



JOUR 338 Media Law, Spring 2018
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Office Hours: MW (PAC) 12:30-1:30 pm & 3:30 – 4:30 pm
(JOUR) TR 12:45 – 1:45 & Tues. 3:15 – 4:00 pm

BASIC COURSE INFORMATION

Required Text: *Mass Media Law*, 19th ed., Pember & Calvert.
eBook link and chapter by chapter study guide link at tonydemars.com and listed below

Course Description: “A study of the First Amendment and the significant legal decisions affecting print, broadcast, and interactive media. Particular attention is focused on Supreme Court decisions. Prerequisite: Junior standing or permission of instructor.”

Student Learning Outcomes--Through required textbook reading, instruction and projects:

- To examine the historical background of and the development of freedom of expression and the limitations that have been imposed upon those freedoms, with attention focused on free speech and a free press
- To examine the contemporary and ongoing issues in media law that affect free expression in the United States
- To build a foundation of sources of law and how to interpret these within media law
- To give the student a foundation in mass communication law that he or she can use in entering the various fields of mass communication

COURSE REQUIREMENTS

- Students without JOUR 1307 or RTV 1335 may not be enrolled in this class. Overcoming deficiencies from lack of learning in previous classes is your responsibility.

GRADES:

Your final course grade will be based on:

1. Four tests, 150 points each for a total of 600 points.
2. Four take-home question assignments, 100 points each for a total of 400 points.

GRADING SCALE: A = 900-1000 points B = 800-899 points C = 700-799 points
D = 600-699 points F = 599 points or less. **WARNING:** It is not my practice to round up.
There is no curve. The inflation of your grade beyond what you earn comes from the dropped grades. Take home questions are not accepted for credit late. **MORE →**

TESTS:

There will be five closed book tests during the semester, four tests and a final, as listed on the course outline. Your four best grades are counted. That means you may take all five tests and drop your lowest grade, or miss one test without penalty. Each of the first four tests will cover material from the lectures and readings for that segment of the course. The fifth test, during the final exam period, will be comprehensive. Because you can skip one of the tests, no make-up tests will be given**, except for an official university function*. That means if you skip the first test and then are legitimately sick for the final, you're out of luck. Best approach is to take all the tests. If extraordinary circumstances arise, see me about it immediately. *NOTE: Advance arrangements are required to be accommodated for official university functions. Test must be taken in advance of scheduled test date.

Other grading issues: Approximately 50-75 short answer and some possible discussion questions over sections of material covered in the class, as Sectional Exams and a comprehensive Final Exam. **No make-ups for exams except for rare, unavoidable, unexpected events and only if the instructor is contacted in advance. Make-ups exams would involve fill in the blank and essay type questions. Since you may miss one test and one paper without penalty, there is no guarantee of ever being able to make up missed work, regardless of cause. Any accepted late work has significant grade penalty. For authorized university functions you must make arrangements with the instructor in advance to be allowed any make-up work. For undeclared majors and RTV majors and minors, Practicum is required to be enrolled in this class. If you are not enrolled in and receive a grade for an RTV Practicum course at the end of the semester, your course grade for JOUR 336 will be an 'F.'

TAKE-HOME QUESTIONS:

On the days marked on the schedule I will electronically (on the online course outline) give you some questions based on the material covered in recent lectures, discussions, and readings. Each assignment will include two questions. You will write a one-page answer **on each question** to be turned in at the start of class on the same day the following week in class. Repeat-Bring your assignment response to class, due at 11:00 am one week after being assigned. Late in class is late. Do not expect to have it accepted late. Your answers must be typewritten and double-spaced on a single page for each question (200-300 words). Don't write more than that; I will not read beyond the first page for each question. Use 1-inch margins, 12-point type, and Times New Roman font. Put your name, CWID, and the assignment number at the top of each page and staple them together. Do not use a title page. Do not use colored paper. No two-sided copies. Do not use exotic fonts. Do not use a paper clip. **Unstapled papers are graded then reduced by half credit.**

Some extra research beyond the textbook and the information provided in class may be necessary to write these assignments. Cite the page number of the book for information in your paper. Mention court cases when they are relevant, but by page location in the book but not with formal citations. Answer the question in your own words. The answer and writing must be your own. Cite outside sources completely. Plagiarism -- of published material or another student's work -- will be investigated in accordance with university regulations. For more on academic integrity and plagiarism, see the Academic Honesty information below.

In class discussions, you must be able to demonstrate personal knowledge of content in what you submit during class reports or discussions. Similar content in submitted papers will be evaluated for possible plagiarism.

Five question projects will be assigned during the semester. Your grade will be based on the best four assignments you turn in. You may complete all five assignments and use the four best grades, or you may complete only four and use those grades. No late work will be accepted. If special circumstances arise, talk to me as soon as possible. If you disagree with your grade on an assignment, you can ask for an explanation. The first step is to talk with the instructor within one week after the assignment is returned. If you want a formal re-evaluation of your grade considered, write a short (one paragraph to one page) explanation of why you think a higher grade is warranted. Be specific; provide evidence. If you wait longer than a week, your paper will not be reviewed. Papers cannot be rewritten for a higher grade.

ABOUT MEDIA LAW

Most students find this course to be interesting and valuable. At the same time, law can be a formidable subject. Success in this course will require considerable thought on your part, and memorization alone will be insufficient to meet the course objectives. Suggestions:

- Study your assigned readings prior to the class session at which they will be discussed. Take notes as you read, and be prepared to participate in class discussion. Your involvement in class as we discuss these will be included in your paper grade. If you remain quiet in class you will receive a lower grade.
- Take thorough notes in class. If you must miss a class, you should get notes from a friend.
- Review the materials provided online by the textbook publisher, as linked at the top of the course outline. Don't expect to do well if you skip reading along the way then try to cram for a test. Outline your notes and reading material prior to exams.

COURSE COMMUNICATION AND SUPPORT

Faculty / Student Commitment:

- To accomplish the course objectives, the instructor will be in class on time, and prepared to guide each student's learning. Students should also be in class on time, committed to benefiting from the class time by being prepared, arriving on time, and staying involved the full class time.
- If at any time you are doing your part to do well in this course, but are having difficulty, please arrange a time and speak with the instructor in his office. I cannot discuss your course status, grades or other information about your work or activities in the course just before class, during class time (including breaks), or immediately after class—nor can I discuss or respond to any of these issues via phone or e-mail.
- The keys to success in this class: Commit to learning the material we cover, read the required reading, take good notes in class and while reading, study the material as we go through it, ask questions in class about things you do not understand, and do the assigned work and turn it in on time.
- In High School and sometimes junior college, the teacher is often expected to 'bail out' students who don't keep up their responsibilities. In contrast, this is a University course,

where the professor establishes and guides criteria for the student to achieve and then assigns a grade based on graded demonstrations of learning.

COURSE AND UNIVERSITY PROCEDURES/POLICIES

Attendance and participation: Not being present for the full class from start to end means you are counted absent. See www.time.gov for the correct time—the time that shows on your watch or cell phone may not be accurate. Students arriving late are marked absent. Class begins at the scheduled starting time. Arriving late or leaving at any time, even if you return, will result in being marked absent. There are no excused or unexcused absences. Points related to attendance are based on missing in-class work as noted above, plus deductions of 10 points each time from your point total starting with the 3rd hour late / absence. Absence reports are not required for this class except as noted above. If you have an emergency reason to arrive late or leave early you should discuss this with the instructor in advance. Note: Very occasionally, an unexpected emergency break might be needed. If this occurs, feel free to quietly leave without penalty, and simply remind me to mark it at the end of that class. If you do not remind me that day, it would remain marked as an absence. You should expect to have no more than one of these per semester. A major component of the Daily Grade is the instructor's subjective assessment of each student's involvement and contribution during class times--affected by but not limited to such issues as newscast work, violating stated course policies, any inappropriate talking during class—including production times, disrupting class, late arrival, and not taking notes in class. Children or other guests are not allowed in classes.

IMPORTANT: STUDENTS WHO MISS MORE THAN SIX CLASSES MAY FAIL AUTOMATICALLY OR BE DROPPED FROM THE COURSE.

UNIVERSITY ATTENDANCE POLICY 13.99.99.R0.01 Class Attendance – “Students are responsible for learning about and complying with the attendance policy stated in the catalog, Student’s Guidebook, and/or faculty syllabus. Faculty members will provide details on requirements and guidelines for attendance in their classes in their course syllabi.”

Students are responsible for reviewing remaining university attendance policy elements.

Academic Honesty: If you turn in work that is plagiarized, or take any action that violates TAMU-Commerce Academic Honesty policies, you will fail the course. All TAMU-Commerce students are responsible for knowing the standards of academic honesty. Please refer to the Student’s Guide Handbook for the University Academic Honesty Policy.

Plagiarism is the use of someone else’s work as your own and/or not crediting others’ work. Work submitted will be checked via an Internet search including www.turnitin.com for each submission. Using work you did not create or having someone else do any of your work violates Academic Honesty guidelines. Someone else writing, shooting or editing for you is plagiarism,

Courtesy Rules regarding Cell Phone and Computer Use

Cell phones: As a courtesy to your teacher and to your classmates, please make sure at the beginning of each class period that your cell phones are silenced and put away. Any texting or similar behavior in taking out your phone without explicit advance approval during class

will result in you being counted absent for the day and loss of 100 points to your course grade each time. **Laptops and tablets** may only be used in class on days we will need to work on computers.

I will let you know ahead of time what days you can use a laptop or tablet. All other days, you should take notes by hand. Studies show that students who take notes by hand remember more and have a deeper understanding of the material than students who use a computer to take notes.

No use of any electronic device during class. Any electronic device (computer, cell phone, iPod, iPad, etc.) brought to class must be turned off and stored off your desktop during class. Each time you check your phone, your phone rings, you check or send a text, you load a web page, or any other activity that has not been approved, up to 100 points is subject to being deducted from your grade. **Students are expected** to keep up with assigned reading and be prepared to answer questions in class--be sure you have done all required reading by the date noted on the course outline.

Behavior: “Students are expected at all times to recognize constituted authority, to conform to the ordinary rules of good conduct, to be truthful, to respect the rights of others, to protect private and public property, and to make the best use of their time toward an education.” -- Texas A&M University System Student Rights and Obligations

“All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment.” (See Student’s Guide Handbook, Policies and Procedures, Conduct) -- Texas A&M University-Commerce Procedures, 12.01.99.R0.05 Guidelines for Content and Distribution of Syllabi: Roles and Responsibilities of Faculty

Anyone who persists in disruptive behavior will be permanently removed from class.

A few other words and restatements on classroom behavior:

- No leaving during class, unless ill. Go to the bathroom and/or get a drink before class.
- Take notes. You will need these to have content to study for tests. You may bring drinks or food into class, but use good manners while eating or drinking, and remove all trash when you leave. You **MAY NOT** have food or drinks in the editing rooms or during TV studio productions at any time. You will receive a 100 point course grade reduction for each instance of violating this policy.
- Read assigned readings in advance. Be prepared to talk about them in class.

Changes to syllabus: I maintain the right to make changes as needed, in my judgment, from the stated plans contained in the syllabus for this class. Such changes will be announced to the class.

ACCOMMODATIONS FOR DISABILITIES: The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring an accommodation,

please contact: Office of Student Disability Resources and Services, Texas A&M University-Commerce, Gee Library Room 132. Phone (903) 886-5150 or (903) 886-5835. Email: StudentDisabilityServices@tamuc.edu

EARLY INTERVENTION FOR FIRST YEAR STUDENTS: Early intervention for freshmen is designed to communicate the University's interest in their success and a willingness to participate fully to help students accomplish their academic objectives. The university through faculty advisors and mentors will assist students who may be experiencing difficulty to focus on improvement and course completion. This process will allow students to be knowledgeable about their academic progress early in the semester and will provide faculty and staff with useful data for assisting students and enhancing retention. Grade reports will be mailed by the end of the sixth week of the semester.

COURSE EVALUATION APPEAL: Students with concerns regarding their courses should first address those concerns with the instructor in order to reach a resolution. Students who are unsatisfied with the outcome of that conversation or have not been able to meet individually with their instructor, whether in-person, by email, by telephone, or by another communication medium, should then schedule an appointment with the Department Head or Assistant Department Head by completing a Student Grievance Form (available in the main office, HL 141). Students should also consult University Procedure 13.99.99.R0.05 ("Student Appeal of Instructor Evaluation").

CAMPUS CONCEALED CARRY STATEMENT: Campus Concealed Carry - Texas Senate Bill - 11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in Texas A&M University-Commerce buildings only by persons who have been issued and are in possession of a Texas License to Carry a Handgun. Qualified law enforcement officers or those who are otherwise authorized to carry a concealed handgun in the State of Texas are also permitted to do so. Pursuant to Penal Code (PC) 46.035 and A&M-Commerce Rule 34.06.02.R1, license holders may not carry a concealed handgun in restricted locations. For a list of locations, please refer to (<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedure/s/34SafetyOfEmployeesAndStudents/34.06.02.R1.pdf>) and/or consult your event organizer). Pursuant to PC 46.035, the open carrying of handguns is prohibited on all A&M-Commerce campuses. Report violations to the University Police Department at 903-886-5868 or 9-1-1.

TEXTBOOK AND SUPPORT:

eBook: <https://www.vitalsource.com/products/mass-media-law-pember-don-v1259144879>
\$45 for a 90-day rental from VitalSource (Must use 19th edition).
Note the latest edition is the 20th, but is too expensive and not being used for the course.

Textbook Student Study Site:

http://highered.mheducation.com/sites/0077861426/student_view0/index.html

COURSE OUTLINE / CALENDAR – also at www.tonydemars.com

Unlike previous classes you may have had with me, nothing will be added to the online course calendar during the semester, except links will be updated at the time as assignment is due for work to begin. That means your indication of what to study will only come from your own notes taken while doing the assigned reading and from notes you should take from what is covered in class, along with the textbook online support site. That also means you must pay attention to instructions in class. For questions regarding anything you miss in class, you must meet with the professor during regular office hours. LINKS indicated in the hard copy of this document below will be found in the online outline. I will not respond to emails outside normal work hours. Most class-related communication must occur individually between the student and the instructor during scheduled office hours.

Week 1 Overview; The American Legal System Chapter 1

<http://texaspress.com/law-a-the-media-in-texas-01> and [Law & The Media in Texas](#)

Chap. 1 pdf: <https://masc4213.files.wordpress.com/2012/01/pember-calvert-chapter-1.pdf>

Week 2	The First Amendment	Chapter 2
Week 3	Contemporary Problems	Chapter 3
Week 4	Test 1 / Libel (Paper 1 assigned)	Chapter 4
Week 5	Libel (Paper 1 due Thurs.)	Chaps. 5 & 6
Week 6	Privacy	Chapter 7
Week 7	Privacy (Paper 2 assigned)	Chapter 8
Week 8	TEST 2; Newsgathering: Records/Meetings (Paper 2 due Thursday)	Chapter 9
Week 9	Newsgathering: Sources/Contempt Power	Chapter 10
Week 10	Free Press/Fair Trial (Paper 3 assigned) Trial Remedies, Closed Trials	Chaps. 11 & 12
Week 11	TEST 3 / Obscenity (Paper 3 due Thursday)	Chapter 13
Week 12	Obscenity (Paper 4 assigned)	
Week 13	Creative Property/Copyright (Paper 4 due Thursday)	Chapter 14
Week 14	Commercial Speech/Advt. Regulation (Paper 5 assigned Tuesday)	Chapter 15
Week 15	TEST 4 / Telecomm. Regulation (Paper 5 due Tuesday)	Chapter 16

Finals Week: COMPREHENSIVE FINAL EXAM Tues. May 8, 10:30 am