

COMM 4454: Media Law  
Tuesday/Thursday 11:00 a.m.-12:15 p.m.  
Tuesday/Thursday 2:00 p.m.-3:15 p.m.  
Spring 2005

*"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 & Theatre Arts  
State University of West Georgia

**Office Hours:** T/R 9:00-11:00 a.m.

W 9:00 a.m.-12:00 p.m., 2:00-5:00 p.m.

By Appointment

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**Personal web site:** <http://www.westga.edu/~byates>

**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 **during** my office hours. If those hours are not convenient, please schedule an appointment with me. If you visit my office at other times, I may not be available because of other duties I must attend to.

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 exams, especially late in the semester.

TEXT & ADDITIONAL MATERIALS

1. Pember, D. R., & Calvert, C. (2005). *Mass media law* (14<sup>th</sup> ed.). New York: McGraw-Hill.
2. Recommended text: Eastland, T. (ed.) (2000). *Freedom of expression in the Supreme Court*. Lanham, MD: Rowman & Littlefield.
3. Additional readings from selected textbooks, newspapers, magazines and Web sites will be assigned throughout the semester as well as the viewing or listening of various television and radio programs.

\*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 Across the Curriculum (WAC) course and will require writing to learn and writing to communicate assignments to develop skills in communicating. This is a WebCT-enhanced course.

### **Mass Communications Program Learning Outcomes:**

1. Students will be able to understand critically the origin, development and paramount economic, legal/policy, social and effects issues of mass media.
2. Students will be able to understand critically structure and process of mass media industries within economic, legal, and ethical considerations.
3. Students will develop the ability to write mass media messages with accuracy, clarity, and brevity on deadline and within varying style, ethical, and legal considerations.
4. Students will develop proficient use of technology to produce visual and audio messages for mass media within varying aesthetic, style, technical, ethical, and legal considerations.
5. Students will be able to gain practical experiences to apply and test knowledge and skills, and to network with professionals.
6. Students will be encouraged to engage in interdisciplinary scholarship.
7. Students will be provided a foundation for graduate study in communication.

### **Course Learning Outcomes:**

1. The student will develop solid grounding in the constitutional statute, administrative and common law that applies to communicators in any medium.
2. The student will develop an understanding of the philosophy supporting the liberty of speech and the press and the legal principles that both protect and limit that liberty.
3. The student will learn 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.

## GRADING POLICY

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

Exam #1-100 points

Exam #2-100 points

Exam #3-100 points

Attendance/Participation-50 points

Legal Brief (Writing to Learn)-25 points

Rough Draft/Outline/Annotated Reference List (Writing to Learn)-25 points

Research Paper (Writing to Communicate)-100 points

Total-500 points

### **Grading Scale:**

Points needed to receive grade

A=450-500

B=400-449

C=350-399

D=300-349

F=299 and below

\*Note: The instructor reserves 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.

**Exams: Three (3)** exams will be administered during the semester. The exams primarily will contain short answer and essay questions that cover material in textbook chapters, lectures, handouts, films, tapes/DVDs, and CD-ROMs presented in class. There will be a limited number of objective questions (e.g., Multiple Choice, True/False, and Fill-in-the-Blank). All exams are worth 100 points 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 to Learn:** In an effort to facilitate the writing of your final research paper, you will be assigned two writing to learn assignments worth 25 points each. The first WTL will be a legal brief of a court case you will discuss in your research paper. The legal brief should be **ONE PAGE (1)** in length (single-spaced), no more. The other WTL assignment will be a rough draft of your final research paper, including an outline and annotated reference list (3-4 pages minimum). WTL assignments will help you realize the idea-generating potential of writing and help you focus your ideas as you prepare for your writing to communicate assignment (research paper). Furthermore, you will have WTL practice on your exams as you write your answers to essay questions and write reactions to tapes/DVDs shown in class and to various issues discussed. You may even be asked to pretend you are a judge and write a court opinion about a case presented in class. **All WTL assignments must be typed in 12-point type using Times New Roman font with 1" margins (1.25" left and right margins are acceptable). Your name, date, page number, and assignment should be in the upper right-hand corner in the header. More complete details will follow.**

**Research Paper:** It is the instructor's strong belief that each of you has the opportunity to conduct in-depth research on a narrow topic related to Media Law. Through the research and the writing of this thesis you should gain skills and knowledge that will be of value to you. This writing to communicate project is worth 100 points and is **due Thursday, April 14, 2005**. Here are some of the details:

1. All students enrolled in Media Law will be required to complete a research project. The project will require extensive research and compilation of information as well as writing the paper.
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 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. A general range would be 10-12 typed pages, but that is a guess. The nature of your topic will determine the length of the paper.
4. The paper should follow the APA Style Manual (5<sup>th</sup> ed.). A software program useful for creating bibliographies and reference lists is Endnotes. It is an investment that is well worth it.
5. **Papers must be typed in 12-point type using Times New Roman font. Paper margins should be 1" (1.25" left and right margins are acceptable). You will submit a title page, paper, and reference list. All pages should be stapled in the upper left-hand corner. No report covers and/or notebooks will be accepted. 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. 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.
7. Glance at your textbook for possible topics. You should also consult various indexes in the library for topics. The first one to pick a topic gets to use it. No two people can write on the same topic. A list of possible topics is contained in this syllabus, but it is not exhaustive. You must select your topic for your research project by Thursday, January 20, 2005. As soon as you have selected your topic, please let the instructor know. Some of the suggested topics are very broad; you should narrow the topic down.
8. Your research project is due Thursday, April 14, 2005, at the beginning of class.
9. This paper should be your own original work. The penalty for plagiarism will be severe.
10. 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.

## ATTENDANCE

Here is the general policy for the course. You need to attend every scheduled class session. Please be on time. I'll take attendance. You have **three (3) excused absences**, so use them judiciously and sparingly (i.e., car trouble, minor illness, job interview, etc.). Ten points will be deducted for each absence in excess of three. (For example, you will lose 20 points if you miss 5 total classes for the semester). (**Excessive absences (9 or more) will result in failure of the course**). You may not use your personal days on examination days. An unexcused absence from an examination will result in zero credit on the missed exam.

Note: It is YOUR RESPONSIBILITY to be aware of your attendance. You should see me at any point during the semester if you have any questions whatsoever about this policy or your attendance—the sooner the better. It is also YOUR RESPONSIBILITY to take notes and take exams as scheduled, especially if you are a graduating senior.

**Excused absences:** Absences may be excused when due to unavoidable situations substantiated with documentation. Acceptable situations include a serious incapacitating illness or a death in your family, among others. Requests for excused absences will not be considered unless made in writing prior to the absence in question unless there are extreme circumstances that did not allow for a prior request. I certainly understand that unforeseen things can happen to anyone. Please try to work things out with me in advance if at all possible.

**Handouts:** You are responsible for collecting all handouts at the time they are distributed. If you are absent, you have ONE WEEK to collect the materials. After one week, do not ask me for copies of handouts. I will not keep extra copies! Most handouts will be posted on WebCT.

**myUWG Campus Pipeline:** It will be necessary to keep in contact with one another via the myUWG Campus Pipeline (i.e., e-mail and WebCT). You will be responsible for checking the Campus Pipeline (<http://myuwg.westga.edu/cp/home/loginf>) on a regular basis for class announcements, assignments, and discussion topics. You are encouraged to use your myUWG e-mail address for all class related correspondence or at least have your myUWG e-mail messages forwarded to your personal e-mail account so that you do not miss any important class announcements or information.

## PREPARATION FOR CLASS

- Not only do I expect you to be in class, I expect you to come to class prepared. The course syllabus shows your reading 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.
- By the end of the semester I expect you to know all the vocabulary terms in the glossary of your text (pp. 625-632). 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.

## BEHAVIOR IN THE CLASSROOM

You do not need me to tell you how to behave in a classroom environment. However, I want you to know what I expect from you 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. I expect, however, that you 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 WebCT.
- I expect you to learn the material in the text on your own. I will frequently add material to that contained in your text and discuss topics that are not covered in your text. 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" with you so be prepared to defend your views.
- Throughout the semester I will cross-examine different ones in class over material you should know.
- 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) as stipulated by university rules. State University of West Georgia Student Conduct 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 Dr. David Goff, chair of the Department of Mass Communications & Theatre Arts, or me and proper action will be taken.

### SPECIAL NEEDS STUDENTS

I will make special arrangements for students with special needs. Don't wait until after the first exam 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 exams, let me know **early**, not a few days before the exam. 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.)

#### January

##### Week One

Tues. 11-Syllabus review/Introduction to Media Law

Thurs. 13-Ch. 1-The American Legal System

##### Week Two

Tues. 18-Ch. 2-The First Amendment: The Meaning of Freedom/**In Class WTL Exercise-What Does the First Amendment Mean to You?**

Thurs. 20-Ch. 2-The First Amendment: The Meaning of Freedom-(con't.)/**Research Paper Topic Due**

##### Week Three

Tues. 25-Ch. 3-The First Amendment: Contemporary Problems

Thurs. 27-Ch. 3-The First Amendment: Contemporary Problems (con't.)

#### February

##### Week Four

Tues. 01-Ch. 4-Libel: Establishing a Case

Thurs. 03-Ch. 4-Libel: Establishing a Case (con't.)/**WTL Exercise #1-Legal Brief Due**

**Week Five**

Tues. 08-Ch. 5-Libel: Proof of Fault

Thurs. 10-Ch. 5-Libel: Proof of Fault (con't.)

**Week Six**

Tues. 15-Ch. 6-Libel: Defenses and Damages

Thurs. 17-**Exam #1 (Chapters 1-6)**

**Week Seven**

Tues. 22-Ch. 7-Invasion of Privacy: Appropriation and Intrusion

Thurs. 24-Ch. 7-Invasion of Privacy: Appropriation and Intrusion (con't.)

March

**Week Eight**

Tues. 01-Ch. 8-Invasion of Privacy: Publication of Private Information and False Light

Thurs. 03-Ch. 8-Invasion of Privacy: Publication of Private Information and False Light (con't.)/**Last Day to Withdraw with Grade of "W"**

**Week Nine**

Tues. 08- Ch. 9-Gathering Information: Records and Meetings/**WTL Exercise #2-Rough Draft/Outline/Annotated Reference List Due**

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

**Week Ten**

Tues. 15-Ch. 11-Free Press/Fair Trial: Trial Level Remedies and Restrictive Orders

Thurs. 17-**Exam #2 (Chapters 7-11)**

**Week Eleven**

Tues. 22-Spring Break

Thurs. 24-Spring Break

**Week Twelve**

Tues. 29-Ch. 12-Free Press/Fair Trial: Closed Judicial Proceedings

Thurs. 31-Ch. 13-Regulation of Obscene and Other Erotic Material

April

**Week Thirteen**

Tues. 05-Ch. 13-Regulation of Obscene and Other Erotic Material (con't.)

Thurs. 07-24<sup>th</sup> **Annual West Georgia Media Conference**

**Week Fourteen**

Tues. 12- Ch. 16-Telecommunications Regulation

Thurs. 14- Ch. 16-Telecommunications Regulation (con't.)/**Research Paper Due**

**Week Fifteen**

Tues. 19- Ch. 14-Copyright

Thurs. 21-14-Copyright (con't.)

**Week Sixteen**

Tues. 26- Ch. 15-Regulation of Advertising

Thurs. 28-**Exam #3 (Ch. 12-16 plus terms in glossary)**

May

**Week Seventeen**

Tues. 03-**Reading Day**

\*The reading 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 assignment. 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!