

Legal and Ethical Principles for the Mass Media

Spring 2012
MASC 4213 - 3 credit hours
9-9:50 a.m. MWF
Walker Center, Room 160

Professor:

Kenna Griffin
Office: Walker Center, Room 117
Office phone: 208-5043

E-mail: kennagriffin@gmail.com
Office hours: Posted
Twitter: @profkrg

I have an open-door policy and am happy to discuss mass communications law or ethics with you at any opportunity. You do not have to schedule an appointment to discuss course-related matters with me. If you want to guarantee an uninterrupted one-on-one that will take longer than 15 minutes, I encourage you to schedule an appointment to ensure that we can provide one another our undivided attention.

Required Texts & Course Materials:

Pember, Don R. and Calvert, Clay. (2011) *Mass Media Law 17th edition*. New York: McGraw-Hill Higher Education.

Patterson, Phillip and Wilkins, Lee. (2011) *Media Ethics Issues and Cases 7th edition*. McGraw Hill Higher Education: New York.

Materials posted on the course website, which is under the “Courses” tab on <http://www.profkrg.com/>.

NOTE: Others may be added during the semester.

Recommended Texts:

Good media practitioners (and citizens) are well-informed news consumers. You should read *The Oklahoman* and *The Campus* every day (www.mediaocu.com). I recommend that you get into the habit of reading at least one daily metropolitan newspaper and a weekly news magazine. I also recommend that you watch at least one televised newscast each day. In addition, I would recommend that you visit and participate in discussions on my media blog, www.profkrg.com. The site acts as a resource for students and an open forum for discussion of trends in our profession. You can follow the blog on Twitter @profkrg. Use the #masc4213 hashtag for items specifically related to this course. Responsible citizens are avid news consumers. Information is the key to a democratic society. Develop the habit of daily news consumption now if you haven't already.

Course Description:

This course will examine the historical background and development of freedom of expression and the limitations imposed on those freedoms by statute, common law and the court's interpretation of constitutional law. The course also will give you the foundation necessary to make ethical decisions within your profession and become a more critical thinker. The case study approach will be used, with an emphasis on the principles and philosophy that underlie the various aspects of communications law. The course aims to:

- acquaint you to the current state of the law in key areas of mass communications practice,

- prepare you to analyze and understand legal decisions so you will be able to interpret changes in legal status for media products/organizations,
- familiarize you with the structure of the court system and how law is developed,
- acquaint you to legal terminology,
- familiarize you with the role of free expression and the media in light of the U.S. Constitution, U.S. Supreme and Superior Court decisions and existing law, and
- help you understand that the law is always changing, and you must prepare yourself to constantly update your knowledge.

Grading:

I will attempt to grade all class assignments and return them to you within a week of submission. You are encouraged to visit my office to discuss any questions or concerns you have about your grades on individual assignments or in the course as a whole. You are strongly discouraged from openly discussing your grades during class sessions. Your grade for the course will consist of grades in five categories:

- Final exam - 35 %
- Midterm exam - 30 % (*65 percent at midterm*)
- Position papers/assignments/quizzes - 25 %
- Class attendance/participation - 10 %

NOTE: Be certain to sign the attendance sheet during every class session. It is the method I will use for tracking your attendance. If you will miss class for a university-sanctioned happening, I must have a notice from the appropriate university official beforehand. Failure to provide such documentation will result in your absence being counted. You are encouraged to submit due assignments before your absence. If you are unable to do so, you must arrange it with me and submit any due assignment on your return class session.

Briefs:

You are required to maintain a folder of briefs (short summaries) of the legal case handouts from this course. Most of your briefs will be less than a single page. They should be kept in a course binder specifically for briefs. Dividers should be used to separate the briefs by topic. Failure to maintain a complete set of briefs likely will damage your performance on the midterm, final and comprehensive exams, as you are allowed to use your formal briefs (no notes or cases) on these exams. I will review your briefs folder as you are taking each exam. You will receive no credit on the exam in question if you have items other than the briefs in your folder. I will not reprint briefs. You must be present when briefs are provided or find a classmate nice enough to copy them for you. You must bring your briefs folder to every class session.

All briefs will follow the format below:

- I. Name of Case
- II. Area of Law (Clear & Present Danger, Fighting Words, etc.)
- III. Court Opinion
- IV. Circumstances/Background of Case
- V. Long Term Legal Importance

Ethics Fridays:

Each Friday during the course is dedicated as "Ethics Friday." On these days we will take a break from law and focus on the ethical practices/dilemmas of the media. During this time you also will learn about how ethics and law fit together to make a single, well-rounded mass communications discipline. You will be required to write position papers for Ethics Fridays. Topics for the week's paper will be given on the previous Ethics Friday. Papers are due at the beginning of the class session listed on the schedule below. No position papers will be accepted after the due time/date. You must be prepared to discuss the ethical case and your position during the class. Papers must be:

- Typed; stapled
- Two-five pages; double spaced; 10-12 point type; regular margins
- Cited using at least five APA citations w/a reference list
- Submitted in hard copy in class

Papers not submitted in this manner will receive no credit. Ethics papers typically will be returned the following Friday. Students should remember that position papers are not an opportunity to rant. A good position paper is a well-documented and strongly research-supported opinion. More information on position papers, including how to use APA citations, will be provided in class and on the course Web site.

Ethics papers are due:

- | | |
|----------------------------|------------------------------|
| • Ethics paper 1 - Jan. 20 | • Ethics paper 8 - March 16 |
| • Ethics paper 2 - Jan. 27 | • Ethics paper 9 - March 30 |
| • Ethics paper 3 - Feb. 3 | • Ethics paper 10 - April 6 |
| • Ethics paper 4 - Feb. 10 | • Ethics paper 11 - April 13 |
| • Ethics paper 5 - Feb. 17 | • Ethics paper 12 - April 20 |
| • Ethics paper 6 - Feb. 24 | • Ethics paper 13 - April 27 |
| • Ethics paper 7 - March 9 | |

Quizzes:

You will be given sporadic quizzes throughout the course. These multiple-choice quizzes will be based on assigned course readings and lectures. They are meant to ensure that you have an understanding of material not specifically covered in class. They will not necessarily be announced.

Quizzes will be either 10 questions worth 10 points each or 20 questions worth five points each, depending on the topic. No partial credit will be given.

You are not allowed to leave the classroom during a quiz without submitting it as completed. You are not allowed to talk during quizzes. No cell phones, PDAs, laptops, or any other electronic devices will be allowed in use or out during quizzes. You also are not allowed to use class notes or your book during quizzes.

Quizzes likely will be given at the beginning of the class session. They will take no longer than 15 minutes. Students who are late will not receive extra time to complete quizzes. No make up quizzes will be given.

Any violation of these policies will result in you receiving zero credit for the quiz in question.

Missed assignments:

Missed assignments cannot be made up without my approval. I will not accept assignments sent to class with peers. If you miss class, it is your responsibility to obtain any assignments, handouts and notes that you miss. I will not contact you regarding your absence. I also will not save copies of course materials distributed during individual class periods. If you need an extension on an assignment because of an absence, you must schedule a time to privately discuss it with me. If you miss an assignment and are allowed to make it up, you must do so at the scheduled time or you will not receive credit.

Participation:

You are required to participate in class. Participation could include commenting on readings, interactive lecture, and careful and active note taking. Classes will incorporate overviews of legal areas, outlines of specific legal regulations, lecture on general ethical principles, and overviews of important legal and ethical cases. It is essential for you to keep pace with the assigned readings to survive this course. Because of the delicate nature of some of the class materials, it is critical that you respect the classroom as a marketplace of ideas. You must respect your classmates' rights to their opinions, even if you don't agree with them. Remember

that opposing viewpoints are critical to democratic discussion. You are encouraged to discuss legal and ethical issues in the class. However, you must always debate facts and avoid personal attacks and derogatory remarks. Asking questions always is encouraged. Discussion of things unrelated to class is discouraged. You are not allowed to be disruptive in any way that takes class value away from your classmates. In addition, you must always attend class prepared for participation. This includes having paper, copied notes, writing utensils, books, briefs, etc.

Engagement & Note-taking:

You are allowed to use a laptop or smart phone to document and/or live tweet class notes during the course session. If you choose to live tweet the course session, please use the #masc4213 hashtag. Also, you should review and adhere to the classroom Twitter policies, which are linked to the course site. Tips for getting the most out of live tweeting classes/events also may be found there.

Technology:

You are not allowed to have your cell phone ringer or alert notification on during class. Students found texting or using cell phones or computers for anything other than note taking during class will be asked to discontinue this practice or leave. Repeated issues will result in lowering of your attendance/participation grade.

Printing:

Writing assignments must be completed outside of class. All assignments must be typed and stapled. You will not be excused from class to print assignments. Do not come to class to discuss printing with me. It is up to you to determine if you should be late to class to print. If you do not have access to a computer and/or printer, you are welcome to use the mass communications computer lab at the front of our department. Malfunctions of the equipment in the computer lab will not constitute an excuse for late assignments.

Bonus Blog:

You will have the opportunity throughout the course to earn bonus points by responding to ongoing legal and/or ethical issues I post on my media blog, www.profkrig.com. I will post bonus items sporadically as issues arise. I am not guaranteeing any specific number of bonus posts. When I post a topic, I will send an email to the full class stating that a new item is up for consideration. The item you may respond to for bonus will be linked to the class website, helping eliminate confusion regarding whether it is a bonus post or a regular post on my site. Once you receive an email notifying you of bonus, you will have 24 hours to contribute to the discussion. Responses added after the post has been active for 24 hours will not receive credit, although you are encouraged to continue the discussion indefinitely. Worthy contributions will receive two bonus points per blog post. The bonus points will be added to your overall assignment grade. A contribution worthy of bonus points would consist of:

- Elaboration of important points in the topic,
- Legal/ethical implications of points in the topic,
- Application of course knowledge beyond what is written in the original post,
- Links to outside references or the citations for such references,
- What you did not know before reading the topic and your viewpoint now that you have this knowledge, **or**
- What you view differently as a result of having read the blog post.

It also is possible that I will ask you to address a specific question or point in an individual post. You are encouraged to use class knowledge and cases in your responses.

There is no assigned length for blog response posts. However, you will not receive credit for a response that isn't well considered and prepared. You also will not receive credit for a personal rant on any given topic.

You will not receive credit for multiple responses to the same post except in rare circumstances where your subsequent posts result in a greater understanding or a more in-depth view/discussion of the issue. I will award these bonus exceptions on a case-by-case basis.

I will not respond to every response you post. However, I will attempt to be an active participant in each overall post. I encourage you to do so as well. The blog responses are meant to be an opportunity for you to earn extra points while engaging in an exchange of ideas that results in a greater understanding of media law and ethics.

Because of the delicate nature of some of the class materials, it is critical that you respect the blog as an extension of the classroom in the marketplace of ideas. You must respect others' rights to their opinions, even if you don't agree with them. Remember that opposing viewpoints are critical to democratic discussion. You are encouraged to discuss legal and ethical issues, but you must always debate facts and avoid personal attacks and derogatory remarks, especially those that may create legal concerns. Discussion of things unrelated to the topic is discouraged. Private or "inside" jokes also are discouraged.

I reserve the right to remove any response from my blog for any reason. If I remove your response, you will not receive credit for having posted. Repeated inappropriate responses will result in all of your bonus points being forfeited. Remember that the blog is public and serves as a resource for media students, faculty, scholars, and industry professionals. They will have a variety of backgrounds, values and ideals. Some of them also are potential employers. The blog also is promoted through social media and search engines. As always, do not put anything on the Internet that you don't want the world to see.

Course schedule:

This schedule is tentative and subject to change. Readings should be completed before the class session where they're listed. I will move ahead in the lecture if we complete a subject early.

WEEK 1:

Monday, Jan. 9

- Course introduction

Wednesday, Jan. 11

- Lecture: *Why study Mass Comm law?*

Friday, Jan. 12 - Ethics Friday

- Ethics Friday Lecture: *Ethical Theories and Frameworks*
- Read Media Ethics Chapter 1 - *An Introduction to Ethical Decision Making* and Media Ethics Chapter 11 - *Becoming a Moral Adult*
- Ethics paper 1 assignment

WEEK 2:

Monday, Jan. 16 - MLK Day. No Class

Wednesday, Jan. 18

- Read Chapter 1: *The American Legal System*

Friday, Jan. 20 - Ethics Friday

- Read Media Ethics Chapter 2 - *Information Ethics: A Profession Seeks the Truth*
- Ethics paper 1 due
- Ethics paper 2 assignment

WEEK 3:

Monday, Jan 23

- Lecture: *First Amendment*
- Read Chapter 2: *The First Amendment: The Meaning of Freedom*

Wednesday, Jan. 25

- Lecture: *First Amendment*

Friday, Jan. 27 - Ethics Friday

- Read Media Ethics Chapter 7 - *Media Economics: The Deadline Meets the Bottom Line*
- Ethics paper 2 due
- Ethics paper 3 assignment

WEEK 4:

Monday, Jan. 30

- Lecture: *Forum*

Wednesday, Feb. 1

- Lecture: *Forum*

Friday, Feb. 3 - Ethics Friday

- Read Media Ethics Chapter 8 - *Picture This: The Ethics of Photo and Video Journalism*
- Ethics paper 3 due
- Ethics paper 4 assignment

WEEK 5:

Monday, Feb. 6

- Lecture: *Prior Restraint*

Wednesday, Feb. 8

- Lecture: *Prior Restraint*
- Read Chapter 3: The First Amendment: Contemporary Problems

Friday, Feb. 10 - Ethics Friday

- Ethics paper 4 due
- Ethics paper 5 assignment

WEEK 6:

Monday, Feb. 13

- Lecture: *War*
- Read Chapter 3: The First Amendment: Contemporary Problems

Wednesday, Feb. 15

- Lecture: *War*

Friday, Feb. 17 - Ethics Friday

- Read Media Ethics Chapter 4 - *Loyalty: Choosing Between Competing Allegiances*
- Ethics paper 5 due
- Ethics paper 6 assignment

WEEK 7:

Monday, Feb. 20

- Lecture: *Libel*
- Read Chapter 4: Libel: Establishing a Case

Wednesday, Feb. 22

- Lecture: *Libel*
- Read Chapter 5: Libel: Proof of Fault

Friday, Feb. 24 - Ethics Friday

- Read Media Ethics Chapter 3 – *Strategic Communication: Does Client Advocate Mean Consumer Adversary?*
- Ethics paper 6 due
- Ethics paper 7 assignment

WEEK 8:

Monday, Feb. 27

- Lecture: *Libel*
- Read Chapter 6: *Libel: Defenses and Damages*
- Review for Midterm

Wednesday, Feb. 29

- Review for Midterm

Friday, March 2 - Midterm Exam, Part 1

WEEK 9:

Monday, March 5 - Midterm Exam, Part 2

Wednesday, March 7

- Review Midterm

Friday, March 9 - Ethics Friday

- Ethics paper 7 due
- Ethics paper 8 assignment

WEEK 10:

Monday, March 12

- Lecture: *Invasion of Privacy*
- Read Chapter 7: *Invasion of Privacy: Appropriation and Intrusion*

Wednesday, March 14

- Lecture: *Invasion of Privacy*
- Read Chapter 8: *Invasion of Privacy: Publication of Private Information and False Light*

Friday, March 16 - Ethics Friday

- Read Media Ethics Chapter 5 – *Privacy: Looking for Solitude in the Global Village*
- Ethics paper 8 due
- Ethics paper 9 assignment

March 19-23 - Spring Break. No Class!

WEEK 11:

Monday, March 26

- Lecture: *Freedom of Information*
- Read Chapter 9: *Gathering Information: Records and Meetings*

Wednesday, March 28

- Lecture: *Freedom of Information*
- Read Chapter 10: *Protection of News Sources/Contempt Power*

Friday, March 30 - Ethics Friday

- Read Media Ethics Chapter 6 – *Mass Media in a Democratic Society: Keeping a Promise*
- Ethics paper 9 due
- Ethics paper 10 assignment

WEEK 12:

Monday, April 2

- Lecture: *Obscenity*
- Read Chapter 13: Regulation of Obscene and Other Erotic Material

Wednesday, April 4

- Lecture: *Advertising*
- Read Chapter 15: Regulation of Advertising

Friday, April 6

- Ethics paper 10 due
- Ethics paper 11 assignment

WEEK 13:

Monday, April 9

- Lecture: *Copyright/Trademark*
- Read Chapter 14: Copyright

Wednesday, April 11

- Lecture: *Copyright/Trademark*

Friday, April 13 - Ethics Friday

- Ethics paper 11 due
- Ethics paper 12 assignment

WEEK 14:

Monday, April 16

- Lecture: *Broadcast/Internet Regulation*
- Read Chapter 16: Telecommunications Regulation

Wednesday, April 18

- Lecture: *Broadcast/Internet Regulation*

Friday, April 20 - Ethics Friday

- Read Media Ethics Chapter 9 - *New Media: Continuing Questions and New Roles*
- Ethics paper 12 due
- Ethics paper 13 assignment

WEEK 15:

Monday, April 23

- Catch up and discuss

Wednesday, April 25

- Review for Final exam

Friday, April 27

- Review for Final exam
- Ethics paper 13 due

Wednesday, May 2 from 8 a.m. to 10 a.m. - Final Exam

Mass Communications Departmental Policies

LATE WORK:

- No late work will be accepted for full credit without prior arrangement with the instructor.
- Work is due at the beginning of the class session.

EXAMINATIONS:

- No makeup examinations will be given unless prior arrangements are made with the instructor.
- NO FINAL EXAMS WILL BE GIVEN EARLIER THAN ANNOUNCED BY THE INSTRUCTOR. NO EXCEPTIONS. Students who make travel plans without confirming the scheduled finals date for this class do so at their own risk. Students who travel prior to the scheduled final exam will be unable to take the examination and must accept a zero test score.

INCOMPLETE:

Incomplete grades are not a student option except under extreme circumstances. Students seeking an incomplete must submit a written request supported by documentation verifying the need for this extension. Incompletes are given for a limited period of time.

TARDINESS/ATTENDANCE:

Students are expected to be in class on time. Entering the classroom late is unprofessional and disruptive. Repeated tardiness is unacceptable. Students should be punctual and prepared, since these are the qualities expected by the business community. Attendance will be taken at each class session. Students are expected to attend all class sessions.

GRADING SCALE:

93.0 - 100	=	A	
90.0 - 92.99	=	A-	
87.5 - 89.99	=	B+	
82.5 - 87.49	=	B	
80.0 - 82.49	=	B-	
77.5 - 79.99	=	C+	
72.5 - 77.49	=	C	
70.0 - 72.49	=	C-	
67.5 - 69.99	=	D+	
62.5 - 67.49	=	D	
60.0 - 62.49	=	D-	
Below 60.0	=	F	Not I or W

CHEATING/PLAGIARISM:

STANDARD OF RESPONSIBILITY

Oklahoma City University was founded upon strong values and high standards. Honesty in academics is a priority. Students should be advised that cheating and plagiarism are not tolerated. The Academic Honesty Policy can be found online at <http://starport.okcu.edu/ad/aa>

Cheating is defined as using, or supplying information that is not authorized by the instructor in taking an examination or completing any other assignment. Cheating also includes turning in another's work and representing it as being your own.

Plagiarism is defined as a unique form of cheating where persons turn in another's work and represent it as being their own. This would include: 1) purchasing term papers and turning them in as if they are original work; 2) using a paper that has previously been turned in; 3)

copying passages verbatim from books, articles, etc.; 4) submitting material for grades in which the student has not done the work required; 5) collusion - the unauthorized collaboration with another person; 6) misrepresentation of actions and 7) falsifying information.

Every student is expected to observe the highest standards of conduct, both on and off the campus. The University cannot accept the responsibility for the education of any student who is not in sympathy with the purposes and the regulations of the University.

Mass Communications students should be aware that this department considers the above-described conduct to be dishonorable and dishonest. Students found cheating or plagiarizing will receive a grade of "0", which is an "F", on the involved examination, project or paper and, at the professor's discretion, may receive a failing grade for the entire course.

EXAMINATION EQUIPMENT:

Students are not permitted to use or access the following items during an examination:

- Dictionaries
- Electronic spellers, translators, dictionaries or calculators
- Computers
- Class notes, books

Once any examination has begun, if a student wishes to leave the room they must be prepared to turn in their examination paper and/or blue book. And, it will not be returned to them for additional work.

DISABILITY STATEMENT:

If you need an accommodation due to a disability under the Americans with Disabilities Act, please contact Student Health and Disability Service Office immediately at 208-5991 or 208-5090. Advance notice is required for many accommodations.

POLICY STATEMENT

I have read the above stated policies for the academic year 2011-12 for the Mass Communications Department.

I understand the policies and agree to abide by them.

Name

Student ID# or SSN#

Date

Course Name and Number