

COMM 282 - 201 Media Law (3566)

Corboy Law Center - Room 303

Tu-Th 11:30-12:45

Instructor

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Office hours: Tuesday and Thursday: 9:30-11:15. I am on campus often and am willing and able to see students outside of my office hours. I usually will also be available to meet after class.

Purpose of Course

The purpose of this course is to familiarize you (undergraduate print, communication, broadcast, public relations and advertising students) 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 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.

A Note 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. The exams are part multiple choice format and will be a challenge for those who have been putting off studying until the last minute. Not all readings will be discussed in class, but they can still be part of the exam.

Attendance

Your attendance is not a graded element of this class. However, you will find it difficult to do well without attending regularly. The subject matter and style of this course are different than those of other courses you have taken and you cannot expect to fully understand the material by relying on the textbook alone.

If you miss a class, please feel free to stop by my office during office hours to find out what you missed. I will give you a general idea of what we covered and will make sure you have all handouts and are aware of all significant announcements. However, I will not be conducting make-up lectures from my office. Your best response to missing a class is to borrow someone's notes.

Participation

Your participation is expected, essential and graded. Ten percent 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

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 50% total. The last of these tests will be during finals' week. Each one is closed-book and consists mainly of multiple-choice questions and apply-the-law problems. 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. 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.

Written 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. Essay and Mock Trial -- Each of you will be assigned to represent an imaginary client involved in a contemporary media law controversy. You will represent one side of the controversy and argue your client's case in a mock trial setting. One of the team members will serve as the litigator for the group, presenting the best arguments to the court (i.e., the rest of the class) while the other team members will pose questions to the litigator representing the other team/client. In addition to litigating the case, you will also write an essay about the case, which you will turn in on the day of your scheduled mock trial. Your essay can address any of the issues raised by the case and can take any position you choose (you do not have to argue the same way as during the mock trial).

3. FOIA Request -- You will have to complete a FOIA request.

4. Engaged Learning Assignment – In media law, we all have our pet peeves. Some people feel strongly that advertising towards children should be more strictly regulated or that pornography should not be as widely available. Others may think that obscenity should be protected by the constitution or that copyright law stifles creativity. Every day, it seems like, there is controversy connected to the issues we discuss in media law. For this assignment, you are to take a position on one of these issues about which you care. But you are not to write your opinion in a paper, you need to engage in community dialogue. You need to somehow stimulate dialogue about this issue on this issue. How

you will do this is entirely up to you. You can make fliers and hand them out on campus, create a Facebook page or web site, organize a panel or discussion group, write a letter to the editor. You will be graded by the effort you took in stimulating community dialogue. You need to have completed this assignment by November 13. Upon completion you need to turn in a summary of your project as well as all supporting materials. I realize that this is an open-ended assignment, the most important thing is that you put effort and planning into this. If you wish, you can team up with another student.

Quizzes

Throughout the semester, quizzes on the readings and lecture will be administered at the beginning or end of class or will be posted on Sakai. Sakai quizzes will need to be completed before coming to class and will be announced in class. If you miss a class, it is a good idea to check Sakai to see if a quiz is posted. Your lowest quiz score will be eliminated in calculating the final grade.

Deadlines

They are strict and non-negotiable. Assignments must be turned in no later than the start of class on the day they are due **in hard copy**. Exceptions to this policy are extremely rare. Don't wait to print these papers out until right before class. **I also do not accept papers over email.** Don't send me a copy over email by the deadline and turn in a hard copy later. You can turn in your paper the following class and incur a 25% deduction. (If the paper is graded out of 10, yours will be graded out of 7.5). After that I will no longer accept papers.

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

- I have no problems with technology in the classroom. I do have a problem with certain uses of technology. Use technology to enhance your learning experience, not to distract you from it. You are not a good multi tasker, nobody is. Not being able to answer a question because you are distracted by whatever is on your screen will affect your participation grade.
- Be respectful of other people's opinion in discussions. We can disagree without disrespecting each other.
- Do not take naps or fall asleep during class. It is rude.
- Do not leave class early. If you foresee that you will not be able to stay the whole class, let me know beforehand.
- If you have any questions or concerns, let me know as soon as possible.
- Don't lie to your instructor.

Grades

Final grades will be calculated on a total point basis, as follows:

Exams	50 %
Media Law Problems	9 %
FOIA assignment	2 %
Engaged learning assignment	6 %
Media Law Essay and Mock Trial	13 %
Participation	10 %
Quizzes	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

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* (4th Ed.) by Robert Trager et al. There are earlier editions of this textbook available, but you are responsible for the content in the 4th edition.

Students with Disabilities

Any student with a learning disability that needs special accommodation during exams or class periods should provide documentation from Services for Students with Disabilities confidentially to the instructor. The instructor will accommodate that student's needs in the best way possible, given the constraints of course contents and processes. It is the student's responsibility to plan in advance in order to meet their own needs and assignment due dates.

Reading/assignment schedule

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. You will be responsible for those readings. Test dates, however, will NOT change. You can pencil those in your calendars.

<u>Date</u>	<u>Reading</u>	<u>Assignments Due</u>
8/26	Meet & greet	
8/30	Chapter one	
9/2	<i>Brown v. Entertainment Merchants Association</i>	
9/4	50-63	
9/9	71-75; 81-87; 78-79; 87-88	
9/11	100-122	
9/16	100-122	
9/18	122-134	
9/23	buffer	Media Law Problem 1
9/25	Test 1	
9/30	Chapter 4	
10/2	Chapter 4	
10/7	NO CLASS	MID SEMESTER BREAK
10/9	Chapter 5	
10/14	Chapter 5/6	
10/16	Chapter 6	Media Law Problem 2
10/21	Chapter 7	Mock Trial 1
10/23	Chapter 7	
10/28	buffer	Media Law Problem 3
10/30	Test 2	
11/4	Chapter 8	
11/6	Chapter 8/9	Mock Trial 2
11/11	Chapter 14	

<u>11/13</u>	Chapter 14	Engaged learning assignment
<u>11/18</u>	Chapter 13	
<u>11/20</u>	Chapter 13	Mock Trial 3
11/25	Chapter 13	Online class
11/27	GIVE	THANKS
12/2	Buffer/TBD	
12/4	Buffer/TBD	FOIA assignment
Tuesday December 9: 9:00-11:00 am		

Media Law Intro quiz

1. How many justices are there on the Supreme Court?
2. True or False: It is ok for me to republish copyrighted photographs on my personal blog as long as I give proper credit?
3. In a legal context, what is a “dissenting opinion”?
4. True or False: Journalists who print information leaked to them can be thrown in jail if the leaked information was classified.
5. True or False: Leaking classified information is always against the law.
6. True or False: In the United States, denying that the holocaust happened is a criminal offense.
7. What is “prior restraint”?
8. What is the difference between obscenity and indecency?
9. True or False: In the United States, truth is an absolute defense against libel.
10. True or False: SPAM is not regulated in the United States.
11. True or False: If I take a picture of someone walking down the street to put on my blog, I need that person’s permission, or else she could win an invasion of privacy suit against me.
12. True or False: If Loyola’s internal communication department took a picture of you walking around campus and put that picture on a brochure advertising the university, you could successfully sue the university.
13. True or False: The law of libel does not apply to social media
14. True or False: Advertisers can make false claims, as false speech is also protected by the First Amendment.
15. True or False: The First Amendment does not apply in high schools.
16. True or False: If I take pictures of someone lying in the street after being hit by a car, I can be sued for invasion of privacy.

