

MMC 4200 / Sec. 22348
Law of Mass Communications
Prof. Rachael Jones
Fall 2020

Office Hours: Zoom, by appointment
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Course description

This course serves as an introduction to the world of First Amendment jurisprudence and the laws that affect the media industry. Throughout the course, we will cover various aspects of constitutional law, tort law, statutes, common law, and administrative regulations that pertain to journalists, the media, and all citizens of the United States. As the course progresses, you will see how the law influences many of the choices that go into the media you read, hear and see. This course is designed to make you a more educated creator and consumer of information. You will learn the full range of legal concepts relating to how news is gathered and distributed across all platforms, from the First Amendment to the reporter's privilege to freedom-of-information laws to FCC regulation of broadcasting. The most important takeaway from the course is not to memorize legal trivia but to understand how, and why, legal concepts are applied to modern-day situations that you'll encounter in any profession that involves creating or distributing content.

You are expected to check the Canvas course site regularly. You are required to do so at least once a week, but I advise you to do so more often. From the Canvas site, you will be able to view lectures, contribute to class discussions, and more. Each week will have its own Page on the Canvas site, and the Page will include:

- Links to online lecture videos hitting the high points of the chapter. I will "release" these for viewing in waves over the course of the semester. Once released, the lectures will remain viewable over the entire term so you can refer back to them.
- Supplemental readings / viewings in addition to the textbook.
- Graded assignments, including quizzes, and their instructions.

Readings

The book for the course is *Mass Media Law*, 21st Edition, ISBN: 9781260514513, by Clay Calvert, Dan V. Kozlowski and Derigan Silver. I will selectively omit some sections of the book for time purposes. Note, too, that the course does not follow the chronological order of the book. Thus, it is imperative that you read and refer to this syllabus for the readings that correspond to each week.

Any additional readings will be posted to the Canvas course site. Additional readings may include cases, academic articles, news clips, etc.

Zoom Requirements

Please be mindful of maintaining professional conduct and appearance for any remote lecture meetings. You are encouraged to use virtual backgrounds for Zoom if you want to protect the privacy of your environment or surroundings. While our course's lectures are pre-recorded and uploaded on CANVAS, please note that any needed live lectures added will be recorded for educational purposes.

Grading

Grading will be based on:

- (1) Online quizzes (10% each x 3 = 30% of your total grade)
- (2) Two blog posts to the class discussion forum (10% each x 2 = 20% of your total grade)
- (3) Two case briefs (10% each x 2 = 20% of your total grade)
- (4) A final paper analyzing a legal issue raised by the course (30% of your total grade)

I will make grading rubrics available on the course website showing the expectations for each assignment and what will constitute an A, B or C quality response. Except for your final paper, ALL ASSIGNMENTS WILL BE DUE ON THEIR LISTED DUE DATES BY 5:00 PM EASTERN TIME.

(1) Quizzes

There will be three quizzes throughout the semester. I will post the quiz to Canvas and you will submit your answers on Canvas. The quizzes will be timed so that you can check them in and out during the week, but once checked out, you'll only have a limited time to respond.

QUIZ DATES:

- Quiz 1: Due October 4, 2020
- Quiz 2: Due November 1, 2020
- Quiz 3: Due December 9, 2020

(2) Discussion posts

These posts, or blogs, are designed to gauge your analysis skills and your reactions to the course material. You will be assigned two blog posts over the course of the semester, and both must be completed to get full credit. Please note that the emphasis on these posts will be your analysis of the topic. An "analysis" means just that: I expect more than a simple "yes, I agree" or "I disagree." You will need to take time to explain and support your position on each post. Each blog post should be at least 5 paragraphs long. (*Posts are for class viewing only and will not be public.*)

(3) Case briefs

Twice during the semester, you will be asked to submit a "case brief" showing that you read, understood and analyzed a key court case pertaining to our course's subject matter. You'll be given tips and directions as to what a case brief should look like; see *Week 1* of the syllabus below.

(4) Final paper

At the end of the semester, you will write a research paper based on the material presented in this course. I will provide a set number of topics/prompts that you may choose from at a later date. The prompts will be about *any* of the subjects we've covered, so study and plan accordingly. Your paper will need to be thorough and will require research beyond the textbook and course reading. You must cite **at least five** different sources (which may be five court opinions, articles, or a mixture of court opinions and published articles). If you choose to use articles as sources, make sure they are from recognized, reliable publications (i.e. **NOT** Wikipedia, random Tumblr posts, etc.) You should write a **MINIMUM** of 2,000 words, which is about seven typewritten pages if you use 1-inch margins, 12-point font and double-spaced lines. I will give more detailed instructions about the paper later in the semester.

There will be ample time for you to complete the final paper, and therefore late submissions will not be tolerated. For each 24-hour period you are late turning in the paper, you'll lose a full letter grade regardless of your raw score. If your paper is not turned in within 48 hours (2 days) of the deadline, it won't be accepted and you will receive a zero.

Your final paper is DUE on **DECEMBER 16th**. **YOU HAVE BEEN WARNED.**

Course Grading Scale

	PERCENT		PERCENT		PERCENT		PERCENT
A	100-94	B	86-83	C	74-70	D	63-60
A-	93-90	B-	82-80	C-	69-67	D-	50-55
B+	89-87	C+	79-75	D+	66-63	F	Below 55

Outside Research

For the case brief assignments, court opinions will be easily findable on Google Scholar, <https://scholar.google.com>, or on the Cornell Legal Information Institute website, <https://www.law.cornell.edu/>.

For the final paper, it will be helpful to have access to LexisAcademic, which is free for UF students (and is a great thing to know how to use as a journalist or lawyer). You may access LexisAcademic here <http://www.lexisnexis.com/hottopics/lnacademic/>. You may view a tutorial for LexisAcademic here:

http://www.lexisnexis.com/tutorial/global/globaltutorial_frameset.asp?sPage=overview&adaptation=academic&lbu=US&locale=en_us

Academic Honesty

UF students are bound by the Honor Code pledge, which states: *"We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code."*

The entire UF CJC faculty and I take this pledge very seriously. By now each of you are aware of the issues with plagiarism (using, including copying-and-pasting, work or material of another without credit or doing your own work). As a student in my class, I will hold you accountable to this Honor Code pledge. If you plagiarize, you will NOT receive credit for the assignment at issue and I will report the incident to UF's Student Conduct office. Please do not make me do that. It is totally acceptable to cite a reliable print and online sources in your work for this course, SO LONG AS (1) you give proper credit and (2) you rewrite/rework the material -- substantially -- in your own words. NOTE: Small quotes from cases are permissible if noted by quotation marks and properly cited.

Attendance

Since this is a purely online course, there is no real "attendance policy." Your timely completion of the assignments will demonstrate that you're keeping up with the material. Fair warning: As the instructor, I can see whether you're regularly logging into and remaining on the site. If I see that you're not regularly working on the course material, expect to get a "check-in" from me, because I don't want anyone falling behind. There are no shortcuts to learning and understanding the law: You MUST take the time, pace yourself, and do the work. You cannot expect to put the coursework off and "binge watch" the material at the last minute. That is a recipe for failure in this course—and probably your other courses as well. Do yourself a favor and don't procrastinate.

Because we can't replicate the experience of having three hours of in-person lecture-hall interaction every week, your careful reading of the textbook becomes more important. I will make every effort to highlight the "must-know" high points, but watching the lectures is not a substitute for doing the reading. You won't do well in the course unless you do both: Watch the lectures and read the assigned sections of the book.

Disability Accommodations

Students with disabilities requesting accommodations should register with the Disability Resource Center (352-392-8565) with appropriate documentation. Once registered, students will receive an accommodation letter to present to me, which (ideally) you'll do as close to the start of the term as possible, so we can design accommodations that assist you in getting the maximum benefit out of the class.

Excuses from Assignments

Because you have at least a week to complete each graded assignment, I ***will not excuse*** anyone from completing an assignment (late or at all) with the exception of the most extreme, documented reason (your own severe illness, hospitalization, death of a close family member, or dire medical emergency involving you or a close family member). A trip or event for career, extracurricular, or recreational purposes is not an "emergency" and will not be excused. All of the course work is portable and can be done remotely. You have been warned; please plan accordingly.

Office Hours and Availability

As noted above, all office hours will be conducted by Zoom. This is due to the risk of COVID-19 as well as the fact that I am teaching remotely this semester from out of state. To make appointments, please reach out to me **via EMAIL** (rachjones@ufl.edu), not on Canvas.

In my experience, students have either not felt compelled to take advantage of office hours or are afraid to do so. Do *NOT* fall into that habit. Please take advantage of office hours (for this class as well as your other classes); your other professors and I are more than willing to help you work through any course material with you if get stuck, are confused, or have questions. I am also available to offer guidance if you are interested in pursuing the legal field or graduate study with an emphasis in media law.

COVID-19 and Class

The University of Florida has implemented several practices to help keep us safe this semester. I am painfully aware of both the physical risk and social toll the pandemic has cost us all. Please know that you may always reach out to me if you have concerns or questions. Because we are an all online course, hopefully we will not have any interruptions this semester. However, to be safe, please keep an eye on your email, wear your masks, and wash your hands frequently. Below is the information for all courses provided by UF. While section (2) is applicable to our course, please make note of the protocols in section (1) regarding on-campus activity:

(1) For face to face courses a statement informing students of COVID related practices such as:

We will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions.

- You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution.
- This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
- Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
- Follow your instructor's guidance on how to enter and exit the classroom. Practice physical distancing to the extent possible when entering and exiting the classroom.
- If you are experiencing COVID-19 symptoms ([Click here for guidance from the CDC on symptoms of coronavirus](#)), please use the UF Health screening system and follow

the instructions on whether you are able to attend class. Click here for UF Health guidance on what to do if you have been exposed to or are experiencing Covid-19 symptoms.

- Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. Find more information in the university attendance policies.

(2) For online course with recorded materials a statement informing students of privacy related issues such as:

Class sessions may be audio visually recorded for students in the class to refer back and for enrolled students who are unable to attend live. Students who participate with their camera engaged or utilize a profile image are agreeing to have their video or image recorded. If you are unwilling to consent to have your profile or video image recorded, be sure to keep your camera off and do not use a profile image. Likewise, students who unmute during class and participate orally are agreeing to have their voices recorded. If you are not willing to consent to have your voice recorded during class, you will need to keep your mute button activated and communicate exclusively using the "chat" feature, which allows students to type questions and comments live. The chat will not be recorded or shared. As in all courses, unauthorized recording and unauthorized sharing of recorded materials is prohibited.

You Matter: If you need help or assistance, ask

I greatly care, and UF cares, that you look after your own health and always feel safe and welcome here. If there is anything interfering with your ability to get the most out of your UF experience, I want to know about it and help alleviate the issue. If I cannot help, resources are available through the *U Matter, We Care* program that you should never be shy about using. You can ask for confidential help by emailing umatter@ufl.edu, by calling 352- 294-2273 or by visiting the Care Area on the third floor of Peabody Hall. There are crisis counselors available, even on nights and weekends, at **352-392-1575**.

A Note about Diversity

The University of Florida's College of Journalism and Communications Department of Journalism embraces a commitment toward an intellectual community enriched and enhanced by diversity along a number of dimensions, including race, ethnicity and national origins, gender and gender identity, sexuality, class and religion. We expect each of our journalism courses to help foster an understanding of the diversity of peoples and cultures and of the significance and impact of mass communications in a global society.

It is my intent that students from all diverse backgrounds and perspectives be well-served by this course. I strive to foster a learning environment where students' learning needs be addressed both in and out of class and the perspectives that the students bring to this class be viewed as a resource, strength, and benefit. To further this, please:

- If you have a name and/or set of pronouns that differ from those that appear in your official records, please let me know.
- If you feel like your performance in the class is being impacted by your experiences outside of class, please don't hesitate to come and talk with me. I want to be a resource for you.
- If you prefer to speak with someone outside of the course, Joanna Hernandez, CJC director of inclusion and diversity, is an excellent resource. You can email her at jhernandez@jou.ufl.edu.
- If something was said in class (by anyone) that made you feel uncomfortable, please talk to me about it

A Word about Words

A common phrase I employ when teaching First Amendment Law is “the First Amendment doesn’t care about your feelings.” I say this because when you study the First Amendment, broadcast indecency, libel and other such topics, you WILL encounter some rough language, including profanity, that is quoted in court opinions and subject to legal analysis. In this course, you shouldn’t encounter anything severe (think stuff you’d hear or see in a PG-13 rated film), but be warned that the readings will include some words, topics, etc. that might be considered offensive, generally. You will encounter ideas and thoughts (or even law) you may not agree with, but understand that this is one of the central purposes of this course. After all, the First Amendment fundamentally protects everyone’s right to think and express themselves free from government limitation, even our right to dislike things. This is just one of the many concepts you will learn in class! If you have questions, feel free to email or call to discuss.

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WEEK 1 (Aug. 31) INTRODUCTION TO THE LEGAL SYSTEM

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 1

Additional Reading:

How to brief a case, John Jay Library (CUNY)

<https://www.lib.jjay.cuny.edu/how-to/brief-a-case>

How to brief a case, LexisNexis

<https://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page>

Lectures:

Introduction to the Course

Introduction to the Legal System

WEEK 2 (Sept. 7) FIRST AMENDMENT HISTORY / PRINCIPLES

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 2

Additional Reading:

Public Radio Exchange, "Near v Minnesota: How a local rag ignited a First Amendment firestorm"

Lectures:

First Amendment History

First Amendment Fundamentals

WEEK 3 (Sept. 14) FIRST AMENDMENT IN ACTION

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 3, stop at p. 136, skip p. 137-144

Additional Reading:

Radiolab's More Perfect: "The Hate Debate (Links to an external site.)"

Lectures:

First Amendment: Regulating Content

First Amendment and Students

Assignments:

BLOG POST 1, DUE SEPTEMBER 20th at 11:59PM

WEEK 4 (Sept. 21) DEFAMATION PRINCIPLES

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 4 and Chapter 5, stop at p. 208, skip p. 209-212

Additional Reading:

Tully Center video: *New York Times v. Sullivan*

Lectures:

Defamation-The Basic Elements

Defamation Online

WEEK 5 (Sept. 28) DEFAMATION / DEFENSES & DAMAGES

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 6

Lectures:

Libel Defenses

Recap Lecture 1: Modules 1-5

Assignments:

QUIZ 1, DUE OCTOBER 4th at 11:59PM

WEEK 6 (Oct. 5) PRIVACY-APPROPRIATION & INTRUSION

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 7

Lectures:

Privacy: Policy Issues

Appropriation and Privacy

WEEK 7 (Oct. 12) PRIVACY-FALSE LIGHT/PRIVATE FACTS

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 8

Lectures:

Public Disclosure/Private Facts

Privacy and False Light

Assignments:

CASE BRIEF 1, DUE OCTOBER 18th at 11:59PM

WEEK 8 (Oct. 19) FREEDOM OF INFORMATION & ACCESS

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 9 (only p. 325-368 will be covered this week)
Chapter 12, p. 455-464 (open/closed trials)

Additional Reading:

[VICE News' 'FOIA Terrorist' Jason Leopold Testifies Before Congress](#)

[Ravi Somaiya, *A Wizard at Prying Government Secrets From the Government*, *The New York Times* \(July 19, 2015\) \(Links to an external site.\)](#)

Lectures:

Federal FOIA

WEEK 9 (Oct. 26) FREEDOM OF INFORMATION & ACCESS (continued)

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 9, p. 368-385 (state laws and privacy laws)

Additional Reading:

[A conversation with Bethany Barnes, investigative reporter, *The Oregonian*](#)

Lectures:

Open Government Laws

WEEK 10 (Nov. 2) PROTECTING SOURCES

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 10

Additional Reading:

[ProPublica on using confidential sources in news reporting](#)

[NPR: Could reporters be prosecuted for classified scoops?](#)

Lectures:

Protecting News Sources

Reporter's Privilege

Recap Lecture 2: Modules 5-10

Assignments:

QUIZ 2, DUE NOVEMBER 8 at 11:59PM

WEEK 11 (Nov. 9) INTELLECTUAL PROPERTY

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 14

Additional Reading:

[C-SPAN interviews, Campbell v. Acuff-Rose \(“2 Live Crew”\) case](#)

Lectures:

Trademark and Copyright

Fair Use

Copyright Infringement

Assignments:

CASE BRIEF 2, DUE NOVEMBER 15th at 11:59PM

WEEK 12 (Nov. 16) COMMERCIAL SPEECH

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 15

Lectures:

Commercial Speech

Regulating Advertising

WEEK 13 (Nov. 23) OBSCENITY / INDECENCY

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 13

Lectures:

Obscenity Law

Regulating Sexual Content

Assignments:

BLOG POST 2, DUE NOVEMBER 29th at 11:59PM

WEEK 14 (Nov. 30) BROADCASTING / ONLINE

Textbook Readings:

Calvert/Kozlowski/Silver, Chapter 16

Lectures:

Telecommunications Regulation

Regulating Broadcast Content

Assignments:

QUIZ 3, due DECEMBER 9th at 11:59PM

WEEK 15 (Dec. 6) WRAP-UP / FINAL

Assignments:

QUIZ 3, due DECEMBER 9th at 11:59PM

FINAL PAPER: Due by 11:59PM on DECEMBER 16th at 11:59PM.

Go Gators!