

COMM 282-201: Media Law (2145)

Spring 2020

Room: SoC 014

We.: 7:00 p.m.-9:30 p.m.

Instructor

Bastiaan Vanacker

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Class hashtag: #com282

Purpose of Course

The purpose of this course is to familiarize you with the boundaries of press freedom, the significance of the First Amendment and the nature and limits of the laws and regulations that uniquely affect your profession.

The goal is not to make you experts, nor to eliminate your need for legal advice in the future, but to prepare you to recognize the multitude of legal problems you may confront as working professionals and to help you avoid potential hazards.

You will also be challenged in this course to think deeply about the theoretical, moral and ethical problems that underlie the legal issues we address in class, and to begin formulating your own ideas about the proper scope of the freedoms of speech and press.

Course Learning Objectives

- Students will demonstrate a broad understanding of the history and scope of the First Amendment as well as a thorough knowledge of the laws and regulations that uniquely affect media industries and media professionals.
- Students will be able to identify legal problems in real and hypothetical situations and to resolve those problems by applying legal principles.
- Students will reflect on the meaning of freedom of speech in society and the rights and duties of media professionals. They will also begin formulating their own theories about the limits of freedom of speech and press.

Readings

All readings for this course will either be linked on the course website or come from the required textbook: *The Law of Journalism and Mass Communication* (7th Ed.) by Robert Trager et al. There are earlier editions of this textbook available, but you are responsible for the content in the 7th edition.

Top Hat

This class will use Top Hat, the class response software adopted by Loyola Chicago. You are responsible for signing up for the service and come to class with a tablet, smart phone, or laptop. I recommend you download the Top Hat app on these devices. This software's prime purpose is to increase the interactivity of the class and enable everyone to contribute. Top Hat will also be used to take attendance. If you are in class but do not have access to a connected device, you can participate on paper and turn it in at the end of class.

Hash Tag

I will tweet relevant items for this class under #COM282. My handle is @bas_vanacker. Feel free to tweet as well and increase your participation grade.

Notes of Caution

Communication law is fascinating, but it is not easy. Try to keep up with the readings, which are manageable if you do them before every class, but will pile up if you fail to do so. Avoid this, as it will lead to poor grades.

This class will deal at times with the limits of speech and we will discuss how to regulate “extreme speech,” speech that is racist, sexist, graphic, threatening or otherwise offensive. We will have to study some of these examples.

Attendance

I do take attendance but you will not be penalized for not attending class. However, it will be impossible to do well without attending class on a regular basis. Not only will you miss course content, you will also be unable to participate and missing too many classes will eventually drag down your participation grade. Since this class only meets once a week, missed classes will affect your ability to perform well in this class even more. During class, we will also complete in-class assignments that count towards your final grade. You cannot make these up if you miss class.

Only in cases of a **documented** illness, family emergency or other extenuating circumstances will an exception to this policy be made. If you will miss class because of one of the above reasons, please notify me in advance or as soon as possible. You may not be excused from class obligations if you did not notify me as soon as you could. Notification does not excuse you from also documenting your absence.

Students who have to miss class because they are representing Loyola University at an official function or event will have the chance to make up any missed work. This situation normally includes only such events as official athletic games or Loyola-sponsored competitions, e.g., debate, theater. It is the student's obligation to inform the instructor of such an authorized absence in a timely fashion; in most cases, this information can be made available to the instructor at the beginning of the semester. For athletic events, an instructor should receive a written schedule of away dates from an academic advisor. If the absence is authorized, the instructor will assist the student in making up the work that s/he has missed.

Please be advised that anything relating to obligations regarding a job you hold will not count as an excused absence. You know when this class is meeting, if you foresee conflicts with other obligations you have, you may want to consider dropping this class.

Grading

This class is not back-loaded as many of your classes are. By week 14 of the semester, the majority of your class work will be completed. I prefer grading throughout the semester instead of having 50% of the grade be determined in the last two weeks of the semester. Keep that in mind, don't count on a strong finish to straighten the ship. I do not offer extra credit.

Assignments are submitted electronically. Please submit only in word or PDF format, please don't use Pages. I make every effort to record your scores within a week, but at times might take two weeks to do so.

Participation

Your participation is expected, essential and graded, as 10% of your final grade will be based on participation. Those who make exceptional contributions to class discussions are also eligible for extra credit -- no more than a couple of points -- awarded at my discretion. Please note that "frequent contributions" alone are not enough to earn you a B in participation. I also expect that you display a grasp of the material in order to earn an above-average grade.

A: Frequent and meaningful contributions to class discussion that show insight and understanding of material.

B: Frequent and meaningful contribution to class discussion.

C: Occasional participation to class discussion.

D: Only participates when called upon.

F : No class participation

Not doing readings will count heavily against your participation grade.

Through the class discussion tool Top Hat I will be able to use and evaluate your participation. Throughout the class, I will ask opinion and right/wrong questions through Top Hat. These will be taken into account when assessing your participation score.

Quizzes

1. Before every class, you are to take a quiz on Sakai on the readings. Do these quizzes after you finished your readings. **These quizzes are to be finished by noon of the day we have class.** It is up to you to make sure you turn in your quiz on time. Keep in mind that if you turn in your quiz late, it will not be accepted. ***Absolutely No Exceptions.***

2. On occasion, a quiz will also be administered during class time, either through Sakai, Top Hat or hard copy.

In-class assignments

Throughout the semester you will complete a number of in-class assignments.

Discussion Ground Rules

You need to come to class with an open mind and a willingness to challenge your own assumptions and beliefs. Our classroom will be a place of completely open inquiry. You should feel free to ask any question, advance any argument or challenge any idea, even if that means simply playing devil's advocate. In doing so, however, you must be respectful of others in the class.

Exams

There will be three exams worth 25%. The final exam will take place during finals' week, but will not be cumulative.

Assignments

1. Media Law Problems -- You will be asked to read three different fact scenarios over the course of the semester that pose specific media law problems. You will then write 1-2 page responses to those scenarios in which you identify the legal problems presented and explain how you would resolve them in light of the legal principles you have learned in class and from the book. You will have one week to complete these.

2. Group paper—Throughout the semester, you will present a Supreme Court case to the class and write a group paper based on your presentation.

Deadlines

Assignments will be turned in via Sakai. The deadline will be clearly communicated and will be enforced. It is your responsibility to ensure your paper is properly uploaded. For the Sakai quizzes, I do not accept late submissions. For the assignments, the following policy will apply:

Papers turned in within 24 hours of the due date will be deducted 15%. Papers turned in within 48 hours will be deducted 50%. After that, late papers will no longer be accepted.

I do not use Turnitin as a default, but might run papers through Turnitin if I suspect plagiarism. If I do this, I will ensure your paper does not contain identifying information and does not become part of the database.

Loyola's Policy on Academic Dishonesty

The basic commitment of a university is to search for and to communicate the truth as it is honestly perceived. The university could not accomplish its purpose in the absence of this demanding standard. To the extent that this standard is respected, a genuine learning community can exist. Students of this university are called upon to know, to respect, and to practice this standard of personal honesty.

Plagiarism is a serious form of violation of this standard. Plagiarism is the appropriation for gain of ideas, language, or work of another without sufficient public acknowledgement and appropriate citation that the material is not one's own. It is true that every thought probably has been influenced to some degree by the thoughts and actions of others. Such influences can be thought of as affecting the ways we see things and express all thoughts. Plagiarism, however, involves the deliberate taking and use of specific words and ideas of others without proper acknowledgement of the sources.

The faculty and administration of Loyola University Chicago wish to make it clear that the following acts are regarded as serious violations of personal honesty and the academic ideal that binds the university into a learning community:

Submitting as one's own:

1. Material copied from a published source: print, internet, CD-ROM, audio, video, etc.
2. Another person's unpublished work or examination material.
3. Allowing another or paying another to write or research a paper for one's own benefit.

4. Purchasing, acquiring, and using for course credit a pre-written paper.

The critical issue is to give proper recognition to other sources. To do so is both an act of personal, professional courtesy and of intellectual honesty.

Plagiarism on the part of a student in academic work or dishonest examination behavior will result minimally in the instructor assigning the grade of "F" for the assignment or examination. In addition, all instances of academic dishonesty must be reported to the chairperson of the department involved. The chairperson may constitute a hearing board to consider the imposition of sanctions in addition to those imposed by the instructor, including a recommendation of expulsion, depending upon the seriousness of the misconduct.

Academic cheating is another serious act that violates academic integrity. Obtaining, distributing, or communicating examination materials prior to the scheduled examination without the consent of the teacher; providing information to or obtaining information from another student during the examination; attempting to change answers after the examination has been submitted; and falsifying medical or other documents to petition for excused absences all are violations of the integrity and honesty standards of the examination process.

In the case of multiple instances of academic dishonesty across departments, the academic dean of the student's college may convene a hearing board. Students retain the right to appeal the decision of the hearing board to the academic dean of the college in which they are registered. The decision of the dean is final in all cases except expulsion. The sanction of expulsion for academic dishonesty may be imposed only by the Provost upon recommendation of the dean.

Classroom Etiquette and Rules

- Act professionally. Treat this class like you would treat a job. Make an effort to come on time, do not leave early, do not take naps, do not take in food that smells up the room, turn off your cell phone, treat those around you with respect and be accountable for your actions.
- You can use your laptop in class but only for class related activities. Do not have social media accounts, emails or chat programs open. If there is moment in class when there is a break between activities, that would be the time to check up on your email or social media, but not during lecture, class presentations or videos. If I see you do this I will ask you a question and if your reply is: "Sorry, can you repeat the question?" your class participation will suffer greatly. Repeat offenders will be asked to leave the class.
- This is a long class and we will not always have breaks but feel free to get up and go to the restroom if nature calls.

Grades

Final grades will be calculated on a total point basis, as follows: (in case of conflict with what is stated elsewhere in the syllabus, this break down is the correct one).

Exams	25%
Media Law Problems	15%
Class Presentation and paper	15%

Quizzes	25%
Participation	10%
In class assignments	10%
Total	100%

Grades for all course work are based on the following standards:

Grading Scale

A, A-, B+, B, B-, C+, C, C-, D+, D, F, WF are assigned the following credit points for purposes of grade point average (GPA) calculations: A = 4.0; A- = 3.67; B+ = 3.33; B = 3.00; B- = 2.67; C+ = 2.33; C = 2.00; C- = 1.67; D+ = 1.33; D = 1.00; F = 0; WF = 0.

- 100 - 93% A
- 93 - 90% A-
- 90 - 88% B+
- 88 - 83% B
- 83 - 80% B-
- 80 - 78% C+
- 78 - 73% C
- 73 - 70% C-
- 70 - 68% D+
- 68 - 63% D
- 63 - 60% D-
- below 60% F

STUDENT ACCESSIBILITY CENTER (SAC)

If you have a special circumstance that may have some impact on your course work and for which you may require accommodations, please contact the SAC as soon as possible. Formal arrangements must be made through the office before course adjustments can be made. Additional information about the services available at Loyola, including eligibility for services, is on the SAC website: <https://luc.edu/sac/sacstudents/>.

MANDATED REPORTER

As a faculty member at Loyola University Chicago I am committed to supporting students and upholding gender equity laws as outlined by Title IX. Therefore, if a student chooses to confide in me regarding an issue of gender-based misconduct, I am obligated to inform Loyola's Title IX Deputy Coordinator. The

Title IX Deputy Coordinator will assist you in connecting with all possible resources for support and reporting both on and off campus.

Managing Life Crises and Finding Support

Should you encounter an unexpected crisis during the semester (e.g., securing food or housing, addressing mental health concerns, managing a financial crisis, and/or dealing with a family emergency, etc.), I strongly encourage you to contact the Office of the Dean of Students by submitting a CARE referral (LUC.edu/csaa) for yourself or a peer in need of support. If you are uncomfortable doing so on your own, please know that I can submit a referral on your behalf – just email me or schedule a meeting with me during office hours. To learn more about the Office of the Dean of Students, please find their websites here: LUC.edu/dos or LUC.edu/csaa.

Course Schedule (for actual reading assignment check “reading guide” in Sakai”)

This schedule is tentative and can be modified throughout the semester. It has been my experience that some classes move along quicker than others. Sometimes when I feel that students are particularly interested in a topic, I devote more attention to it. As a result we may fall behind or pull ahead. I reserve the right to change the reading schedule and announce these changes in class. Additional readings will be made available through Sakai. You will be responsible for those readings. Test dates, however, will NOT change. You can pencil those in your calendars.

January 15: Introduction: The American Legal System.

January 22: Why We Value Free Speech (Too Much)?

January 29: Government Restrictions on Speech – *Near v. Minnesota* AND *Snyder v. Phelps*

February 5: Speech Distinctions – *Brandenburg v. Ohio*

February 12: Test 1 (Taken in class)

February 19: Libel and Emotional Distress. - *New York Times v. Sullivan*

February 26: Libel Defenses and The Appropriation Privacy Tort. - *Gertz v. Welch*

March 11: Intrusion, False Light and Private Facts Tort - *Cox v. Cohn*

March 18: Newsgathering and the Law - *Bartnicki v. Vopper*

March 25: Test 2 (Taken at home)

April 1: Copyright - *Campbell v. Acuff-Rose Music, Inc.*

April 8: Commercial Speech *Central Hudson Gas & Electric Corp. v. Public Service Commission*

April 15: Reporters Privilege and Reporting on the Courts *Branzburg v. Hayes*

April 22: Wrapping things up

April 29: Test 3