

MEJO 341.003
Introduction to Media Law (Ad/PR section)
Spring 2022

Instructor: Dr. Tori Smith Ekstrand
Pronouns: She/Her/Hers
Office Hours:
I'll be available right after class, but I am happy to schedule zoom time. I will make myself available. Don't hesitate to email me.
Twitter: @vekstra
Email: torismit@email.unc.edu
Linked In:
<http://www.linkedin.com/pub/victoria-tori-ekstrand/5/745/840>

Class Meets: 11 a.m. – 12:15 p.m.
Tuesdays and Thursdays
Dr. E's zoom room: <https://unc.zoom.us/j/8985782849>

Texts (required): Robert Trager et al. The Law of Journalism and Mass Communication, **Seventh Edition (2019)**. You will need the latest edition: <https://us.sagepub.com/en-us/nam/the-law-of-journalism-and-mass-communication/book259322>

Other readings will be assigned online or noted online on the lessons page of sakai.

Supplemental International Reading to List on the Syllabus:

Kyu Ho Youm, *International and Foreign Law* in ROY L. MOORE & MICHAEL D. MURRAY, *MEDIA LAW AND ETHICS* 677-730 (4th ed. 2012). This chapter will be available on our Sakai site via protected password as a library course reserve item.

Semester Philosophy

"High expectations, with flexibility and grace." I'm crediting this statement to the [principal](#) of my daughter's former high school; Principal Taylor-Simon is an amazing educator. I expect you to prepare for class and come ready to participate. But given the state of the world and the virus, we will also need to be flexible with each other. I'll talk more about this in class and more below.

Special Health Policy

Because of the ongoing COVID pandemic, please be considerate of everyone in the class and DO NOT attend class in person if you feel sick for any reason. If you're not able to attend class because of health concerns, please let me know in advance of the class session. As per the UNC directive, please wear a mask whenever you're in class, in Carroll Hall or in any University building.

Course Objectives

The study of mass communication law will help you assert your rights and avoid needless infractions of the law as a writer or media producer, particularly during a time of national polarization and low public support for media. It is an intensive overview of First Amendment case law as it relates to journalism and media information entrepreneurs. It is also designed to provoke critical thinking about ethical practice, help you understand legal reasoning and craft a legal argument. This course is designed to impart a basic understanding of how the law is made and the importance of free expression in a democracy.

Our School is accredited by the Accrediting Council on Education in Journalism and Mass Communication (ACEJMC). Among the Professional Values and Competencies for accreditation is understanding and applying the principles and our laws of freedom of speech and press in the United States, as well as having an understanding of the range of systems of freedom of expression around the world, including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances. No one course can cover all of these topics completely. Our focus in this course will be American law but the course will include selected international and foreign media law principles and the extent and role of free speech and press in other countries. The ACEJMC outlines a number of values you should be aware of and competencies you should be able to demonstrate by the time you graduate from our program. Learn more about them here:

<http://www2.ku.edu/~acejmc/PROGRAM/PRINCIPLES.SHTML#vals&comps>

No single course could possibly give you all of these values and competencies; but collectively, our classes are designed to build your abilities in each of these areas. We will focus on these:

Learning Outcomes:

- Understand the origins and theory of the First Amendment and how the law and the court systems work.
- Understand differences in approaches to free speech domestically and internationally.
- Understand concerns about censorship in a democracy and how the law protecting against prior restraint is the backbone of the First Amendment.

- Understand more advanced legal concepts such as privacy how they are contested in the age of “new” media and what those challenges look like “on the job.”
- Be able to apply legal tests to new scenarios and hypotheticals.
- Be able to read a case and identify its key components.
- Understand and appreciate that changes in First Amendment law are almost always the result of social struggle in the United States.
- Know the elements of claims we see in ad/PR, learn to avoid such claims or, alternatively, be prepared to defend oneself in the face of such claims.
- Think creatively and speak knowledgeably about how mastery of media law will help you in your career in media.

Reading

Careful and sustained reading is necessary for this course. Readings will be from the text and from readings posted online. You will receive guidance on what you should be reading in each class. Therefore, attendance is critical because reading assignments will depend on our in-class progress.

Professionalism, Attendance and Ethics

The law does not operate in a vacuum. It is shaped, studied and molded by professionals who are required to show up on time in court, at hearings, meetings and in other settings. I expect the same professionalism from you in this class. Therefore, these are the following requirements for our classroom atmosphere:

1. Who Says What in Class... Stays in Class

Recent research shows that students are participating less in class. In some cases, this is because of concerns about political polarization in the United States but also because students are concerned about what their peers may post online about what they say. I’d like for us to follow the [Chatham Rules](#) in our class. This doesn’t mean we can’t talk about what happened in class. Far from it. I want us to talk about class outside of class. But we will need to refrain from identifying who said what in class. It is HUGELY important that we establish a level of trust with each other and resist the urge to instantly cancel each other. Cancelling has its place, but it can be really destructive in a classroom and can lead to silencing and shutdown. We’ll talk more about what we want in terms of debate and discussion. You should feel free to talk, debate, and participate out loud without fear of being called out online. We should feel free to disagree. Because class will be recorded, it will be particularly important to respect the Chatham Rules. A violation of the Chatham Rules will be a violation of this syllabus, and the honor code.

2. Class Time, Attendance and Cameras

The class meets twice a week. At the time of this syllabus writing, it is unclear whether the variant will send us online.

You will have the choice to attend class in person or to listen to my recordings on zoom. That may change, obviously, if campus policy about the variant changes, and we move entirely online. I reserve the right to make changes to this policy when and if campus policy changes.

Additionally, I will schedule a few asynchronous days to give us all the break we need during this unusual time. That is, I will give us a break from in-person and/or zoom, and I will have work for you to complete on your own time.

After several classes, I will have a short set of class questions due (usually a few questions worth 5-10 points each). **This will count as your attendance.** Those who don't attend class in person can listen to the recording and then submit online. Both Tuesday and Thursday class questions will be due **each subsequent Sunday night at 11:55 p.m.** It will likely be easier to complete these questions if you attend class synchronously/in person. But they will be possible to complete using the recording.

If you don't submit them class questions and/or I don't see you, I will inquire about how you are, and I will be concerned! You will receive three absences without penalty. This means you can miss three sets of class questions without penalty. **But I wouldn't expect an "A" or "B" in the course without showing up and/or being in touch with me.** Here, I am setting high expectations for class attendance and performance.

That said, the course of virus and the course of events in the country will dictate a lot about how the semester will go. We can't really guess that right now, and we'll need to be flexible with each other, please. This is why I am eager to make contact with you and understand your situation and needs. **I can't be flexible if I don't know you. Please make the effort to know me, and I will do the same.** We'll be working on building that trust. I'll be asking you to fill out a form to help me get to know you better. I find that when we know each other more directly, when we make the effort to do that, the challenges of the virus are less frustrating. (So please reach out to me to meet on zoom some time. I don't bite.)

If we move to all online, I don't require cameras to be on. Having said that, the class is generally better when they are on; it helps me to see how the material is being received and to reach out for participation.

Because of all the uncertainty, I reserve the right to change things up as it relates to the class if it's not working for us. **But I won't do that haphazardly or without proper notice.** I'll be checking in with you to see what you think. When you are an active participant, class is so, so much better. Participating includes responding by voice/camera, but also jumping into the chat.

3. Respect and Tolerance of Viewpoints

The study of free speech requires more tolerance and understanding than the study of some other subjects. This is the case more the ever before. Indeed, there is an entire theory of the First Amendment that is based on the principle of tolerance (which has some obvious drawbacks and limitations. We don't tolerate racism in class, for instance). That said, there are and will be many political and social views in our classroom! This makes it the perfect place to talk about free speech, but it can also create tensions. Tensions are tough, especially now, but they are OK. What we don't want are tensions that escalate into "fighting words" or "speech that creates a chilling effect" on other students or certainly not "incitement." Stay tuned and we will talk more about these concepts and doctrines. We want to create an atmosphere in which students feel safe to talk and in which they feel heard, even if other students do not agree with their views.

The University is committed to fostering a diverse and inclusive academic community, and prohibiting discrimination and harassment. Please review the University policy statements on diversity and inclusivity, and prohibited harassment and discrimination, both in *The Undergraduate Bulletin 2014-2015* at <http://www.unc.edu/ugradbulletin/>. Please know that I am fully committed to fostering and enforcing these policies.

In particular, we need to understand that our classmates differ from us in race, ethnicity, gender, sexual orientation, political orientation, class background, age, ability and religion. While we want to encourage free speech in the classroom, courts have been very clear that speech that disrupts a classroom environment may not be tolerated. Let's not even go there. We want to create a room that embraces our differences and helps us learn through those differences.

As lawyers will tell you, a contract like this is not a one-way street. **Therefore, in return for your active attention, professionalism and participation in class, I pledge to:**

- Work hard to keep the class engaging, interesting and relevant to your studies.
- Make time for active participation and explore topics and subjects that the class directs.
- Take breaks when zoom lethargy seems suddenly unbearable!
- Keep to our schedule. But if we need to change our schedule, I pledge to promptly alert you to changes and negotiate such changes with you, with reasonable timeframes, alternatives, etc.
- Be fair and equitable in our treatment of all students and in grading.
- Listen carefully to your concerns about the course.
- Support you in your UNC endeavors and your plans after graduation.

Exams and Grading

There will be 8 quizzes online, two exams, and one final, plus class questions.

Instructions about these items will be given in class.

Eight Sakai Quizzes (10 pts each)	80 points
First examination	100 points
Second examination	100 points
Class Questions/Attendance	100 points
Final examination (cumulative)	120 points
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	500 points

A = 467-500 points
A- = 453-466 points
B+ = 440-452 points
B = 422-439 points
B- = 408-421 points
C+ = 395-407 points
C = 377-394 points
C- = 363-376 points
D+ = 349-362 points
D = 318-348 points
F = 317 points and less

Undergraduate JOMC majors must earn a grade of “C” or higher in MEJO 341 as one of the School’s graduation requirements – that means earning a final point total of 377 points or higher out of a possible total of 500.

Makeup exams will be given only in cases of COVID emergencies and then only if I am notified in advance of the scheduled exam. No make-up quizzes are given.

Students will work on quizzes and exams by themselves. Exams will be issued within a timed window for completion and submission, unless I issue a COVID-based exception. So, again, stay in touch with me! Breakout session work cannot be made up unless I issue a COVID-based exception, which must be negotiated in advance of class.

Honor Code

The Honor Code and the Campus Code, embodying the ideals of academic honesty, integrity and responsible citizenship, have for over 100 years governed the performance of all academic work and student conduct at the University. Acceptance by a student of enrollment in the University presupposes a commitment to the principles embodied in these codes and a respect for this most significant University tradition.

Your participation in this course comes with the expectation that your work will be completed in full observance of the Honor Code. Academic dishonesty in any form is unacceptable, because any breach in academic integrity, however small, strikes destructively at the University's life and work.

The [Instrument of Student Judicial Governance](#), which contains the provisions of the Honor Code, states that students have four general responsibilities under the Code:

1. Obey and support the enforcement of the Honor Code;
2. Refrain from lying, cheating, or stealing;
3. Conduct themselves so as not to impair significantly the welfare or the educational opportunities of others in the University community; and
4. Refrain from conduct that impairs or may impair the capacity of University and associated personnel to perform their duties, manage resources, protect the safety and welfare of members of the University community, and maintain the integrity of the University.

The [Instrument](#) defines plagiarism as "deliberate or reckless representation of another's words, thoughts, or ideas as one's own without attribution in connection with submission of academic work, whether graded or otherwise."

Please submit all written work with the following pledge: "On my honor, I have neither given nor received unauthorized aid on this assignment."

Inclement Weather Policy

If the campus is open, class will take place. Any other cancellations will be posted online before 9 a.m.

Disability/Accommodations

If you are a student with a documented disability OR a student with a unique personal situation (e.g. – a terminally ill family member or you are struggling with depression, etc.), please talk to me or email me during the first two weeks of class so that we can work together to make your experience in this class a success. I am very happy to work with you to make the necessary and reasonable accommodations. While I prefer to have documentation from Accessibility Resource Services (ARS) to help you, there are times when students do not report a disability and/or struggle with mental health or a family situation. I am happy to have these conversations with you and provide reasonable accommodations as required by law. I cannot, however, accommodate you to the point that it would be unfair to other students in the class – or to the point in which you will miss important material in the course. In some cases, I will encourage you (but cannot require you) to visit with ARS. I urge you to come speak to me earlier rather than later in the semester. I cannot help you in this regard if you come to me at the last minute.

Students who may need academic accommodations and associated resources, like extended testing time, must contact the Department of Accessibility Resources and Service (ARS) in a timely manner to determine whether and to what extent such accommodations or resources are necessary for this course. However, only ARS can make this determination for you. It is the goal of UNC to “ensure that all programs and facilities of the University are accessible to all members of the University community.” If you think this might apply to you, please contact ARS confidentially as soon as possible either by telephone at 962-8300 or visit the ARS website at <http://accessibility.unc.edu/about-us> for additional information. Please know that I am fully committed to this policy and will abide by any recommendations ARS may make for you for this course.

Counseling and Psychological Services

CAPS is strongly committed to addressing the mental health needs of a diverse student body through timely access to consultation and connection to clinically appropriate services, whether for short or long-term needs. Go to their website: <https://caps.unc.edu/> or visit their facilities on the third floor of the Campus Health Services building for a walk-in evaluation to learn more.

Title IX

Any student who is impacted by discrimination, harassment, interpersonal (relationship) violence, sexual violence, sexual exploitation, or stalking is encouraged to seek resources on campus or in the community. Reports can be made online to the EOC at <https://eoc.unc.edu/report-an-incident/>. Please contact the University’s Title IX Coordinator (Elizabeth Hall, interim – titleixcoordinator@unc.edu), Report and Response Coordinators in the Equal Opportunity and Compliance Office (reportandresponse@unc.edu), Counseling and Psychological Services (confidential), or the Gender Violence Services Coordinators (gvsc@unc.edu; confidential) to discuss your specific needs. Additional resources are available at safe.unc.edu.

I’d Like to Meet You

I spent more than ten years working in New York City media and another ten years teaching in the cornfields of Ohio. I’ve been in the “rat race” of New York and in the mellow Midwest. I like to think I can help you with your plans for after college, and I find it to be a privilege, actually. I’d like to help. **Please schedule time on zoom and bring a friend from class or I will group you if you don’t know anyone.** I’m happy to talk about life after UNC, the law, journalism, graduate study, the news business, life in New York, and basketball.

Spring 2022 Schedule
MEJO 341.003
Ekstrand- Intro to Media Law (Ad/PR students)

- Week 1:** **Introductions, Getting Ready to Study Law**
Jan. 11-13 READ: Syllabus
 READ: Trager et al., Chapter 1
 Sakai links
 Take practice quiz
- Week 2:** **Basic First Amendment Doctrine**
Jan. 18 - 20 READ: Trager et al., Chapter 2
 Sakai links
- Week 3:** **Basic First Amendment Doctrine:**
Jan. 25 - 27 READ: Trager et al., Chapter 2 (cont'd)
 Sakai links
 Take Quiz 1
- Week 4:** **Basic First Amendment Doctrine**
Feb. 1 - 3 READ: Trager et al., Chapter 3
 Sakai links
 Take Quiz 2
- Week 5:** **Basic First Amendment Doctrine**
Feb. 8 - 10 READ: Trager et al., Ch. 9 & 10
 Sakai links
 Take Quiz 3
- Week 6:** **EXAM WEEK**
Feb. 15 - 17 **First Exam on Feb. 17**
 Quizzes 1-3 must be completed by Feb. 17, exam time.
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- Week 7** **Commercial Speech**
Feb. 22 - 24 READ: Trager et al., Chapter 12
 Sakai links
 Take Quiz 4
- Week 8:** **Commercial Speech**
March 1 - 3 READ: Trager et al., Chapter 12
 Sakai links
 Take Quiz 5
- Week 9:** **Intellectual Property**
March 8 -10 READ: Trager et al., Chapter 11
 Sakai links
 Take Quiz 6

Week 10: SPRING BREAK

Week 11: Intellectual Property

March 22 - 24 READ: Trager et al. Chapter 11

Exam on March 24

Quizzes 4-6 must be complete by day of the exam.

Week 12: Libel

March 29 - 31 READ: Trager et al., Chapter 4
Sakai links

Week 13: Libel

April 5 - 7 READ: Trager et al., Chapter 5
Sakai links

Week 14: Libel

April 12 READ: Trager et al., Chapter 5
Sakai links
NO CLASS APRIL 14 (Wellness Day)
Take Quiz 7

Week 15: Privacy

April 19 - 21 READ: Trager et al., Chapter 6
Sakai links
Take Quiz 8

Week 16: Privacy

April 26 READ: Trager et al., Chapter 6
Sakai links

Finals Week

Finals time Friday, April 29, noon

The final is cumulative.

Quizzes 7-8 must be completed by exam time.