

COMM 4454: Media Law
Tuesday/Thursday 11:00 a.m. - 12:15 p.m.
Room 312, Humanities Building
Fall 2018

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

First Amendment to the Constitution of the United States

GENERAL INFORMATION

Instructor: Brad Yates, Ph.D.

Office: Humanities 151

Department of Mass Communications

University of West Georgia

Office Hours: TR 10:30–11:00 a.m. & 2:00-4:00 p.m.

By Appointment

Virtual Office Hours: MTWR 8:00-9:00 a.m.

(Available via UWG e-mail or Google Voice Text: (678) 752-7239)

Telephone: (678) 839-4938

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Important Note: Read this entire course syllabus **carefully**. You are responsible for all the information contained herein. Ignorance of the policies of the class will not be an acceptable excuse.

OFFICE HOURS

I am available to address matters of concern. Please schedule an appointment with me or use my virtual office hours. If you visit my office at other times, I may not be available because of other duties I must attend to as Interim Chair of the Department of Mass Communications.

If you have problems in the class, **it is YOUR responsibility** to initiate contact with me. I cannot help you if you do not communicate with me. Let me know of any problems **early** in the semester. I **will not** accept excuses for poor performance or missing assignments/tests/quizzes, especially late in the semester.

TEXT & ADDITIONAL MATERIALS

1. Calvert, C., Kozlowski, D. V., & Silver, Derigan (2018). *Mass media law* (20th ed.). New York: McGraw-Hill. (Web site for 19th edition: www.mhhe.com/pember19e).
2. Connect Online Access Card for *Mass media law* (20th ed.) Logon **through CourseDen, select McGraw-Hill Connect link in the Content, Choose Chapter 1** to purchase directly from McGraw-Hill) (A loose-leaf version of the textbook is available from McGraw-Hill at a reduced price after purchasing the Access Card)
3. Recommended text: Eastland, T. (ed.) (2000). *Freedom of expression in the Supreme Court*. Lanham, MD: Rowman & Littlefield.
4. Supplemental readings from selected textbooks, newspapers, magazines and online sites will be assigned throughout the semester as well as the viewing or listening of various online, radio, and television programs or examining selected online sites.

*It is not possible to successfully complete the requirements of COMM 4454 without reading the textbook and additional materials.

ABOUT THE COURSE

COMM 4454 is an examination of the legal context regulating print, telecommunication, and electronic media as well as advertising and public relations industries. Emphasis is placed on libel, slander, privacy, copyright, free press, fair trial, and obscenity law. Furthermore, COMM 4454 is a Writing Improvement course in the College of Social Sciences as well as a technology-enhanced course.

Course Learning Outcomes:

1. Students will identify the constitutional statutes and administrative and common laws that apply to communicators in any medium. (*ACEJMC Core Competency #1*)
2. Students will analyze the philosophy supporting the liberty of speech and the press and the legal principles that both protect and limit that liberty. (*ACEJMC Core Competency #6*)
3. Students will apply practical guides to coping with legal problems likely to confront communicators in the area of freedom of speech and press, censorship, libel, invasion of privacy, fair trials, obscenity, advertising and copyright. (*ACEJMC Core Competency #1*)

Department of Mass Communications Learning Outcomes:

1. Awareness: Students will demonstrate *awareness* of mass communications scholarship, i.e., theory/research; paramount economic, ethical, legal/policy, social, and technological issues; and the role of principle personalities and stakeholders within the context of freedom of speech, freedom of press, media competition, media convergence, diversity, and/or social responsibility. ACEJMC defines awareness as familiarity with facts, concepts, theories, laws and regulations, processes and effects.
2. Understanding: Students will demonstrate *understanding* of mass communications scholarship, i.e., theory/research; paramount economic, ethical, legal/policy, social, and technological issues; and the role of principle personalities and stakeholders within the context of freedom of speech, freedom of press, media competition, media convergence, diversity, and/or social responsibility. ACEJMC defines understanding as assimilation and comprehension of information, concepts, theories and ideas.
3. Application: Students will demonstrate effective application of mass communications scholarship, i.e., relate and/or apply concepts, theory/research, and professional principles to analyze and synthesize information, create, develop, produce, and/or write for converging digital, multimedia, and traditional media. ACEJMC defines application as competence in relating and applying skills, information, concepts, theories and ideas to the accomplishment of tasks.

GRADING POLICY

Grades **earned** in this class are based solely on the following:

Test #1-**100 points**

Test #2-**100 points**

Test #3-**100 points**

Connect Online Access Study Modules-**50 points**

Legal Brief (Writing Improvement)-**50 points**

Research Paper (Writing Improvement)-**100 points**

Total-**500 points**

Grading Scale: (Points needed to receive grade)

A=450-500

C=350-399

F=299 and below

B=400-449

D=300-349

*Note: I reserve the right to change the assignments and point values in an effort to meet the objectives of the course. Ample notice will be provided if such changes are made.

Tests: Three (3) tests will be administered during the semester. The tests primarily will contain short answer and essay questions that cover material from textbook chapters, lectures, study modules, handouts, and multimedia outlets (films, television, radio, online sites, etc.) presented in class. There will be a limited number of objective questions (e.g., Multiple Choice, True/False, and Fill-in-the-Blank). All tests are worth 100 points each toward your final grade (300 points total). There is A LOT of reading in this course. Begin reading the chapters immediately so you do not fall behind.

Writing Improvement: Social science writing is formal and analytical, using concise, clear expository prose to 1) describe, explain, report, and evaluate the outcome of research; or 2) interpret, evaluate or discuss in a thoughtful and contemplative manner the theories or research of others. Social science writing contains social science content and contains clearly formulated arguments.

Thus, in an effort to provide opportunities to practice and improve your social science writing skills, you will be assigned two writing assignments. The first writing assignment will be a legal brief (50 points) of a court case you will discuss in your research paper. The legal brief should be ONE-TWO (1-2) PAGES in length (double-spaced), no more. The second writing assignment will be an in-depth research paper, including references, (100 points) on a narrow topic related to Media Law. (More complete details are below and will follow.)

Research Paper: Through the research and the writing of a thesis paper you should gain skills and knowledge that will be of value to you. Here are some of the details:

1. All students enrolled in Media Law will be required to complete a research project. **You may work alone, with a partner, or with two partners (no groups of 4 or more allowed).** The project will require extensive research and compilation of information as well as writing the paper. **BE CLEAR ON THIS:** If you choose to work with a partner(s), **each person receives the same grade.** You all have a task to complete; thus, get it done by deadline and share the workload. **No excuses.** Moreover, I do not wish to hear about any in fighting between you and your partner(s), whatsoever! This is an individual **or** team effort, and you are making the choice to work with someone; thus, leave the negativity somewhere else, cooperate with one another, and write the best possible paper. Bring it strong and make it an award-winning effort.
2. You are to keep all information that is gathered. The information that you gather to write the paper should be available to turn in to the instructor on demand. A digital archive (e.g., Google Drive File Stream, Dropbox) or a three-ring binder would be useful to keep your materials organized.
3. There is no specified length for the paper other than to say that you must provide comprehensive coverage of the topic you select. Most papers are generally about 10-12 pages, but the nature of your topic will determine if you exceed that range.
4. The paper should follow the *Publication Manual of the American Psychological Association* (6th ed.) and its official companion site APA Style Blog: <http://blog.apastyle.org/apastyle/>
5. **Papers must be typed in 12-point type using Times New Roman font or 11-point type using Calibri font. Paper margins should be 1" (1.25" left and right margins are acceptable, but top and bottom should be 1"). You will submit a title page, paper, and references. At the beginning of the first page of text should be the title of the paper. An abbreviated title and page number should be in the header (upper right-hand corner) for all subsequent pages. Completed papers will be submitted via the Assignments Tool in CourseDen. More complete details will follow.**
6. Try to select a topic that you are interested in and one that you can research in the library or on the Internet. If you have access to a law library you should not have problems finding material, but our

library resources are more than adequate in the area. Lexis-Nexis is an excellent legal research search tool. Your [textbook website](#) (for 19th edition) also offers useful resources.

7. Glance at your textbook for possible topics. You should also consult various indexes in the library for topics. A list of possible topics will be provided, but it is not exhaustive. **You must submit your topic for your research project for approval by Thursday, August 30, 2018** in the CourseDen Assignments Tool. Note: Some of the suggested topics are very broad; you should narrow the topic.
8. This paper should be original work. **The penalty for plagiarism will be severe.**
9. A goal you should strive for in writing your research paper is to write one that is good enough to be submitted to an academic conference. Your instructor will provide potential conferences for you to consider as he receives information about them.

COMMUNICATION & VIRTUAL OFFICE HOURS

Below are the communication protocols for this class.

Communication Tools	Rules
CourseDen	Use this account as the primary method of communication for the duration of this course. Class-related inquiries should be sent in CourseDen e-mail.
UWG E-mail Account byates@westga.edu	Use this account for all non-class related inquiries. General class-related inquiries may be copied to this address. The official university communication to students is through campus e-mail (myUWG): http://myuwg.westga.edu/cp/home/loginf . Be sure to access this several times a week to keep up-to-date on important information from the university.
My Response Time	Necessary responses to your e-mail inquiries will be sent within 48 hours or less assuming there is no extenuating circumstance that does not allow for a response within the designated timeframe.
Google Voice 678-752-7239	Use this number to leave class-related voicemails or texts.
Office Phone 678-839-4938	Use this number for all non-class related inquiries unless we have made special arrangements to converse via phone.
Emergencies	If you have to contact me because of an emergency, you may use CourseDen e-mail, my e-mail, office phone, or Google Voice.
Office Hours	Face-to-face office hours will be in Humanities <u>151</u> on Tuesdays and Thursdays from 10:30-11 a.m. and 2:00-4:00 p.m. I will also maintain virtual office hours from 8:00-9:00 a.m. Mondays, Tuesdays, Wednesdays, and Thursdays during the semester and will be accessible via e-mail. You may also schedule an appointment for a virtual meeting (Google Hangout) or a phone conversation.

STUDENT RIGHTS AND RESPONSIBILITIES

Students, please carefully review the following information at this link:

<https://www.westga.edu/UWGSyllabusPolicies/>

It contains important material pertaining to your rights and responsibilities in this class. Because these statements are updated as federal, state, university, and accreditation standards change, you should review the information each semester.

ATTENDANCE

You are expected to be in class. If you miss class, you are responsible for all material, turning in assignments on time, and taking tests when scheduled.

LATE/MAKE-UP ASSIGNMENTS & TESTS/QUIZZES

Late assignments: Late assignments will be accepted at my discretion. If a late assignment is deemed acceptable, it will **suffer a half a letter grade penalty for each day (not class meeting)** it is late.

Make-up assignments and tests/quizzes: Any make-up assignments or tests/quizzes will be administered at my discretion. All requests to make-up assignments or tests/quizzes must be substantiated with official documentation as to why you were absent and unable to complete your work. Acceptable situations include a serious incapacitating illness or a death in your family, among others.

CLASS DISCUSSION AND PARTICIPATION

Preparation: Not only are you expected to be in class, you are expected to come to class prepared. The course syllabus shows your reading and study module assignments. Adhere to that reading schedule and you should be prepared for class discussions. You will be called on at random to contribute to class discussions.

Vocabulary: By the end of the semester you are expected to know all the vocabulary terms in the glossary of your text. There are about 150 terms. Start at the beginning of the semester and just add three words a day to your vocabulary and you will know them all by the end of the course.

Supplemental Handouts: You are responsible for reviewing all supplemental handouts, some of which will be shared in class. All handouts will be posted in CourseDen.

BEHAVIOR IN THE CLASSROOM

You do not need anyone to tell you how to behave in a classroom environment. However, you should be aware of course expectations in order to avoid embarrassing situations.

- You are expected to participate in class discussions. None of us will have answers to all of the issues that are raised in this course. Some of the issues are very difficult to resolve. Even the courts disagree. There will be a lot of clash. Feel free to speak your mind during class, no matter how outrageous your comments may be. You are expected, however, to show respect to your classmates. If you disagree with their point of view, please express that disagreement in a way that is not offensive. When one person is talking, everyone else should listen. The same goes for discussions via CourseDen. Please abide by netiquette when talking to your classmates in the online environment.
- You are expected to learn the material in the text on your own. Frequently, additional material not contained in your text will be covered. Keep up with your reading so that you can make an informed response when you are asked questions.
- Do not ever hesitate to state your opinion on issues even when it may differ from the opinion of others. We will frequently play “devil’s advocate” so be prepared to defend your views.
- Throughout the semester you will be cross-examined in class over material you should know.
- Turn off all mobile phones or put them on silent. If a phone rings or vibrates during class, I reserve the right to answer the phone or respond to a text and to ask you to leave class.
- I will be well aware of the clock during our class meetings. Therefore, please refrain from slamming books and closing backpacks until the class is over! I will be respectful of your schedules and will not purposely keep you longer than our allotted time.

ACADEMIC DISHONESTY

Academic dishonesty is NOT tolerated. It will result in failure on assignment(s) as well as possible disciplinary sanction(s) in accordance with the academic misconduct policy as stated in the latest [Student Handbook](#). University of West Georgia [Honor Code](#) defines academic dishonesty as cheating, fabrication, plagiarism and facilitating or allowing academic dishonesty in any academic exercise.

Cheating: using or attempting to use unauthorized materials, information or study aids

Fabrication: falsification or unauthorized invention of any information or citation

Plagiarism: representing the words or ideas of another as one's own. Direct quotations must be indicated and ideas of another must be appropriately acknowledged.

Academic dishonesty in any form compromises your grade and lowers the quality of your diploma. A fellow student who cheats may actually lower your grade, sometimes causing unfair and inflated grading scales. I hope each of you values your college education enough to protect yourself from dishonest classmates. If you are aware of cheating taking place, please contact me or the Associate Dean of the College of Social Sciences, Dr. Amber Smallwood, and proper action will be taken.

SPECIAL NEEDS STUDENTS

I will make accommodations for students with special needs. Don't wait until after the first assignment or test/quiz to talk with me! Don't try and "wing it" without telling me about your particular problem or needs. If you need special accommodations for assignments or tests/quizzes, let me know **early**, not a few days before an assignment or test/quiz is due. I am here to facilitate your learning, but I need to be informed to do so.

CLASS SCHEDULE

(The class schedule and assignments are **subject to change** in order to accommodate guest speakers, reinforce course material, and maintain some flexibility. **Additional reading, listening, and viewing assignments will be made throughout the semester. You are responsible for all material assigned.**)

August

Week One

Wed. 15-

- [Classes Begin](#)

Thurs. 16-

- Syllabus review/Introduction to Media Law

Fri. 17-

- **Last day (by 11:59 p.m.) to DROP courses and receive a refund of paid funds**

Week Two

Mon. 20-

- **Last day (by 11:59 p.m.) to ADD a course. Payment must be received by 12 p.m. August 21st**

Tues. 21-

- Ch. 1-The American Legal System

Thurs. 23-

- Ch. 1-The American Legal System (cont.)

Week Three

Tues. 28-

- Ch. 2-The First Amendment: The Meaning of Freedom

Thurs. 30-

- Ch. 2-The First Amendment: The Meaning of Freedom (cont.)
- **Research Paper Topic Due**

September

Week Four

Mon. 03-

- *****Labor Day-No Classes*****

Tues. 04-

- Ch. 3-The First Amendment: Contemporary Problems

Thurs. 06-

- Ch. 3-The First Amendment: Contemporary Problems (cont.)

Week Five

Tues. 11-

- Ch. 4-Libel: Establishing a Case

Thurs. 13-

- Ch. 4-Libel: Establishing a Case (cont.)
- **Writing Assignment #1-Legal Brief Due**

Week Six

Tues. 18-

- Ch. 5-Libel: Proof of Fault

Thurs. 20-

- Ch. 5-Libel: Proof of Fault (cont.)

Week Seven

Tues. 25-

- Ch. 6-Libel: Defenses and Damages

Thurs. 27-

- Ch. 6-Libel: Defenses and Damages (cont.)

October

Week Eight

Sun. 01-

- *****Graduation Application Deadline for Spring 2019*****

Tues. 02-

- **Test #1 (Chapters 1-6)**

Thurs. 04-

- *****Fall Break-No Classes*****

Week Nine

Mon. 08-

- *****Last Day to Withdraw with Grade of W*** from Full Session (non-eCore) 16-week courses**
- **Reminder there is no refund associated with withdrawing from a course**
- Undergraduate course withdrawals during this period are subject to the Limited Withdrawal Policy. [Click here](#) for more information.

Tues. 09-

- Ch. 7-Invasion of Privacy: Appropriation and Intrusion

Thurs. 11-

- Ch. 7-Invasion of Privacy: Appropriation and Intrusion (cont.)

Week Ten

Tues. 16-

- Ch. 8-Invasion of Privacy: Publication of Private Information and False Light

Thurs. 18-

- Ch. 8-Invasion of Privacy: Publication of Private Information and False Light (cont.)

Week Eleven

Tues. 23-

- Ch. 9-Gathering Information: Records and Meetings

Thurs. 25-

- Ch. 10-Protection of News Sources/Contempt Power

Week Twelve

Tues. 30-

- Ch. 11-Free Press/Fair Trial: Trial Level Remedies and Restrictive Orders

November

Thurs. 01-

- Ch. 12-Free Press/Fair Trial: Closed Judicial Proceedings

Week Thirteen

Tues. 06-

- **Test #2 (Chapters 5-Emotional Distress, 7, 8, 9, 10)**

Thurs. 08-

- Ch. 13-Regulation of Obscene and Other Erotic Material

Week Fourteen

Tues. 13-

- Ch. 13-Regulation of Obscene and Other Erotic Material (cont.)

Thurs. 15-

- Ch. 14-Copyright
- **Writing Assignment #2-Research Paper Due**
- **Council of Colleges of Arts and Sciences Conference -Yates out of town-Class Online**

Week Fifteen

Tues. 20-

- *****Thanksgiving Break-No Classes*****

Thurs. 21-

- *****Thanksgiving Break-No Classes*****

Week Sixteen

Tues. 27-

- Ch. 14-Copyright (cont.)

Thurs. 29-

- Ch. 16-Telecommunications Regulation

December

Week Seventeen

Tues. 04-

- Ch. 16-Telecommunications Regulation (cont.)

Thurs. 06-

- **Test #3 (Ch. 11, 12, 13, 14, 16, plus terms in glossary)**

Fri. 07-

- **Last Day of Classes**

Sat. 08-

- **Exams Begin**

Week Eighteen

Tues. 11-

- **Exam Period (11:00 a.m.-1:00 p.m.) (NOTE THE EXTENDED TIME)**

Sat. 15-

- **Graduation**

*The reading and study module assignments are to be completed by the date indicated on this schedule. When you come to class on that day, you should know the content of the chapter assigned, unless otherwise specified.

*Lectures and discussions in class will not always correspond to the reading and study module assignments. You are responsible for both the chapters in the text as well as the material presented in class. Don't get behind!!!

Note: I wish to acknowledge and thank Dr. Chester Gibson, Dr. Glenn Novak, Dr. Milagros Rivera-Sanchez, Dr. Tony Fargo, and Dr. Michael Hoefges for allowing me to use parts of their syllabi to design this one. Their materials and advice are greatly appreciated!