

Media Law & Ethics

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Wartburg College/CA 340
Winter Term 2010
Office Hours Posted at 140 CAC
M-W-F 9:00 a.m.-10:05 a.m.

Description of the Course:

“Examination of legal and ethical aspects of publishing and broadcasting. Emphasis on freedom of the press, copyright, libel, privacy, free press/fair trial, obscenity. Prerequisite: CA 100, CA 200, or instructor approval.” (*Wartburg College Academic Catalog, 2008-2010*)

Purposes and Objectives of the Course:

- to learn the basic principles of mass communication law and ethics
- to apply those concepts to specific situations communicators will encounter in the ‘real world’
- to anticipate evolution of legal doctrine and ethical applications for the future

Required Textbooks:

Students may wish to bring the textbook to class sessions when there is a reading assignment. There is one required textbook in this course:

- “*Mass Media Law 2009-2010*”, 16th edition, by Don R. Pember and Clay Calvert (McGraw-Hill, 2009)

In addition, students will be assigned other Supplemental Readings, available via the class web site (found on line at either <http://www.JeffStein.org> or <http://faculty.wartburg.edu/stein>). The lecture notes for each class will also be posted in advance on the class web site.

All lectures, lecture notes, original handouts and supplemental materials are Copyright © 2010 by Dr. Jeff Stein; use of the materials beyond the specific class setting without prior written consent is prohibited.

Attendance Policy:

Since this course is required of all Communication Arts majors, regular attendance is required. Attendance will be taken at the beginning of each class period; being tardy or absent may result in a deduction from the points you have earned in the course. If you are unable to attend due to illness or emergency, you must contact Dr. Stein *in advance* either at the phone number or e-mail address listed above in order to receive credit for assignments due that class period and to avoid losing points. The course is scheduled to meet Mondays-Wednesdays-Fridays from 9:00 a.m.-10:05 a.m. Students should be prepared to meet for the entire class period each day.

Plagiarism Policy:

“The Communication Arts Department is dedicated to the advancement of honest and accurate exchanges of information, ideas, and opinion.” (*Wartburg College Academic Catalog, 2008-2010*) Therefore, plagiarism—the use of ideas, materials, or words of others without proper attribution and acknowledgment—is improper and simply will not be tolerated. Minimum sanctions for this will include a grade of "F" for the course and referral of the matter to college officials.

The Wartburg Honor Council has asked faculty to remind students of their responsibility under the Wartburg Honor Code. The Honor Code is a statement of academic responsibilities supported by Wartburg College students and was originally created by Student Senate to embody the values of integrity and trust that are fundamental to Wartburg College. The official Honor Code, as approved by faculty and Student Senate, is as follows:

“As a matter of personal commitment, students, faculty, and staff of Wartburg College are expected to demonstrate four simple principles:

- 1.) All submitted work must be your own.
- 2.) When using the work or ideas of others, including fellow students, provide full credit through accurate citations.
- 3.) Ask for clarification if there is uncertainty about citation rules on a particular assignment.
- 4.) Maintain academic honesty on examinations and class assignments.”

Dr. Stein expects students to follow the Honor Code and reminds students of their responsibility to promote academic honesty by opposing cheating and plagiarism and reporting dishonest work.

In a related effort, Wartburg College has again this year invested in an affiliation with the national “TurnItIn.com” service, to allow students and faculty alike the opportunity to compare written assignments and papers with a database of primary sources and other student work. In a positive sense, this will allow students to catch inadvertent overquoting during the draft phase so their work will adhere to appropriate writing and citation standards; in addition, this will help Dr. Stein maintain academic integrity to protect all students. (The TurnItIn.com service will also be used by Dr. Stein to facilitate grading and posting of a grade book online.)

Each student will be responsible for activating their own account at TurnItIn.com so they may hand in their work, check grades, etc. All written work to be handed in by students will be submitted electronically via TurnItIn.com.

Requirements of the Course:

A class-by-class schedule is included within this Syllabus. The schedule is subject to change, based on the progress of class discussion, current events in the field, and the like. Any changes will be announced in class and by an e-mail message sent to each student. Students are presumed to frequently check their Wartburg e-mail account; if a student wishes that a different e-mail address be used, the student should notify Dr. Stein and register that alternate address with TurnItIn.com.

Examinations. There will be three examinations, as follows:

- Examination #1 Monday, February 08
- Examination #2 Friday, March 05
- Examination #3 Tuesday, April 20 (3:00 p.m. to 5:00 p.m.)

The examinations will be made up of multiple choice/matching and short answer/essay questions. The examinations will be closed book. Each examination is worth a maximum of 100 points (300 points total during the term). The examinations are not cumulative.

Quizzes. There will be a total of 10 multiple choice quizzes during the course of the term. The quizzes will be unannounced, and will be administered during the last five minutes of a class period. Each quiz is worth a maximum of 10 points (100 points total during the term), and will be over material assigned since the previous quiz. Missed quizzes cannot be made up.

Research Paper. Each student will be required to write a formal research paper focusing on an important U.S. Supreme Court case in mass media law. The paper must be 15 pages long not including bibliography and footnotes, double-spaced, with one-inch margins on all sides, using 12-point Times or Arial font. Students will choose their own respective cases, as approved in advance by Dr. Stein. A topic statement setting forth what case will be explored is due on Monday, January 25; a complete draft of the paper will be due on Wednesday, March 17; and the final paper will be due on Monday, April 12. All assignments are due at the beginning of class time on the date indicated, submitted electronically via TurnItIn.com. All components of the paper (topic statement, draft, final paper) will be graded and scored. The assignment will be worth a maximum of 150 points. Students will be expected to describe the case itself accurately and analyze its short-term and long-term impact on media law generally. This assignment is intended to fulfill the College's "writing intensive" designation for this course; therefore, each student must turn in a paper and score at least 90 of the maximum total of 150 points. Failure to do so will lead to the student automatically receiving a grade of "F" for the course. A separate handout, including criteria Dr. Stein will use in grading, will be distributed in class.

Format. All written work must be typed and presented in a form which is appropriate for the assignment. Written work will be evaluated on grammar, punctuation, spelling, and general appearance. Gender neutral and non-sexist language must be used. An appropriate tone must be taken in all written work.

Class Preparation and Participation. All students are expected to read assigned chapters prior to class, and are expected to participate in the class discussion. Dr. Stein reserves the right to raise or lower your grade by one-third grade level (such as from B to B+, or from B to B-) based upon such intangibles as how well prepared you are for class, the amount of productive discussion you contribute to class, attendance, etc. Dr. Stein also reserves the right to not accept late assignments, or to accept late assignments but with reduced credit.

Overall Policy:

Dr. Stein encourages students to discuss concerns about the class (content, grading, etc.) at any time without fear of retribution. Dr. Stein will strive to promote a classroom environment that is inclusive and positive; students are asked—and encouraged—to join in the spirit of the educational enterprise. Any student who is offended by any material during the course is urged to bring the matter to Dr. Stein's attention. As a courtesy and as a proper showing of respect, Dr. Stein believes college students should refer to faculty members by their last name and a courtesy title (examples: *Dr. Pier*, *Prof. Brockman*), rather than merely by their first name or their last name; Dr. Stein will similarly refer to students with appropriate respect. Students will be advised in advance of any material that may be objectionable so those who choose to may be excused from class that day. Students must also acknowledge through signature their receipt of this syllabus and their acknowledgement and acceptance of the course provisions.

Classroom Etiquette:

In order to promote the best learning environment possible, the following rules will be strictly enforced during this class:

- No food or drink in the classroom (only exception: bottled water)
- No use of cell phones for any purpose (including text messaging and e-mail)
- No use of tobacco products (including smokeless/chewing tobacco)
- No leaving the room after class starts (including examinations)
- Class begins/ends based at the time shown on the clock on the classroom wall
- Class begins promptly at 9:00 a.m.; tardiness is not acceptable
- If a student's behavior or demeanor adversely affects the class environment, the student will be asked to leave

Accommodations Policy:

The Americans with Disabilities Act of 1990 (ADA) provides protection from illegal discrimination for qualified individuals with disabilities. Students requesting instructional accommodations due to disabilities must arrange for such accommodations by contacting the Pathways Center Associate for Testing Services & Advising, Carla Coates. She can be reached at the Pathways Center, Vogel Library 314, 352-8230, carla.coates@wartburg.edu. Accommodation must be requested and arranged PRIOR to assignment/examination dates. Dr. Stein will make appropriate arrangements for students accordingly, after confirmation of qualification from the Pathways Center.

Grading:

Grading will be on a straight percentage scale, based on points. Each assignment and exam will carry a certain number of points. Your grade will be based on the following scale:

<u>Percentage</u>	<u>Grade</u>	<u>Point Range</u>
93-100	A	512-550
90-92	A-	495-511
87-89	B+	479-494
83-86	B	457-478
80-82	B-	440-456
77-79	C+	424-439
73-76	C	402-423
70-72	C-	385-401
67-69	D+	369-384
63-66	D	347-368
60-62	D-	330-346
59-below	F	329-below

No individual extra credit will be allowed. Only the 550 points from the class assignments and examinations will count toward your final grade. The denotation corresponding to letter grades is as follows: A, distinguished performance; B, superior work; C, satisfactory achievement; D, minimal achievement; F, unsatisfactory achievement. (Wartburg College Academic Catalog, 2008-2010)

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Class-by-Class Schedule

<i>Date</i>	<i>Subject</i>	<i>Assignment</i>
Mon. Jan. 11 <i>Class #1</i>	Introduction to Media Law Freedom of Speech	Syllabus In-Class Video
Wed. Jan. 13 <i>Class #2</i>	The American Legal System	Ch. 1: pg. 1-31 Supplemental Readings
Fri. Jan. 15 <i>Class #3</i>	Writing the Research Paper <i>Guest: Kari Weaver, Vogel Library</i>	Handouts
Mon. Jan. 18	<i>No Class—Communication Arts Visitation Day</i>	
Tue. Jan. 19	<i>Last Day to Drop Without “W”</i>	
Wed. Jan. 20 <i>Class #4</i>	History of the First Amendment	Ch. 2: pg. 33-65
Fri. Jan. 22 <i>Class #5</i>	Prior Restraint	Ch. 2: pg. 65-71 Ch. 3: pg. 75-85
Mon. Jan. 25 <i>Class #6</i>	Censorship in Schools <i>Paper Topic Statement Due</i>	Ch. 3: pg. 85-106 Supplemental Readings
Wed. Jan. 27 <i>Class #7</i>	Time, Place and Manner Hate Speech	Ch. 3: pg. 106-125 Supplemental Readings
Fri. Jan. 29 <i>Class #8</i>	Iowa Libel Research Project Elements: Publication, Identification	Supplemental Readings Ch. 4: pg. 131-149
Mon. Feb. 01 <i>Class #9</i>	Elements: Defamation, Falsity	Ch. 4: pg. 149-161
Wed. Feb. 03 <i>Class #10</i>	Elements: Proof of Fault	Ch. 5: pg. 163-202 Supplemental Readings
Fri. Feb. 05 <i>Class #11</i>	Libel Defenses: Privilege, Opinion Iowa Libel Law	Ch. 6: pg. 203-236 Supplemental Readings
Mon. Feb. 08 <i>Class #12</i>	<i>EXAMINATION #1</i>	

Wed. Feb. 10 <i>Class #13</i>	Copyright Law	Ch. 14: pg. 487-506
Fri. Feb. 12 <i>Class #14</i>	Copyright Law: Fair Use/Infringement	Ch. 14: pg. 506-536 Supplemental Readings
Mon. Feb. 15 <i>Class #15</i>	Invasion of Privacy/Appropriation	Ch. 7: pg. 240-261
Wed. Feb. 17 <i>Class #16</i>	Invasion of Privacy/Intrusion <i>Class Meets from 9:00 to 9:50 a.m.</i>	Ch. 7: pg. 262-273
Fri. Feb. 19 <i>Class #17</i>	Invasion of Privacy/Private Facts Invasion of Privacy/False Light	Ch. 8: pg. 275-299
Mon. Feb. 22 <i>Class #18</i>	Newsgathering Privileges <i>D&F Reports Due to Registrar</i>	Ch. 9: pg. 301-317
Wed. Feb. 24 <i>Class #19</i>	Freedom of Information Act	Ch. 9: pg. 318-339
Fri. Feb. 26 <i>Class #20</i>	State Public Information Laws Iowa Open Meetings/Public Records	Ch. 9: pg. 340-354 Supplemental Readings
Mon. Mar. 01 <i>Class #21</i>	Protection of News Sources <i>Last Day to Declare P/D/F</i>	Ch. 10: pg. 359-387
Wed. Mar. 03 <i>Class #22</i>	Laws to Protect Journalists	Ch. 10: pg. 387-403
Fri. Mar. 05 <i>Class #23</i>	<i>EXAMINATION #2</i>	
Mon. Mar. 08	<i>No Class—Winter Break</i>	
Wed. Mar. 10	<i>No Class—Winter Break</i>	
Fri. Mar. 12	<i>No Class—Winter Break</i>	
Mon. Mar. 15 <i>Class #24</i>	Preserving a Fair Trial	Ch. 11: pg. 405-417
Wed. Mar. 17 <i>Class #25</i>	Restrictive Orders <i>Draft Research Papers Due</i>	Ch. 11: pg. 417-428
Fri. Mar. 19 <i>Class #26</i>	Closed Proceedings	Ch. 12: pg. 431-451 Supplemental Readings

Mon. Mar. 22 <i>Class #27</i>	Electronic Media Coverage <i>Last Day to Drop With "W"</i>	Ch. 12: pg. 451-457 Supplemental Readings
Wed. Mar. 24 <i>Class #28</i>	Obscenity Regulation	Ch. 13: pg. 459-476
Fri. Mar. 26 <i>Class #29</i>	Obscenity Regulation Indecency and Erotic Material	Ch. 13: pg. 476-484 Supplemental Readings
Mon. Mar. 29 <i>Class #30</i>	Commercial Speech Doctrine	Ch. 15: pg. 539-560
Wed. Mar. 31 <i>Class #31</i>	Federal Regulation	Ch. 15: pg. 560-579
Fri. Apr. 02 Mon. Apr. 05	<i>No Class—Easter Break</i> <i>No Class—Easter Break</i>	
Wed. Apr. 07 <i>Class #32</i>	<i>No Class—Work on Final Research Papers</i>	
Fri. Apr. 09 <i>Class #33</i>	Broadcast Regulation	Ch. 16: pg. 583-595
Mon. Apr. 12 <i>Class #34</i>	Regulating Program Content <i>Final Research Papers Due</i>	Ch. 16: pg. 595-608
Wed. Apr. 14 <i>Class #35</i>	Political Programming	Ch. 16: pg. 609-621
Fri. Apr. 16 <i>Class #36</i>	New Technology Regulation	Ch. 16: pg. 621-629
Tue. Apr. 20	<i>EXAMINATION #3 – 3:00 p.m. to 5:00 p.m.</i>	