*

*-Introduction to the Court System*

*-Rule of Law*

*-Legal Research and Resources*

*Weekly Case Study/Policy Discussion*

Readings:

-Tragar, et al, Chapter 1 (including cases)

-Collab Readings/Media TBA

**Week 2: January 23-January 27: The First Amendment**

Lectures and Subject Matter:

*-The First Amendment*

*-History of the First Amendment-Classical Liberal Roots*

*-Evolution of the First Amendment-Precedential Cases*

*-Contemporary Problems of the First Amendment*

*Weekly Case Study/Policy Discussion*

Readings:

-Tragar, et al, Chapter 2 (including cases)

-Select Material from Pembert and Calvert (Collab)

-Collab Reading/Media TBA

**Week 3/ January 30-February 3: Disruptive Speech**

Lectures and Subject Matter:

*-Disruptive Speech*

*Tests for Disruptive Speech*

*-Speech Assaults*

*-Occupy Wall Street vis-à-vis Disruptive Speech*

*Weekly Case Study/Policy Discussion*

Readings

-Tragar, et al; Chapter 3 (including cases)

-Collab Reading/Media TBA

**Quiz 1**

**Week 4 / February 6-February 10: Obscenity, Indecency and Violence**

Lectures:

*-Obscenity and Violence*

*-Free Speech vs. Hate Speech*

*-Enforcement of Obscenity Laws*

*-Other limits on Offensive Speech*

*Weekly Case Study/Policy Discussion*

*-Comparative Case Study:*

* *“Anti-Insult” legislation around the Globe Pastor Terry Jones*

Readings:

-Tartar, et al; Chapter 12 (including cases)

-Collab Reading/Media TBA

**Week 5/ February 13-February 17: Libel Causes of Action**

Lectures and Subject Matter:

-*Libel*

*-Plaintiff’s Case*

*-History and Contemporary Issues in Libel/Technology and Defamation*

*Weekly Case Study/Policy Discussion*

# *- Twitter Goes to Court: The Courtney Love Twitter Defamation Case*

# Readings

# -Tragar et al; Chapter 4 (including cases)

# -Collab Reading/Media TBA

# Week 6/February 20-24: Libel Defenses

# Lectures and Subject Matter:

# -*Libel: Defenses*

*-Comparative Case Study: European Libel/U.S. Libel*

*-The Google Auto-complete Defamation Suit*

*-Exam 1 Review (Discussion Forum)*

Readings:

-Tragar, et al; Chapter5 (including cases)

-Collab Reading/Media TBA

**Week 7/February 27-March 3: Privacy and Cyber-Bulling**

Lectures and Subject Matter:

***Exam 1-in class, Monday February 27***

*-Press vs. Privacy*

*-Types of Privacy*

*-Defenses to Invasion of Privacy*

*Weekly Case Study/Policy Discussion*

*-Case Study Cyber-bulling as Invasion of Privacy: S.B. v. St. James School*

Readings:

Tragar, et al; Chapter 6 (including cases)

*-*Collab Reading/Media TBA

**Week 8/ March 6-March 10**

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**Week 9/ March 13-March 17: Newsgathering, Freedom of Information, and Media Monitoring**

Lectures and Subject Matter:

**-***Newsgathering: Pitfalls and Protections*

*-FOIA: Around the World and in the U.S.*

*Weekly Case Study/Policy Discussion*

Monitoring-- *EPIC v. Department of Homeland Security*

Readings:

-Tragar et al; Chapter 8 (including cases)

-Halstuk, M. Freedom of Information: A Retrospective (Angel)

-Collab/Media TBA

**Week 10/ March 20-March 24: Reporters’ Privilege**

Lectures and Subject Matter:

***Quiz 2***

-*Reporter’s Privilege*

*-Shield Laws*

*-More TBD*

*Weekly Case Study/Policy Discussion*

Readings:

-Tragar, et al; Chapter 9 (including cases)

**Week 11/ March 27-March 31: Media and the Courts**

Lectures and Subject Matter:

*-The Media and the Courts*

*-Freedom of the Press vs. a Free Trial*

*Weekly Case Study/Policy Discussion*

*Nebraska Press Association in the Era of Nancy Grace*

Readings:

-Tragar, et al; Chapter 10 (including cases)

-Collab Reading/Media TBA

**RESPONSE PAPER DUE IN ASSIGNMENT DROP BOX 11:55PM MARCH 31**

**Week 12/April 3-April 7: Media Regulation**

Lectures and Subject Matter:

*-Media Regulation*

*-Radio Regulation*

*-Broadcast Regulation*

*-Electronic Regulation*

*-Exam 2 Review (Discussion)*

Readings:

-Tragar, et al; Chapter 11 (including cases)

-More TBD

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**Week 13/April 10-April April 14: Intellectual Property-Copyright, Fair Use and Trademark**

Lectures and Subject Matter:

***Exam 2 in-class Monday April 10***

*-Intellectual Property: Copyright, Fair Use, and Trademark*

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*Weekly Case Study/Policy Discussion*

*: The Electronic Frontier Foundation OR Blurred Lines*

Readings:

-Tragar, et al; Chapter 13 (including cases)

-Famous Music Copyright Cases:

<http://suite101.com/article/famous-copyright-infringement-cases-in-the-music-industry-a243968>

*Eldred v. Ashcroft*

**Week 14: April: 17-April 21/Commercial Speech and Advertising**

Lectures and Subject Matter:

**-***Advertising*

*-Commercial Speech Doctrine*

*-Ethics in Advertising*

*-Branding*

Readings:

-Tragar, et al; Chapter 14 (including cases)

-Ritzer, G. The McDonaldization of Society

**Week 15: April 24-April 28/Media Regulation-Then and Now**

*-Media Regulation*

*-Radio Regulation*

*-Broadcast Regulation*

*-Electronic Regulation*

*- Concentrated Media Ownership*

Readings:

-Tragar, et al; Chapter 11 (including cases)

-Hermann & Chomsky

[*http://www.thirdworldtraveler.com/Herman%20/Manufac\_Consent\_*](http://www.thirdworldtraveler.com/Herman%20/Manufac_Consent_)

*Prop\_Model.html*

**Quiz 3/Wednesday April 26**

**Week 16: May 1-May 2/Final Exam Review**

IMPORTANT DATES

There are 16 weeks in this semester. There are 3 quizzes, 3 Exams, 1 response Paper, and 1 Final Paper. There are 3 Exam Review Sessions.

Quizzes:

1. **Wednesday February 3**
2. **Wednesday March 22**
3. **Wednesday April 26**

Exams:

1. **Monday February 27**
2. **Monday April 10**
3. **Final Exam: Monday May 8 9:00-12:00**

Response Paper:

1. **Friday March 31 @ 11:55pm in Assignment Dropbox**

Final Paper

1. **Friday May 12 @11:55pm in Assignment Dropbox**