

JOU 4771-600 Communication Law
Fall 2020 • Online delivery thanks to COVID-19

Professor: Dr. Lola Burnham

Office: Buzzard 1835 (inside Student Publications newsroom)

Office hours: By appointment. Contact me through email, and we will arrange a Zoom conference as needed. Should the situation with COVID-19 improve, we may be able to meet in person at some point.

Email: laburnham@eiu.edu

Email is the best way to contact me. Use your Panthermail account. Please put "JOU 4771" in the subject line each time. I will reply within 24 hours Monday through Friday. I usually do not check email on the weekends.) I will also use Panthermail to communicate with you individually or as a class so remember to check your Panthermail frequently.

Telephone: 581-7143 (office)

There are issues with my voice mail not showing up on my office phone. Email is the best way to contact me.

Course description (from the university catalog):

The study of the history and development of media law in the United States. Major emphasis will be placed on speech and press theories, libel, invasion of privacy, copyright, broadcast and advertising regulation, access to government records and meetings, access to court proceedings, and legal rights and limitations of new media.

Prerequisites & Notes: Junior standing

Credits: 3

Course objectives

(from the original course proposal, as required by the university's syllabus policy):

- To study the history and development of the free speech and free press clauses of the First Amendment and their incorporation into the 14th Amendment
- To study how courts have interpreted the First Amendment in relation to such issues as prior restraint, advocacy of violence or law violation, fighting words, commercial speech, obscenity and indecency, time, place and manner regulations, and access to court proceedings
- To study all aspects of libel, invasion of privacy and other tort actions that impact the work of journalists
- To study the role of the Federal Communications Commission in regulating broadcasting and cable
- To study and apply the Illinois Open Meetings Act and the Illinois Freedom of Information Act, along with other state and federal access statutes.
- To study the basics of copyright law and how the law applies to journalists.

Speaking practically, those mean that students who successfully complete this course will be able to:

- demonstrate an understanding of the history and development of the free speech and free press clauses of the First Amendment and their incorporation into the 14th Amendment;
- demonstrate an understanding of how courts have interpreted the First Amendment in relation to such issues as prior restraint, advocacy of violence or law violation, fighting words, commercial speech, obscenity and indecency, access to court proceedings, and time, place and manner regulations;
- demonstrate an understanding of libel, invasion of privacy and other tort actions that affect the work of journalists;
- demonstrate an understanding of the role of the Federal Communications Commission in regulating broadcasting and cable;
- demonstrate the ability to apply the Illinois Open Meetings Act and the Illinois Freedom of Information Act, along with other state and federal access statutes;
- demonstrate an understanding of the basics of copyright law and how the law applies to journalists;

- demonstrate critical thinking skills in analyzing journalistic legal issues.

University learning goals

This class fosters the following of the university's general education learning goals: critical thinking, writing and critical reading, listening, and responsible citizenship.

Text:

Mass Media Law (21st edition), Clay Calvert, Dan V. Kozlowski, and Derigan Silver.

Academic integrity:

Students are expected to maintain principles of academic integrity and conduct as defined in EIU's Code of Conduct (<http://www.eiu.edu/judicial/studentconductcode.php>). Violations will be reported to the Office of Student Accountability & Supports.

Students with disabilities:

If you are a student with a documented disability in need of accommodations to fully participate in this class, please contact the Office of Student Disability Services (OSDS). All accommodations must be approved through the OSDS. Please stop by McAfee Gym, Room 1210, or call 217-581-6583 to make an appointment.

The Student Success Center:

Students who are having difficulty achieving their academic goals are encouraged to contact the Student Success Center (www.eiu.edu/success) for assistance with time management, test taking, note taking, avoiding procrastination, setting goals, and other skills to support academic achievement. The Student Success Center provides individualized consultations. To make an appointment, call 217-581-6696, or go to McAfee Gym, Room 1301.

Teaching format and technology requirements:

This is a technology-delivered course taught entirely through the D2L platform. You should not need any specialized technological skills, software or hardware to successfully complete this course. It will consist mainly of assignments completed through the D2L interface (such as an online exam) or through Microsoft Word. You will need a device capable of opening Adobe Acrobat PDFs, Microsoft Word documents, PowerPoints and videos. Remember that there are computers available at Booth Library for student use even during this pandemic.

Technology support:

If you need assistance with D2L, call D2L Support toll free at 1-877-325-7778. Support is available 24 hours a day, seven days a week. Email and Chat options are also available on the "My Home" page after logging in to D2L. Other D2L resources, including a D2L Orientation course for students, are available on the "My Home" page. If you are experiencing less than optimal D2L Brightspace performance, review the D2L Brightspace Performance Checklist to assess the issue.

For technical questions regarding other software, hardware, network issues, EIU NetID/password, or Panthermail, contact the ITS Helpdesk at 217-581-4357 during regular business hours or submit a help ticket at <https://techsupport.eiu.edu/>. If you have a question regarding course contact, contact me.

CLASS POLICIES:

1. Your continued enrollment in this class means you agree to abide by the class policies stated in this syllabus. I reserve the right to alter or add to the syllabus as needed to address any issues that arise in D2L or with homework assignments.
2. I add to the "academic integrity" section above: Any act of academic dishonesty committed in this course will earn the student an F for the course and will be reported to the Office of Student Accountability & Supports. It is academically dishonest to: claim the work of others as your own work

or fail to identify accurately the work of others when used in your own work, cheat on examinations or assignments, copy from the exams, quizzes or assignments of other students or knowingly assist another student in committing an act of academic dishonesty.

3. Deadlines: Late work will not be accepted.

4. Email contact: When you contact me by email, I will reply as soon as possible. However, you should not expect a response to any email sent after 4:30 p.m. until the next day or until Monday if sent after 4:30 p.m. Friday or on Saturday or Sunday. As with everything you do related to this class, you should be professional and courteous when writing emails.

5. Missed assignments: The best piece of advice I can give you is to keep up with reading assignments and watching the accompanying videos. I understand that it is easy to put off work in an online course, but thither disaster lies. It is much easier to keep up than to catch up.

As stated above, I do not accept late work. Now, obviously, we are living through interesting times so if you become ill, please contact me as soon as possible to let me know so that I can make accommodations for late work. Obviously, if you are isolating or quarantining but do not require hospitalization, you should be able to keep up with online course work. But let me know if something happens that prevents you from doing this.

6. Grades: I do not curve grades.

Grading scale: A = 90 - 100%
B = 80 - 89%

C = 70 - 79%
D = 60 - 69%

F = 59% or below

IMPORTANT: Two keys to this class:

I have high expectations for my students, but the first key to this class is simple. If you begin to have problems completing assignments, talk to me when the problems begin. Don't wait until you have missed multiple assignments or most of the semester to talk to me. I will work with you to help you over whatever roadblock you're facing, but only if you're responsible and begin working on it before the makeup work becomes overwhelming for you and me.

The second key is equally simple. In discussion posts or when contacting me outside class, I expect you to maintain a professional and courteous attitude. Everyone, whether students or faculty, should be treated with courtesy and respect. The only thing I will not tolerate in this class is intolerance. We have occasion to discuss sensitive topics in this class. Please remember that sarcasm or humor often get lost in translation when read online with no facial expression or other visual cues. Think of the writing you do in this class as practice for your future career and write accordingly.

Assignments:

Small assignments (10 pts. each)	100 pts.
Four writing assignments (25 pts. each)	100 pts.
10 "weekly" discussion assignments (20 pts. each)	200 pts.
1 "introduction" post	10 pts.
First Amendment issues paper	100 pts.
3 unit exams (100 pts. each)	300 pts.
Total	810 pts.

What are these?

- **Small assignments** are like open-book quizzes. Questions will be taken from reading or video materials. These will be short-answer type questions, perhaps some multiple choice or true-false, definitions, fact recitations. They are intended to reinforce the high points of what you are learning. We will end up doing anywhere from 13 to 15 small assignments, but only your top 10 scores will count toward your final grade.
- **Writing assignments** will each require you to analyze an issue and tell me how you think the courts should handle it. These are intended as a way to get you started thinking about legal writing in preparation for writing your issues paper. The writing assignments may be pulled from precedents we study or from current news events.

- **“Weekly” discussion assignments** will require you to answer a question using what you have learned about a particular issue in communication law thus far. I put “weekly” in quotation marks because you will notice that although there are 15 weeks of classes, I am only going to assign 10 of these. These will require you to make an original post to answer my question (15 points) and to respond to at least one of your classmates’ posts (5 points).
- The **introduction post** will require you to write a brief post about yourself and what you are interested in learning about the First Amendment and communication law issues.
- The **First Amendment issues paper** is just that. You will find a current news event that involves some question of communication law, research it and then write a prescription for how you think the courts should resolve the issue. Most law review writing involves analyzing an issue, giving pertinent history and then either critiquing a court’s decision or telling a court how it should decide. The paper is due in steps throughout the semester to ensure success in writing it. The paper will be due during finals week in lieu of a comprehensive final exam.
- **Three unit exams** will be given. See the assignment schedule for when these will take place.

Important dates/TENTATIVE topic schedule:

Because of the late decision to go online with this class, I am sticking to the dates that we would have met in person had the class remained in face-to-face delivery. I will list reading assignments in D2L each week under our weekly modules.

Date	Topic	Reading assignment
1. Aug. 25	Intro to class	
2. Aug. 27	The American legal system	Calvert 1-37
3. Sept. 1	The American legal system cont.	Calvert 1-37
4. Sept. 3	Introduction to First and 14th Amendments	Calvert 40-58; 77
5. Sept. 8	Incitement and the First Amendment	Calvert 59-71
6. Sept. 10	Prior restraint Near v. Minnesota	Calvert 73-85 Handout
7. Sept. 15	Fighting words and hostile audiences Cohen v. California	Calvert 127-137 Handout (court opinion)
8. Sept. 17	Time, place and manner restrictions	Calvert 113-127
9. Sept. 22	The First Amendment in schools	Calvert 88-113
10. Sept. 24	Speech Rights of Student Journalists Act College Campus Press Act	Handout Handout
11. Sept. 29	Exam #1	
12. Oct. 1	Broadcast regulation	Calvert 643-688
13. Oct. 6	More broadcast regulation Miami Herald Publishing Co. v. Tornillo	Handout
14. Oct. 8	The law and the Internet Reno v. ACLU Issues Paper Step 1 due	Calvert 141-145; 688-698 Handout

15. Oct. 13	The elements of libel	Calvert 148-179
16. Oct. 15	Fault Public officials/figures & private individuals New York Times v. Sullivan Issues Paper Step 2 due	Calvert 181-201 Handouts (inc. case brief)
17. Oct. 20	Fault, negligence and actual malice More public vs. private Gertz v. Welch Troman v. Wood	Calvert 202-212 Handout Handout
18. Oct. 22	Libel defenses	Calvert 220-250
19. Oct. 27	Invasion of privacy and appropriation	Calvert 254-284
20. Oct. 29	Intrusion	Calvert 285-297
21. Nov. 3	Exam #2	
22. Nov. 5	Issues with Reporting News gathering Federal Government in Sunshine Act Illinois Open Meetings Act Issues Paper Step 3 due	Calvert 330-350; 387-394 Handout Handout
23. Nov. 10	Federal Freedom of Information Act Illinois Freedom of Information Act	Handout Handout
24. Nov. 12	Reporter's privilege Illinois Reporter's Privilege Act	Calvert 398-441 Handout
25. Nov. 17	Non-traditional torts Cameras in the courtroom Recording/Eavesdropping in Illinois Other reporting issues	Handout Handout Handout
26. Nov. 19	Free press v. fair trial Issues Paper Step 4 due	Calvert 443-467
Nov. 24 & 26	Thanksgiving break	
27. Dec. 1	Free press v. fair trial cont. Richmond Newspapers v. Virginia	Calvert 469-498 Handout
28. Dec. 3	Copyright & immaterial property	Calvert 532-556 Handouts
29. Dec. 8	Copyright: Fair Use	556-570 Handout
30. Dec. 10	Exam #3	
31. Dec. 15	Issues paper due at 11:59 p.m.	