

JOU 4771-001 Communication Law

Spring 2019 • 9:30 – 10:45 a.m. Tues/Thurs • Buzzard 2442

Professor: Dr. Lola Burnham

Office: Buzzard 1835 (inside Student Publications newsroom)

Office hours: 9:30 – 11 a.m. Mon & Wed / 1 – 2 p.m. Tue

Telephone: 581-7143 (office)

Email: laburnham@eiu.edu

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.

Texts:

Mass Media Law (19th edition), Don R. Pember and Clay Calvert
Media Law in Illinois: A Reporter's Handbook, James A. Tidwell

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 Standards.

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 Ninth Street Hall, Room 2006, 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 Ninth Street Hall, Room 1302.

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 the classroom or with homework assignments.
2. I add to the "academic integrity" section above: Any act of academic dishonesty committed in class or on homework will earn the student an F for the course and will be reported to the Office of Student Standards. 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. Leaving class: Don't do it. Take care of business before class so you can focus on class while you're here. As you will see in the attendance section, your attendance grade will be docked 10 points if you leave class before it is over.
5. You may not record this class.
6. 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.
7. Cell phones/laptops/electronics:
Turn off and put away your cell phone, laptop, tablet and other electronic devices before the start of class. Silence and ignore your smart watch.
The first time your phone rings in class, I will note your name. Should your phone ring on any subsequent occasions, you will be told to leave the class.
Any student who sends or receives text messages during class will be told to leave class immediately. Anyone seen checking a smart watch will also be told to leave.
You may not use class time to surf the Web, check your email or chat with your friends. You may not listen to music during class. Take your earbuds out of your ears or take your headphones off.
Because more and more studies are showing that students absorb and retain more information when taking notes by hand, you may not use your laptop or tablet to take notes during class without discussing it with me first.

8. Tardiness: Class begins promptly at 9:30 a.m. I expect you to be here by then. If you are late, 10 points will be docked from your attendance grade.

9. Attendance and missed assignments:

Class attendance is important because you probably will come across many concepts in your reading assignments that will require explanation. History has shown that students who do not attend this class, who don't pay attention in class and who don't take notes on readings and lectures do not pass the course.

So, you are expected to attend class meetings as scheduled unless prevented by official university activity, emergency or serious illness. If you are absent from class, for whatever reason, you are responsible for the material covered in your absence. If an assignment is due on a day you miss class, the assignment will not be graded even if emailed or dropped off in my mailbox.

- * Each student begins the semester with 100 points for attendance.

- * Each time you miss class for whatever reason, you lose 10 points.

- * If you are late to class, you lose 10 points.

- * If you leave during class, even for a few minutes, you lose 10 points.

Leaving class and being tardy are disruptive to your fellow students and to me.

If you do encounter a serious illness or a legitimate emergency, contact me as soon as possible to make arrangements. I will require proof of illness/emergency from the date of the illness/emergency before allowing makeup work. Once an assignment is handed back to the class, it is not eligible to be made up. Makeup work must be turned in by the deadline I set.

I am the final arbiter over whether an absence will be excused. A medical excuse is not automatic.

If attendance issues become routine, I will probably advise you to drop the class.

10. Class participation counts heavily in your favor in cases where a final grade is borderline. It's not enough just to attend class; you must participate.

11. 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 strictly enforce my cell phone/electronics and attendance policies. I also 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 class(es), an assignment 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. When in class or when contacting me outside class, I expect you to maintain a professional and courteous attitude. While I try to foster a casual atmosphere in class, it is also a respectful atmosphere in that everyone in class, whether students or faculty, should be treated with courtesy and respect. The only thing I will not tolerate in this class is intolerance.

Assignments:

Attendance	100 pts.
Small assignments (10 pts. each)	100 pts.
First Amendment issues paper	100 pts.
2 unit exams (100 pts. each)	200 pts.
Comprehensive final exam	200 pts.
Total	700 pts.

Assignment schedule on next page.

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Spring 2019 schedule of reading assignments, paper deadlines and exams

Important dates/TENTATIVE topic schedule:

We will probably abandon this as soon as we begin because I like to spend more (or less) time on a topic given the interests and effort of the students in the class. This varies from semester to semester.

Date	Topic	Reading assignment
1. Jan. 8	Intro to class	
2. Jan. 10	The American legal system	Pember 1-34
3. Jan. 15	The American legal system cont.	Pember 1-34
4. Jan. 17	Introduction to First and 14th Amendments	Pember 36-54
5. Jan. 22	Incitement and the First Amendment	Pember 54-74
6. Jan. 24	Prior restraint Near v. Minnesota	Pember 74-81 Handout
7. Jan. 29	Fighting words and hostile audiences Cohen v. California	Pember 124-132 Handout (court opinion)
8. Jan. 31	Time, place and manner restrictions	Pember 111-123
9. Feb. 5	The First Amendment in schools Speech Rights of Student Journalists Act College Campus Press Act	Pember 84-110 Handout Handout
10. Feb. 7	Wrap up/catch up/review for Exam #1	
11. Feb. 12	Exam #1	
12. Feb. 14	Broadcast regulation	Pember 640-675
13. Feb. 19	Wrap up broadcast regulation; access to media Miami Herald Publishing Co. v. Tornillo	Handout
14. Feb. 21	The law and new technologies Reno v. ACLU Issues Paper Step 1 due	Pember 675-685 Handout
15. Feb. 26	Elements of libel	Pember 150-174
16. Feb. 28	Public officials/figures & private individuals New York Times v. Sullivan Issues Paper Step 2 due	Pember 175-187 Handouts (inc. court opinion)
17. March 5	More public vs. private Gertz v. Welch Troman v. Wood Fault, negligence and actual malice	Pember 194-197 Handout Handout Pember 197-209

18. March 7	Libel defenses	Pember 220-231, 239-243
March 12 & 14	Spring break	
19. March 19	Invasion of privacy/appropriation	TBA
20. March 21	Wrap up/catch up/review for exam #2	
21. March 26	Exam #2	
22. March 28	Illinois Open Meetings Act	Handout
23. April 2	Illinois Freedom of Information Act	Handout
24. April 4	Reporter's privilege Illinois Reporter's Privilege Act	Pember Chap. 10 Handout
25. April 9	Non-traditional torts Cameras in the courtroom Recording/Eavesdropping in Illinois Other reporting issues	Handout Handout Handout
26. April 11	Free press v. fair trial Issues Paper Step 3 due	Pember Chap. 11
27. April 16	Free press v. fair trial cont. Richmond Newspapers v. Virginia	Pember 467-474, 477-487 Casebook 60-68
28. April 18	Copyright Issues Paper Step 4 due	TBA
29. April 23	Copyright cont.	TBA
30. April 25	Wrap up/catch up/review for final exam Issues Paper due	

Final exam is at 10:15 a.m. Monday, April 29.