



MEDIA LAW
COM 416 WI | FALL 2024
DR. BRIAN CARROLL

MWF 12-12:50PM
LAU 113

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." --The First Amendment of the U.S. Constitution

Catalog Course Description

Constitutional and legislative foundations of freedom of speech and press, with special emphasis on the law of privacy, libel, censorship, access, and broadcast regulation. PR: RHW 102. CR or PR: COM 220 or CI.

Introduction and Purpose

We will examine the delicate balance that exists between freedom and control of media in the United States. The First Amendment of the U.S. Constitution is the major guarantee of freedom of expression. Because the courts, especially the U.S. Supreme Court, are ultimately responsible for interpreting the First Amendment and maintaining the balance between freedom and control, our study will focus on judicial decisions and reasoning. It is essential to recognize, though, that other very significant sources of press freedoms and controls exist. Therefore, we also will consider other factors that influence the balance between freedom and control of mediated communication, including statutory law, executive and administrative actions, and ethical concerns.

Learning outcomes

By successful completion of this course, students will:

- Develop an understanding of and appreciation for the First Amendment by studying related theory and law
- Develop knowledge of legal constraints on reporting, information gathering and publishing
- Develop analytical skills and judgment through case study and research
- Become familiar with landmark cases in communication legal history and understand how they relate to modern practice
- Gain an understanding of the status of American press and expression freedoms
- Better understand how media technologies pose new questions for the law

What you will need (required): Smith, Carlson, Coyle, Ross, and Reynolds. *Trager's The Law of Journalism & Mass Communication*, 8th edition (Sage)

What you may want (not required):

- Index cards, for case summaries
- *Black's Law Dictionary*
- *Blue Book of Law Citation*
- *Law of the Student Press*

- Anthony Lewis, *Freedom for the Thought That We Hate*
- Gregory C. Lisby, *Mass Communication Law in Georgia* (New Forums Press)
- Ian Rosenberg, *The Fight for Free Speech: Ten Cases That Define Our First Amendment Freedoms*

Stuff you need to know:

Instructor: Dr. Brian Carroll

Office location: Laughlin 100

Office phone: 706.368.6944 (anytime)

Email: bc@berry.edu

Home page: <http://cubanxgiants.berry.edu>

Blog: <http://wanderingrocks.wordpress.com>

Office hours: MWF 1-4pm, Tuesdays 10am-2pm, by appointment, or just drop by

Course Calendar and Online Syllabus

The course website, which includes the information in this syllabus and presents the course calendar week by week is here: <http://cubanxgiants.berry.edu/416>. Any changes to our calendar/schedule, including deadlines, will be indicated on this webpage, so frequently, regularly refer to it.

Methods of Instruction

This class will combine lecture with discussion, lecture, research, and writing, including a writer's workshop. You should read the assigned chapters and cases *before* you come to class in order to be prepared to participate in discussion. You will also conduct independent research and write a sustained legal argument on a communication topic of your choosing. Please note that for each credit hour of registered coursework, Berry expects students to commit two hours of outside engaged learning (readings, safaris, projects, etc.). Because this is a three-credit hour course, successful students should expect to spend three hours per week in-class and a minimum of six hours of class engaging in learning activities and studying.

Policies

- **Attendance:** Be on time, just as you would for a job, surgery, or even a haircut. Everyone gets one unexcused absence or late arrival, maybe two, with no questions asked. Stuff happens. After that, unexcused and/or unexplained absences and/or lateness will result in point deductions from the "professionalism and participation" portion of your grade -- **one point for each unexcused absence and/or late arrival**. And late is late – one minute or ten minutes. It's binary. What is excused is at the instructor's discretion, so you are best served discussing situations and extraordinary circumstances prior to class whenever possible. Medical attention typically is excused. Weddings, family reunions, vacations, job interviews, grad school visits, Winshape retreats, your roommate's birthday? These are NOT typically excused. Save your free passes for these non-academic excursions.

- **Late submissions (deadlines):** Submit assigned work on time, printed out for grading, and submit this work in person. Do not email the professor your work; your professor does not offer a printing service. Similarly, posting your assignment somewhere in Canvas will not “count” as making deadline. Late work, including any work submitted any other way than that which is authorized, will be penalized one letter grade per class session. Work submitted a week or more after deadline will not be eligible for points. In-class quizzes cannot be made up, regardless of the reason it was missed. The instructor is very reasonable when consulted PRIOR TO deadlines. Finally, please appreciate that deadlines are also for instructors, so that we can move on, as well. In short, deadlines are real, they are our friends, and they will be enforced.

- **Email etiquette:** Related to the above, when emailing your instructor, please keep in mind that he is a person, not a vending machine for information, grades, etc. Begin each and every email with an address and a greeting, something like, “Dear Dr. Carroll. I hope this finds you well.” It’s courteous, and it doesn’t take much time to write. It’s also polite to thank someone for whatever was provided in response to your request. Speaking of email, it is the authorized communication channel for faculty and students at Berry, so you are responsible for checking your email and promptly responding to your instructors as needed.

- **Distractions:** The instructor needs your attention and your respect, as do your peers seated near or around you. Your instructor is easily distracted, so he needs your help. Practically, this means:
 - ZERO unauthorized device use of any kind, including laptops, iPads, smartphones, and Apple watches. Put your devices away and make sure they are either off or on ‘silent.’ Use a device, even an Apple watch to check a text, and you will be marked as having been “absent” for that class session.
 - Doing homework for other classes somewhere else.
 - Avoiding the zipping up of backpacks and clearing off of desks prior to being dismissed.
 - Avoiding repetitive noisemaking, such as clicking pens, crinkling food wrappers, and clanging water bottles.

- **Decorum:** Related to the distractions described above, please remember that the classroom is the professor’s workspace and our shared learning space. It’s not your living room or den, in other words. You cannot, therefore, disappear with your phone into the restroom for 20 minutes whenever you might like. Getting up, leaving, using the door, returning, occasionally tripping over someone’s backpack and/or spilling their beverage – all of this distracts and interrupts. So, go the bathroom BEFORE you come to class. If nature calls – and I mean SCREAMS – ask for permission to (briefly) exit the classroom. Leave your phone behind. Students are permitted one or two “emergencies” during the semester, but deductions will be made from your professionalism and participation grade for chronic bathroom escapes or their equivalents.

- Academic integrity:** Because academic integrity is the foundation of college life at Berry, academic dishonesty will have consequences. You are invited to consult the College Catalog for an articulation of the College’s policies with respect to academic integrity. Specific to this course, academic dishonesty includes but is not limited to: unauthorized collaboration, fabrication, submitting the same work in multiple courses, hiring a ghostwriter, asking an AI generator to write something for you that you later submit, failing to cite sources for your research (and, therefore, submitting others’ work as your own), consulting non-authorized sources or texts during an exam period, and aiding and abetting academic dishonesty by another student. Violations will be reported. Students who are sanctioned for violating the academic integrity policy forfeit the right to withdraw from the class with a grade of “W.” Attached to this syllabus is the pledge of academic integrity you will be asked to sign for most major assignments.
- Class recording (Zoom):** Per Berry policy, students are required to attend class in-person. Classes will not be available for remote learning, at least not regularly or without advance warning and authorization. Any recordings will only be available to students registered for this class and cannot be re-transmitted, distributed, or otherwise shared without the expressed, written consent of the instructor, who owns the copyright to the intellectual property contained in or by the recording.

How you will be graded (assessment measures):

Two exams	25% each
Research paper and all of its component parts	40% (see breakdown of parts below)
Professionalism & participation	10%
Total	100%

Course assignments

Exams: The types of questions on exams vary quite a bit, drawing upon multiple choice, short answer, matching, and essay questions. More clarity about just what sort of exam you will be administered will be provided closer to those examination dates. A study guide likely will be provided.

Research paper: Students will choose a media-related law topic, typically a case that has not (yet) been decided by the U. S. Supreme Court. Students will argue one side or the other, however in this course we are champions of the First Amendment, the bedrock of democracy and of a free press. Students will need to read the actual court documents; these are the primary sources. Students will base arguments on research found in peer-reviewed law journals and law reviews. This paper will, therefore, be persuasive in nature, demonstrating research in support of a legal position on a media-, privacy-, or Frist Amendment-related legal issue.

The paper should be typed in 12-point Times New Roman, with double-line spacing and a length of about 10-15 pages, not including “extras” (title page, bibliography, exhibits, etc.). Style guidelines will be discussed in class, but generally the style selected is up to the author. Your topic and argument must be approved by the professor. This is to

protect you. A full bibliography must accompany the paper or the paper will not be graded. Copies of the full peer-reviewed articles might be requested, as well. All paper submissions must be accompanied by a TurnItIn report, available via Canvas, which includes a check on the use of artificial intelligence, including chatGPT, Bard, and their equivalents. Keep in mind that Grammarly deploys AI technology, so TurnItIn will flag uses of that software. Examples of each and every component of this research and writing project are posted on the course website.

Breakdown of research paper project:

- Topic Submission & paper title 10 points
- Detailed outline with research question 10
- Tentative bibliography 15
- Smooth draft writing workshop 15
- Final submitted paper 50

Total 100 points

Your final point total (X/100) will be multiplied by .40 to yield the 40 percent component of your final course grade. For participation and citizenship, refer to the policies section above. In sum, you retain all 15 final grade points for this dimension or element by attending class on time and being professional, civil, and respectful, which is to say, by avoiding absences, lateness, unprofessionalism, incivility, and disrespect. Participate in class discussions and activities. To compute your final grade, add up your point totals, apply the appropriate percentages, then refer to the Communication department suggested grading system, summarized here:

A = 93-100	A-= 90-92	B+=88-89	B=83-87
B- = 80-82	C+= 78-79	C=73-77	C-=70-72
D+= 60-69	F=59 and below		

Definitions of the grades can be found in the Berry College Catalog. “A” students will demonstrate an outstanding mastery of course material and will perform **far above** that required for credit in the course and **far above** that usually seen in the course. The “A” grade should be awarded sparingly and should identify student performance that is relatively unusual in the course.

Accommodation Statement & Academic Resources

The Academic Success Center provides accessibility resources, including academic accommodations, to students with diagnosed differences and/or disabilities. If you need accommodations for this or other classes, please visit berry.edu/asc for information and resources. You may also reach out at 706-233-40480. Please note, faculty are not required, as part of any temporary or long-term accommodation, to distribute recordings of class sessions.

Consultants at the Berry College Writing Center are available to assist students with all stages of the writing process. To schedule an appointment, visit berry.mywconline.com

The Academic Success Center provides free peer tutoring and individual academic consultations to all Berry College students. The ASC Session schedule is available on ASC Website: berry.edu/ASC. The goal of these meetings is to help students study smarter, not harder.

Pledge of Academic Integrity (to be submitted with all substantive assignments)

As a member of the Berry College academic community, I recognize the importance of honesty, integrity, and respect for knowledge in all academic endeavors. I hereby pledge to uphold the following principles of academic integrity:

1. **Honesty:** I will be truthful in all my academic pursuits, including coursework, exams, research, and any other academic activities.
2. **Originality:** I will submit only my original work, ideas, and creations, acknowledging and appropriately citing the contributions of others.
3. **Attribution:** I will give proper credit to all sources used in my academic work, whether they are written, visual, oral, or electronic.
4. **Independence:** I will complete all assignments and exams on my own, unless expressly permitted to collaborate with others by the instructor.
5. **Respect:** I will respect the intellectual property rights of others, including copyright and fair use principles, in all academic materials.
6. **Ethical Use of Technology:** I will not use AI or software that employ it (ChatGPT and Grammarly, for ex.) without BEFORE obtaining specific authorization from my instructor. Furthermore, I will not use any software or technology to engage in academic dishonesty, including but not limited to:
 - Unauthorized assistance in completing assignments.
 - Plagiarism or other forms of intellectual dishonesty.
 - Altering or falsifying academic records or credentials.
7. **Accountability:** I understand that academic integrity is my personal responsibility, and I will accept the consequences of any violations of this pledge. These consequences likely mean earning a zero ('0') for any assignment or activity for which I violated this pledge. Depending on the degree of the infraction, I understand I could earn a failing grade for the course or even expulsion from the College. Lastly, I understand that ignorance is no defense against charges of academic dishonesty.

By affixing my signature below, I commit to upholding the principles of academic integrity and maintaining the highest standards of honesty and ethical conduct in all my academic endeavors.

Name

Date

