# RTV4700: TELECOMMUNICATIONS LAW & REGULATION &

## Dr. Jasmine McNealy

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**Fall 2019**

## Course Description

Welcome! This course provides an introduction the laws and policies affecting the past, present, and future of various forms of communication technology. Innovations in media tech pose pressing questions for courts and legislators. This course will introduce you to these legal and ethical issues and asks you to think critically about the answers and solutions for conflicts that arise. Our emphasis is on US law and the U.S. Constitution, including freedom of speech and expression. But we also explore topics like privacy, intellectual property, and defamation, and will touch on global legal phenomena.

## Course Objectives

This course covers a blend of technological, social, economic and legal issues in the creation of media technology law & policy. The goals of this class are as follows:

- That students demonstrate an understanding of relevant laws and regulations affecting media technology.
- That students demonstrate an understanding of U.S. constitutional principles relevant to media.
- That students demonstrate an understanding of the power of regulatory agencies and judicial bodies.

**Grading Scale**

The grade scale is as follows:

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| A | 93-100 |
| A- | 90-92 |
| B+ | 87-89 |
| B | 83-86 |
| B- | 80-82 |
| C+ | 77-79 |
| C | 73-76 |
| C- | 70-72 |
| D+ | 67-69 |
| D | 63-66 |
| D- | 60-62 |
| E | Less than 60 |

**Grading Parameters**

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| Squad goals: | 5% |
| Discussions: | 35% |
| Syntheses (3): | 40% |
| Quizzes: | 20% |

- That students recognize current issues in media technology law & policy and the effects on the use, access, and creation of new media technology.
- That students be able to practically apply all of the above in the professional context.
- That students be able to work effectively in groups to complete course assignments.

**Learning Outcomes:**
Students completing the course will be able to:
- Define and describe relevant aspects of US media and technology law and policy
- Understand how systems of shared values influence the creation of laws, policies, and regulations.
- Recognize, evaluate and determine emerging policy issues and how it impacts the media and technology landscape.
- Critically consider constitutional amendments, acts, laws, and court decisions governing media technology in the United States and abroad.

**Course Methodology**
Each week, students will be expected to:
1. Review the week's learning objectives.
2. Complete all assigned readings.
3. Participate in class discussion.
4. Complete and submit all quizzes and assignments by the due dates.

**Required Reading**
All class readings will be made available online or through UF Libraries Course Reserve.

# ASSIGNMENT DESCRIPTIONS

**Squad goals:** Students will tackle class assignments and exams in their squads. These student groups are meant to both assist in learning the material and acquiring the valuable ability to work in teams. Students are required to create squad goals, or what would be considered a contract between all group members and each other. This contract should specify the expectations for group members with regard to all assignments, syntheses, and other group work. It should also detail the consequences for members failing to meet the terms of the contract. **Squad goals are worth 5% of your grade**.

**Quizzes:** Each week you are expected to complete, by yourself, a module quiz based on the lecture, videos, readings and other class materials for that week. Quizzes will be made of 5 multiple choice and true-false question. You will have 20 minutes to complete the quiz and may retake it once. **Quizzes are worth 20% of your grade always due Monday at Noon**. Barring emergencies, students may not make up missed quizzes.

**Discussions:** Each week I will post some provocation – a video, article, podcast, etc. –related to our topic for the week. Your task will be to discuss the question posed related to the provocation. To do this you will need to consider the lectures and readings for the week. Discussion will take place in squads. At **minimum you should post 3 discussion responses**: one (1) main response to the question (at least 100 words), and two (2) responses (at least 50 words each) to your squad colleagues. Your responses should be substantive, critically considering what you've watched, read, and your colleagues' responses. Discussions are **worth 35% of your grade** and **are graded as complete or incomplete**. First responses are **due by Monday at noon; responses to colleagues are due by Wednesday at Noon**.

**Syntheses:** Students are responsible for all information contained in the readings, lectures and other presentations.  Syntheses generally will consist of essay question(s) in which it will be necessary for students to spot the issue in the facts provided and, using what we have discussed in class, analyze and answer the question. **Syntheses are completed in squads and are worth 40% of your grade**. Squads are expected to complete the syntheses by the deadline.  Syntheses will be **due at Noon the following Wednesday**.

**Squads will earn one synthesis grade. Individual student grades are based on their contribution to each synthesis based on personal assessment and that of their squad members.**

**Students are able to drop their lowest synthesis grade but should use this option judiciously**. Therefore, squads may choose to not take the last synthesis. To use this option, squads must all agree and must inform the professor **at least one (1) week before** the scheduled synthesis. **Failure to do so means loss of this option**.

**Extra Credit:** possibilities for extra credit will be available in the form of select activities on Canvas and participation in the SONA research study pools. Students may earn up **to two (2) points** of extra credit for participation in SONA. Points earned for participation in SONA are added to your **final grade** for the class. **Points earned for activities are added to your score for the next scheduled synthesis discussion**.

# OTHER IMPORTANT INFORMATION

**Classroom Behavior and Course Policies**
This course is conducted completely online. You should check the syllabus, at a minimum, at the beginning of each week as a reminder of upcoming assignments. The best way to reach me is using the Canvas email system. **When you email me using Canvas, please put "RTV 4700" or "CGS 3065" followed by the subject of your email IN THE SUBJECT LINE. In addition, please include your full name and UFID number at the end of the email.**

All grades are final after one week. No exceptions. If a student wishes to challenge a grade, they must contact me 48hours after receiving their grade. In an email, the student should provide a detailed description of the substantive issue with their grade.

**Academic Honesty**
Students are required to be honest in all of their university class work. Faculty members have a duty to promote ethical behavior and avoid practices and environments that foster cheating. I encourage you to bring incidents of dishonesty to my attention.
The Honor Code: We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied:

"On my honor, I have neither given nor received unauthorized aid in doing this assignment."

**Cheating and other academic dishonesty issues will result in an automatic E for the course.**

**Absences in General**
Students should make every effort to complete the assignments for the course as schedule each class as scheduled. You may complete assignments ahead of schedule, but you will not receive credit for work completed after the deadline without prior clearance. **Because this class is based on group work, students should not miss more follow both the guidelines provided here and adhere to their squad goals as agreed upon at the beginning of the semester.**

No alternative assignments will be provided for a student who misses an exam without properly notifying the instructor.

**Religious Holidays**
The university calendar does not include observance of any religious holidays. The Florida Board of Governors and state law govern university policy regarding observance of religious holidays. Students shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith with prior notification to the instructor. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

**Student Illness**
Students who are affected by of illness should contact the instructor. The Student Health Care Center (SHCC) or home physician can provide a medical excuse note only if their providers are involved in the medical care of a student who must miss assignments for medical reasons. In any case please inform me if your health is making it difficult for you to complete class assignments.

**Accommodation for Students with Disabilities**
Students requesting classroom accommodation must first register with the Dean of Students Office. The Dean of Students Office will provide documentation to the student who must then provide this documentation to the Instructor when requesting accommodation.

**Tech Support and Netiquette**
This course is delivered completely on Canvas. For tech support please contact UFIT at http://helpdesk.ufl.edu. I suggest using either Chrome or Firefox as browsers for accessing the e-learning system. You can also get more information at http://elearning.ufl.edu.

Online discussions can be fruitful and interesting. It is my expectation for this course that you give your classmates the utmost respect when interacting with them in this course. Remember that it is much different to communicate thoughts and opinions over discussion boards than in person. Be respectful to your classmates' ideas, ask insightful questions for clarity, read with consideration, and give criticism with professionalism.

Both students and faculty each have a responsibility to maintain an appropriate learning environment online. I expect that we will all show professional courtesy and good netiquette in our discussions. Per university policy, we will all give due respect to individuals and topics dealing with differences of race, color, culture, religion, creed, politics, veteran's status, sexual orientation, gender, gender identity, and gender expression, age, disability, political affiliation, and nationalities. If there is a pronoun your classmates and I should use when talking with you, please let us know.

**Course Evaluations**
Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at https://gatorevals.aa.ufl.edu/students/. Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via https://ufl.bluera.com/ufl/. Summaries of course evaluation results are available to students at https://gatorevals.aa.ufl.edu/public-results/."

# COURSE SCHEDULE

| Module & Topic | Module Overview & Objectives | Lectures & Readings | Assignments |
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| **Module 0: Welcome & the Syllabus** | This module provides initiation to the course and will also review the syllabus and course expectations.<br><br>After completing this module, students will be able to:<br>1. *Describe the role of the federal judicial system*<br>2. *Describe how a case advances through the US judicial system*<br>3. *Describe what's on the syllabus*<br>4. *Demonstrate how to read and summarize a court opinion* | ***Lectures***<br>Syllabus overview<br>The Federal Courts<br>How to read a case<br><br>***Readings***<br>About Federal Courts – Court Role and Structure, Comparing Federal & State Courts<br>How to read a case | Module 0 Quiz – **Due Monday August 26 @ Noon**<br><br>Discussion – Introduce yourself! **Due Wednesday August 28 @ Noon** |
| **Module 1: The First Amendment** | This module provides and introduction to the First Amendment to the US Constitution and guidance on how to read and summarize cases for the rest of the semester.<br><br>After completing this module, students will be able to:<br>1. *Identify First Amendment protections*<br>2. *Explain constitutional principles related to the First Amendment and expression* | ***Lectures***<br>The First Amendment<br>Standards of Review<br><br>***Readings***<br>The First Amendment | Module 1 Quiz – **Due Monday September 2 @ Noon**<br><br>Discussion #1 – What does the First Amendment mean to you? – **Due Wednesday September 4 @ Noon**<br><br>Squad Goals!  – **Due September 6 @ Noon**<br><br>Extra credit: Find the 1$^{st}$  – **Due September 6 @ Noon** |
| **Module 2: Communication Tech & The First Amendment: Broadcast** | This module begins the discussion of how different kinds of communications technology are treated differently under the First Amendment and why, focusing on broadcast – over the air tv and radio. | ***Lectures***<br>Why is broadcast still important?<br>The FCC<br>Obscenity<br>Indecency | Module 2 Quiz – **Due Monday September 9 @ Noon**<br><br>Discussion – **Due Wednesday September 11 @ Noon** |

| | After completing this module, students will be able to: <br> 1. *Define broadcast media.* <br> 2. *Explain the idea of scarcity and define what it means for broadcast regulation.* <br> 3. *Explain the difference between obscenity and indecency.* <br> 4. *Explain the role of the FCC in broadcast regulation.* | ***Readings*** <br> About the FCC – Overview, What We Do, Rulemaking Process <br> *FCC v. Pacifica* | |
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| **Module 3: Communication Tech & The First Amendment pt II: The Internet & Video Games** | This module begins the discussion of how different kinds of communications technology are treated differently under the First Amendment and why, focusing on the Internet and video games. <br><br> After completing this module, students will be able to: <br> 1. *Explain why the internet is treated differently than other media.* <br> 2. *Describe the conflict over providing 1$^{st}$ Amendment protection for video games.* <br> 3. *Explain why violence is treated differently than sexual content.* | ***Lectures*** <br> Regulating the Internet <br> Video games and the First Amendment <br><br> ***Readings*** <br> *Reno v. ACLU* <br> *Brown v. Entertainment Merchants Association* | Module 3 Quiz – **Due Monday September 16 @ Noon** <br><br> Discussion – **Due Wednesday September 18 @ Noon** |
| **Synthesis Week** | | | Synthesis Discussion 1 – **Due Wednesday September 25 at Noon** |
| **Module 4: Defamation** | This module focuses on the basics of how defamation is defined and what it looks like within the context of online media. <br><br> After completing this module, students will be able to: <br> 1. *Identify the elements of defamation.* <br> 2. *Explain who can sue for defamation.* | ***Lectures*** <br> What is defamation? <br> §230 and defamation <br><br> ***Readings*** <br> *Zeran v. America Online* | Module 4 Quiz – **Due Monday September 30 @ Noon** <br><br> Discussion – **Due Wednesday October 2 @ Noon** |

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| | 3. *Describe §230 of the CDA and explain its impact on online defamation* | | |
| **Module 5: Defamation pt II** | This module continues our discussion of defamation, focusing on the issue of "fault" and understanding how who a person is affects their defamation suit.<br><br>After completing this module, students will be able to:<br>1. *Describe the different standards of fault for public figures and officials.*<br>2. *Explain opinion as a defense.*<br>3. *To explain how organizations can be considered public figures.* | ***Lectures***<br>What is a public person?<br>What is opinion?<br><br>***Readings***<br>*Gertz v. Robert Welch, Inc.* | Module 5 Quiz – **Due Monday October 7 @ Noon**<br><br>Discussion – **Due Wednesday October 9 @ Noon** |
| **Module 6: Privacy** | This module offers an introduction to privacy in the US and focuses on the civil injuries of intrusion and public disclosure.<br><br>After completing this module, students will be able to:<br>1. *Define privacy.*<br>2. *Explain invasion of privacy be intrusion and public disclosure.*<br>3. *Explain some defenses to invasion of privacy claims* | ***Lectures***<br>What's privacy?<br>Public Disclosure<br>Intrusion<br><br>***Readings***<br>*Florida Star v. BJF* | Module 7 Quiz – **Due Monday October 14 @ Noon**<br><br>Discussion – **Due Wednesday October 16 @ Noon** |
| **Module 7: Privacy pt II** | This module continues our discussion of privacy but focuses on data privacy and technology.<br><br>After completing this module, students will be able to:<br>1. *Define data privacy.*<br>2. *Describe some of the conflicts with involving personal data and privacy.* | ***Lectures***<br>What is data privacy?<br><br>***Readings***<br>*IMS v. Sorrell* | Module 8 Quiz – **Due Monday October 21 @ Noon**<br><br>Discussion – **Due Wednesday October 23 @ Noon** |

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| | 3. *Evaluate some of the laws related to data privacy and communication technology.* | | |
| **Synthesis Week** | | | Synthesis Discussion due: **Due Wednesday October 30 @ Noon** |
| **Module 8: Copyright** | This module focuses on copyright and focuses on defining infringement and fair use.<br><br>After completing this module, students will be able to:<br>1. *Define copyright and describe what it protects.*<br>2. *Identify items that are outside of copyright protection.*<br>3. *Explain the difference between ideas and expression.*<br>4. *Explain copyright infringement and describe the step for proving it.*<br>5. *Identify the four factors of fair use and how they are used.* | ***Lectures***<br>Copyright Basics<br>Idea vs Expression<br>Copyright Infringement<br>Fair Use<br><br>***Readings***<br>ABC v. Aereo | Module 8 Quiz – **Due Monday November 4 @ Noon**<br><br>Discussion – **Due Wednesday November 6 @ Noon** |
| **Module 9: Trademark** | This module introduces trademark and includes a discussion of what can be protected and what is infringement.<br><br>After completing this module, students will be able to:<br>1. *Explain trademark protection.*<br>2. *Describe the difference between trademark infringement and dilution.*<br>3. *Compare and contrast copyright and trademark protections.* | ***Lectures***<br>Trademark<br>Confusion<br>Dilution<br><br>***Readings***<br>Matal v. Tam | Module 9 Quiz – **Due Monday November 11 @ Noon**<br><br>Discussion – **Due Wednesday November 13 @ Noon** |
| **Module 10: Trade Secret** | This module discusses an often-ignored category of intellectual property, and | ***Lectures***<br>Trade Secret | Module 10 Quiz – **Due Monday November 18 @ Noon** |

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| | focuses on what trade secret protects and its importance for communication technology.<br><br>After completing this module, students will be able to:<br>1. *Define trade secret.*<br>2. *Discuss the importance of trade secrets for industries.*<br>3. *Explain where trade secret protection comes from.* | ***Readings***<br>*Phonedog v. Kravitz* | Discussion – **Due Wednesday November 20 @ Noon** |
| **Module 11: Patent** | This module focuses on patents protects and their importance for communication technology.<br><br>After completing this module, students will be able to:<br>1. *Explain patent protection.*<br>2. *Explain the difference between patents, copyright, trademark, and trade secret.*<br>3. *Identify the 3 different kinds of patents and what they cover.*<br>*Evaluate how the 4 kinds of intellectual property discussed can be used to claim ownership over personal information.* | ***Lectures***<br>Patent<br><br>**Readings**<br>Everything you need to know about patents | Module 13 Quiz – **Due Monday November 25**<br><br>Discussion – **Due Wednesday November 27 @ Noon** |
| **Synthesis week** | | | Synthesis Discussion #3 – **Due Wednesday December 4 @ Noon** |