**DIGI300 Legal & Ethical Perspectives**

**MWF 10:00-10:50 AM**

**Lage Communication Center Basement-B**

**Fall Semester 2015**

**Dr. Andrea Frantz, Associate Professor of Digital Media**

**Office:** Lage Communication Center Room 4

**Office Phone:** 712.749.2023

**Cell Phone:** 570.239.1692

**E-Mail:** [frantz@bvu.edu](mailto:frantz@bvu.edu)

**Twitter:** abfrantz

**Facebook:** andrea.frantz

**Office Hours:** MWF 1-2:50 PM; or any day by appointment

**“**[It just seems to be a human trait to want to protect the speech of people with whom we agree. For the First Amendment, that is not good enough. So it is really important that we protect First Amendment rights of people no matter what side of the line they are on.](http://www.brainyquote.com/quotes/quotes/f/floydabram257572.html)”

—Floyd Abrams, lawyer, First Amendment expert

“Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us.”

—Supreme Court Justice William O. Douglas

“Free speech is the whole thing, the whole ball game. Free speech is life itself.”

—Salman Rushdie

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

***BVU Mission Statement:***

*We develop students for life-long success through innovative and imaginative academic and professional preparation.*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

**Required Text:**

* Belmas, G. and Overbeck, W. (2015) *Major principles of media law*. 2015 ed. Boston, MA: Cenage/Wadsworth.

ISBN: 13-978-1-285-76449-8

**Course Description, Goals and Outcomes:**

**Description**

This course is a practical survey on the legal and ethical principles applied by journalists in their daily reporting and editing activities as well as to average citizens’ lives. Using a contextual approach, the course begins with an examination of legal and ethical historical foundations. Through lecture, discussion, and research students will learn how the law and ethical principles converge and diverge across Supreme Court rulings, the development of principles statements across a variety of professional organizations, and in everyday practice. The primary focus for this course is the richly textured arena of American First Amendment law and its relationship to communication and media ethics and practice. Students will be challenged to think critically about modern-day issues associated with Constitutional guarantees such as freedom of speech and freedom of the press, journalistic ethics, as well as censorship, defamation, burden of proof, malice and forethought, copyright and trademark laws, privacy, press access and how technological advances require us to think in new ways about these and other issues.

Upon successful course completion students will be able to:

1) Work in a variety of professional media roles with an understanding of the law and how it pertains to daily decision-making.

2) Obtain more information and perform more efficiently as a reporter as a result of an increased understanding of current laws.

3) Articulate the five freedoms guaranteed by the First Amendment and understand how they pertain to daily civic life.

4) Articulate their own ethical perspectives on a variety of issues and challenges in their chosen professional field.

5) Understand the differences between legal and ethical concerns and decisions in the workplace.

6) Be able to use legal and ethical language appropriately.

7) Be able to read and dissect the integral parts of a Supreme Court ruling.

8) Hone written and oral argumentation skills

**Class Policies**

**Academic Honesty Policy**

Buena Vista University believes that personal integrity and academic honesty are fundamental to scholarship. We strive to create an environment where the dignity of each person is recognized and an atmosphere of mutual trust exists between instructors and students.

Accordingly, honesty in all academic matters is expected from all students. Actions contrary to academic integrity will not be tolerated. Any attempt to cheat, misrepresent someone else's work as one's own, receive credit for work one did not do, obtain an unfair advantage over other students, or aid another student to do the above will be considered a breach of academic integrity.

Students should go online and read the University’s Academic Honesty Policy:

<http://www.bvu.edu/learn/graduate-programs/academic-honesty-policy.dot>

We will discuss the policy and how to avoid problems in each area, but it is also the student’s responsibility to ask questions, when in doubt.

For public communicators, integrity is a key component to professional identity. The following violations of academic integrity are considered unacceptable for pre-professionals in any communications industry field:

**Plagiarism**—the use of another’s ideas, printed text, images, or spoken words without proper citation and acknowledgement in the student’s work. Proper acknowledgement requires in-text citation, bibliographic reference, and overt acknowledgement of interview source materials and quotes.

**Collusion**—improper and/or unsanctioned collaboration with another in preparing assignments, designs, and/or in taking written examinations.

**Cheating**—giving improper aid to another in an examination or on original written or design work; receiving improper aid from another individual on an examination or on original written or design work; using sources when specifically forbidden to such access (as in notes on an exam that is not open-book).

**Falsifying documents or records**—falsifying signatures on official documents, fabricating letters, e-mails, or documents.

**Computer crimes**—damaging or modifying computer programs without permission, for example: software piracy; hacking; constructing viruses; knowingly introducing viruses into the system; copying programs and/or data belonging to others, etc.

**Multiple submissions**—submitting, without prior approval, any work submitted to fulfill academic requirements in another class or to an editor/publication. (i.e. submitting the same paper for two different classes, or submitting a photograph for publication at two different websites unbeknownst to editors, etc.)

Penalties for academic dishonesty of any kind will result in the following penalties:

1) The incident will be reported to the student’s advisor (when appropriate), office of Academic Affairs and in some cases the office of Student Life.

2) The student will receive a failing grade (“F” or 0) for the assignment or course, depending upon the severity of the incident.

1. I will refrain from writing any letters of recommendation on behalf of the student.

**Disability Student Services and Accommodations**

Students who may need learning support or physical accommodations must contact the Center for Academic Success (CAE) at Phone: 712.749.1237 or email Donna Musel at museld@bvu.edu to schedule an appointment with a counselor. Students may also go the CAE homepage at http://www.bvu.edu/bv/cae/index.dot and schedule an appointment electronically. A CAE representative will work with you to provide tutoring guidance, Disability Student Services information and/or discuss procedures for requesting accommodations. To receive accommodations in this course, arrangements must be made through the Center for Academic Excellence at the beginning of the semester, but I encourage you to *talk to me* as soon as you suspect you have a need. Our goals are the same: your success!

### Attendance and Late Work Policy

Because this course is highly dependent upon active participation among all community members, your absence will be missed. Thus, you are allowed three (3) unexcused absences in the term—the equivalent of one week of the academic semester for a Monday/Wednesday/Friday class. After this, your final grade will be lowered in increments. More than seven (7) unexcused absences (the equivalent of more than two weeks for the academic semester for a MWF class), will result in a failing grade for the course. Excused absences include the following: **illness** (if you provide a note from health services, a doctor, or other evidence we agree upon); **university business/pre-professional experience** (i.e., athletic team travel, student leadership training, an academic or co-curricular conference—any university business must be cleared ahead of time); **or a legitimate emergency** (with clear documentation).

Because your syllabus clearly defines the deadlines for graded work, I generally do not accept late work. It comes in the day it’s due or not at all. As rigid as that sounds, it’s designed to reflect what you will face in the workplace. It’s rare when there are professional “do overs” offered. However, I am also human, and recognize that sometimes stuff happens. When emergencies occur, I urge you to *talk to me*. With communication, we can usually work through nearly anything.

**Late Arrivals**

Everyone has a pet peeve. Mine is tardiness. Generally late arrivals—really to anything except maybe a celebrity party in New York City—and especially to class are disrespectful and disruptive. We start the ‘conversation’ when class is scheduled to begin. So, if you roll in late, I will call you on it, privately first and then publicly. For every three times you arrive late, I will mark down with an unexcused absence.

**Cell Phones, Laptops & iPads**

Cell phones are necessary tools in today’s society—and yes, especially for media experts. So I will not ban them from class. In fact, there may be times when we use them, so I encourage you to bring them. But all phones must be turned to ‘silent’ while in class. If a ringer goes off in class, my rule is that I get to answer the call and I’m likely to embarrass the heck out of you when I do so. I’ve been known to coax mothers to tell me ‘cute baby stories’ in such instances, which I then share real-time with the class. If a text comes in and makes any sound, I reserve the right to read it aloud to the class. In both instances the phone then stays with me for the class. I also reserve the right to confiscate phones if I catch you texting during class.

Laptops & iPads: again—very necessary. But you need to also stay focused on class while class is going on, and that means *not* being tempted by Facebook, Twitter, and email when we’re discussing something. So, here’s the rule: Bring them, but don’t open them unless I tell you to. If you can convince me that you need the laptop/iPad to take notes, then you can do so, BUT if I catch you doing anything else, I’ll ask you to leave class and you’ll be marked with an unexcused absence.

**Assignments and Grading**

All assignments must be turned in by deadline according to the syllabus unless otherwise instructed. Each assignment sheet will outline specific grading criteria and outcomes/goals. The following list outlines point values for each of the assignments for the semester.

**Assignments**

* + **Midterm Exam—100 points**
  + **Analytical Paper—50 points**
  + **Quizzes/short responses—50 points**
  + **Op-Ed Assignment—100 points**
  + **Major First Amendment Week Project—200 points**

**Total for semester—500 points**

### Grading

Students will be evaluated based on three writing/research assignments and two tests. Each assignment sheet offers a specific breakdown of evaluative criteria. *I reserve the right to add quizzes over the reading to the overall point breakdown for the class if there is any demonstration that students are not following through with reading assignments.* Generally, in their writing assignments, students should demonstrate journalistic skills including:

* demonstrable awareness and application of key legal and ethical questions of the day;
* deep inquiry into major issues with attention to proper APA citation of sources;
* attention to clarity, good description, compelling leads, and appropriate use of attribution;
* ethical treatment of all sources
* mechanically error-free work.

**Course breakdown for the semester:**

**475-500 95% A**

**450-474 90% A-**

**440-449 87% B+**

**425-439 85% B**

**400-424 80% B-**

**385-399 77% C+**

**370-384 74% C**

**350-369 70% C-**

**335-349 67% D+**

**320-334 64% D**

**300-319 60% D-**

**299 and below Failing**

**For Pass/Fail 334 and above = Pass**

**333 and below = Fail**

**Weekly Schedule**

|  |  |  |
| --- | --- | --- |
| **Week/Dates** | **Reading Assignments/**  **Due Dates** | **Class Topics for Discussion** |
| **Week One**  Monday, Aug. 24  Wednesday, Aug. 26  Friday, August 28 | For Wednesday: Read Overbeck CH. 1; pgs 1-32 | Class introductions  Why study American freedoms and professional ethics?  Introduction to trivia challenge |
| **Week Two**  Monday, Aug. 31 Wednesday, Sept. 2  Friday, Sept. 4 | **History**  For Monday Read Overbeck CH. 2; pgs 33-62  For Wednesday read: U.S. Bill of Rights (online)  **Introduction to semester project (First Amendment Celebration)**  **Response assignment #1 due Friday (send as attachment to email)** | Basic organizing principle for American democracy—federalism  The differences between issues of law and issues of ethics—where do our values come from? The nature of influence  Kohlberg’s Stages of Ethical Development  Libertarianism and Communitarianism  Vocabulary/legal structures and roles  Setting up a case: Writing complaints and answers  Introduction to the Constitution and the First Amendment  Sedition Act of 1798 |
| **Week Three** **Monday, Sept. 7—NO CLASS/LABOR DAY**  Wednesday, Sept. 9  Friday, Sept. 11 | **Religion**  For Wednesday: Mitch Land, “Mass Media Ethics and the Point-of-Decision Pyramid”from *Contemporary Media Ethics* (pgs15-37) (Canvas)  Read handout: excerpt from Franklyn S. Haiman’s *Religious Expression and the American Constitution—*“Religious expression in public schools” (Canvas)  Cases as assigned:  For Wednesday: *Minersville School Dist. v. Gobitis* (1940)  For Friday: *W. Virginia State Board of Education v. Barnette* (1943)  ***Charlie Hebdo* case: and intersection ofreligion, ethics, free speech and press** | 1st Amendment as a shield—what is freedom of religion?  Discussion of cases  How cases connect and overlap  The nature of interpretation  Church and state separation and their sometimes uneasy co-existence  Applying deontological, teleological and personalist ethics to church and state issues  *Trivia/current events* |
| **Week Four**  Monday, Sept. 14  Wednesday, Sept. 16  Friday, Sept. 18 | **Issues of Prior Restraint**  **Introduction to Analytical paper #1 assignment**  For Monday: State of the First Amendment 2014 (online)  Overbeck CH. 3; pgs 63-123  Read cases as assigned:  For Wednesday: *Near v. Minnesota* (1931)  For Friday: *New York Times Co. v. United States* (1971) | Discussion of cases  Early challenges: Gov. William Cosby’s attempt to shut John Peter Zenger up  Prior restraints on speech  Prior restraint and the role of the American press  John Stuart Mill and John Locke on press freedom  The Pentagon Papers—history and what constitutes “national security”  Modern applications—what is “an enlightened people?”  Machiavellianism and censorship  “More than a passive receptacle” Editorial control and judgment  College campus application  The difference between public and private institutions  *Trivia/current events* |
| **Week Five**  Monday, Sept. 21  Wednesday, Sept. 23  Friday, Sept. 25 | **Issues of Prior Restraint** Read cases as assignedFor Monday: *R.A.V. v. St. Paul* (1992) For Wednesday: *Brandenburg v. Ohio* (1969)  For Friday: *Chaplinsky v. New Hampshire* (1942) | Hate speech and symbolic speech—how the courts interpret them  “Fighting words” and the KKK  *Trivia/current events* |
| **Week Six**  Monday, Sept. 28  Wednesday, Sept. 30  Friday, October 2 | **Issues of Prior Restraint**  Read cases as assigned  For Monday: *Texas v. Johnson* (1989)  **Wednesday: Test #1**  **Issues of Student Press and Speech Freedom**  For Friday: Read Overbeck CH 14; pgs. 629-652;  Cases as assigned  *Tinker v. Des Moines Independent School Dist.* (1969) | Flag burning and the right to protest one’s government —modern applications  Public & private property  Pro-choice and pro-life protests—the divisive issue of abortion & free speech  Friday—class meeting time with major project group members  *Trivia/current events* |
| **Week Seven**  Monday, Oct. 5  Wednesday, Oct. 7  Friday, Oct. 9 | **Issues of Student Press and Speech Freedom**  For Monday: Cases as assigned  *Hazelwood Sch. Dist. v. Kuhlmeier* (1988); *Hosty v. Carter* (2005);  *Morse v. Frederick* (2007)  **Analytical Paper #1 Due Friday (email submission)** | Speech and press and how they go together  Ethics and law—what’s legal to say/print is not always ethical  Case studies in student press and speech freedom  Palmerton High School, Wyoming Valley West, etc.  Public schools v. private  Student protection  Colleges & high schools  *Trivia/current events* |
| **Week Eight**  Monday, Oct. 12  Wednesday, Oct. 14  Friday, Oct. 16 | **Issues of Libel and Slander**  Read Overbeck CH 4, pgs. 125-186  Read *New York Times v. Sullivan* (1964)  Read handout: Michael Bugeja “Truth” from *Living Ethics Across Media Platforms*  **Quiz on Friday** | Seditious libel—criticism that threatens to diminish respect for govt.  Libel and defamation of character  How do we measure character/ reputation?  Burden of proof |
| **Week Nine**  **Monday, Oct. 19—NO CLASS/FALL BREAK**  Wednesday, Oct. 21  Friday, Oct. 23 | Screening of *Absence of Malice* | What is it to be ‘absent malice?”  Press ethics—being legal *and* ethical |
| **Week Ten**  Monday, Oct. 26  **Wednesday, Oct. 28**  **Friday, Oct. 30—NO CLASS/ANDREA @ Conference** | **Issues of Libel and Slander/ News gatherers’ Privilege**  For Monday read: Overbeck, Ch. 8 Pages 361-391  For Friday: *Hustler Magazine v. Falwell* (1988)  Read handout: John C. Merrill, “Chapter Four: press Freedom and Ethics” from *Journalism Ethics: Philosophical Foundations for News Media* | Discussion of press freedom and protection of sources. Judith Miller, Matthew Cooper, Robert Novak and a cast of covert characters…  Negligence v. reasonable care  The powers and limitations of retractions. Where do I go to get my good name back?  SLAPP lawsuits (strategic lawsuits against public participation)  Defamation and the internet  *Trivia/current events* |
| **Week Eleven**  Monday, Nov. 2  Wednesday, Nov. 4  Friday, Nov. 6 | **Copyrights and Trademarks**  For Friday read Overbeck, CH 6 pg. 245-324  Cases as assigned: *New York Times Co. v. Tasini* (2001)  **Quiz on Friday** | Guest Speaker: Doug Krejci  Copyright and creative property licensing  Trademark laws  *Trivia/current events* |
| **Week Twelve**  Monday, Nov. 9  Wednesday, Nov. 11  Friday, Nov. 13 | **Issues of Obscenity**  For Wednesday: Read Overbeck CH 10 pgs. 435-466;  Cases as assigned: *Roth v. United States* (1957); *FCC v. Pacifica* (1977)  For Friday: *Miller v. California* (1973) | Indecency and Obscenity (I know it when I see it).   * Prurient interest * Patent Offensiveness * Lack of serious value   Child Pornography—the social and judicial exception  Child Pornography Prevention Act of 1996  *Trivia/current events* |
| **Week Thirteen**  Monday, Nov. 16  Wednesday, Nov. 18  Friday, Nov. 20 | FIRST AMENDMENT WEEK NO REGULAR CLASS  Attend/review all 1A events |  |
| **Week Fourteen**  Monday, Nov. 23  Wednesday, Nov. 25  **Friday, Nov. 27—NO CLASS/ THANKSGIVING** | **Issues of Privacy**  Michael Bugeja “Value Systems” in *Living Ethics Across Media Platforms* (Angel)  **Right to Privacy**  For Monday: Read Overbeck CH 5; pgs. 189-243  Cases as assigned  For Friday: *Katz v. United States* (1967)  Supplemental articles on Edward Snowden case | Intrusion/hidden cameras & tape recorders  Public Disclosure of embarrassing facts  False light  Edward Snowden: Hero? Whistleblower? Traitor?  Appropriation of names, likeness for advertising purposes  *Trivia/current events* |
| **Week Fifteen**  Monday, Nov. 30  Wednesday, Dec. 2  Friday, Dec. 4 | **Freedom of Information**  Read Overbeck Ch. 9, pgs. 393-434  Course Wrap-up  **\*\* Major Project Papers Due—Wednesday** | Access to information  Sunshine and open meeting laws  Freedom of Information Act (1976, 1996)  Digital Millenium Copyright Act (1998)  Napster and contributory infringement  New technology, media convergence & their impact on the law |
| **FINALS WEEK**  Monday Dec. 7-Thursday Dec. 10 |  |  |