

SYLLABUS
COMMUNICATIONS LAW JUST/JPC 413 (Section 651)
Spring 2009

INSTRUCTOR: D. John McKay, [Phone 274-3154, e-mail mckay@alaska.net]
PLACE: BMB (Beatrice McDonald Building), Room 211
TIME: 7:00 p.m. to 9:45 p.m., Tuesdays

SCHEDULE

Classes begin Tuesday, January 13. There is no class on Tuesday, March 10 (Spring Break). The last regular class session will be Tuesday, April 21, and the last class session (and the last exam) will be on Tuesday, April 28, from 7 p.m. to 9:45 p.m. (the regular class time).

COURSE DESCRIPTION & OBJECTIVES

The course focuses primarily on the law as it affects print and electronic journalism. We will start with an overview of the American legal system, as well as the constitutional and historical foundations of the American press, in initial sessions. We will examine these in more detail in the context of individual issues throughout the course. We will also look at press ethics and professional practices of journalists throughout the semester.

By the end of the course students should:

- Have a rudimentary understanding of American civil and criminal justice systems
- Understand different sources of legal rules: common law, administrative law, constitutional law, statutory law
- Know the First Amendment, and understand how it applies or doesn't apply in various contexts, and how First Amendment principles apply to mass media.
- Understand basic principles of media law, and why courts make decisions they do, so new court decisions on topics covered in class, and evolving law in areas like "cyberspace," will make sense.
- Understand rules governing access to public meetings and records
- Be able to recognize potential areas of concern with libel and privacy, and the defenses and privileges that would apply to publications of libelous material
- Understand the differences between print and broadcast and other news media, and the regulation of each

TEXTS

The main text for the course is Zelezny, Communications Law: Liberties, Restraints and the Modern Media, 5th ed. (Wadsworth Publishing 2006). This may be supplemented by materials on reserve, and occasional class "handouts," including the Alaska's Open Meetings Act and Public Records Act, which will be posted on Blackboard to accompany Chapter 6. If there are paper handouts and you miss them, they can be picked up from JPC Administrative Assistant Erin Day at the Department of Journalism and Public Communications office in PSB Room 155. Most, if not all, that you need will be accessible through Blackboard.

EXAMS

I am *tentatively planning on* four exams throughout the semester, each covering three chapters. The exams are *tentatively* scheduled for (Tuesdays) February 3, March 3, April 7, and April 28. Attendance at exams is *not optional*. The final exam may be cumulative, but probably won't be.

LAW REVIEW ARTICLE CRITIQUE/PAPER

Each student will read and review a recent law review or journal article on a topic relating to this class, and approved by me. You will do a written eight-to-nine page critique of the article (with numbered pages, regular margins, double-spaced, and not counting a cover page or endnotes). Number your pages, preferably using your word processing program. (If you don't already know how to do this, it would be a great time to learn it — you will probably want to use a footer, and if you have a title page, it does not count as one of the eight. Err on the side of nine, not 7 ½.

I will provide a list of articles that you may select from. You may suggest your own, and I will be happy to work with you to see that you are concentrating your efforts on a subject matter of interest to you. If you have an article in mind, or find one, let me know. You must turn in a copy of the article, which I will keep. You may hand in your paper electronically, in which case I will return it the same way with my comments, or you can turn in a hard copy, in which case you must turn in two copies of your critique, if you want me to return one with comments. You should also be prepared to discuss the article and/or your critique of it with me and/or the class. I would like all of you to have the benefit of each other's research and review of these topics, and may provide this access by incorporating your work into classes, as time permits, and/or by posting these papers.

GRADING

JPC Grading Policy:

JPC is a professional program nationally accredited by ACEJMC. The department places great emphasis on theory and skill learning with outcomes measured by the success of graduates in media market. Consequently, the Faculty of the Department has adopted an "operationalized" grading scale tailored by the faculty member for the learning environment. The department chooses to evaluate work as measured against professional standards.

- A = Outstanding work of publishable quality; minimal editing required
- B = Good work of publishable quality; some editing required to meet professional standards
- C = Average work; substantial revision needed to meet professional standards
- D = Poor quality; fundamental problems that fail to meet professional standards
- F = Unacceptable work; late, plagiarism, or unsubmitted; failed to follow instructions

The exams will count for approximately 80% of the final grade. The law review article critique/paper will account for the rest, along with participation and attendance. Participation will be taken into account in resolving doubts about marginal grades, and attendance will be considered in determining eligibility for a passing grade in accordance with the attendance policy noted below. Students are notified of final grades through University mailings and the Wolfline.

OFFICE HOURS

In addition to any individual appointments you may schedule, I will generally be available after class each day

ATTENDANCE

Attendance at all classes is required. The JPC Department's attendance policy, which is applicable to all students in this class, allows students two absences total, excused or unexcused. You would be smart to save them for illnesses, emergencies, or other serious purposes. As noted above, attendance at exams is not optional, so absence on the date of a scheduled exam amounts to choosing to take an F for that exam. Students who have more than two absences will receive a failing grade in the course. And, like gravity and so many other things, "it's not just the law, it's a good idea." My experience has been that students get more out of the class if they attend it (and even more if they read the chapter and materials to be discussed *before* the class, not just the night before the exam). Exams may cover anything discussed in class, whether or not it is in the text. It is likely, however, that at least 70% of the classroom discussion will be based on assigned reading, and that most things on the exams will have been discussed in class. Participation in class discussions, and preparation for class, are expected and may be taken into account in grading, along with attendance.

STUDY GUIDES

I will distribute a very general "study guide" before exams, with some terms and concepts you should be sure to know. However, you are responsible for everything in the text and in handouts and supplementary materials, unless I indicate it is excluded, whether or not it is covered on a study guide.

PLAGIARISM/CHEATING

JPC Plagiarism Policy:

Plagiarism is copying the work of another person and submitting it as your own. Plagiarism is theft. Plagiarism is the most serious academic offense. More so, it is a serious offense in journalism and professional media, usually resulting in dismissal (see Jayson Blair and N.Y. Times). Students who violate the UAA policy of academic integrity will receive a failing grade for the course. The University policy is as follows: "Academic integrity is a basic principle which requires that students take credit only for ideas and efforts that are their own. Cheating is defined as the submission of materials in assignments, exams or other academic work which is based on sources prohibited by the faculty member." The University also provides other definitions, including situations in which the student presents as his/her own ideas or words of another person without customary and proper acknowledgment of sources.

In addition to a failing grade for the course, cases of academic dishonesty will be referred to the department chair and other university officials for further action. For full university explanations and students rights, check Chapter 5, Students Rights, Freedoms, and Responsibilities, in the UAA Course Catalog.

RESERVE MATERIALS/BLACKBOARD

I occasionally place items on reserve, generally at the Learning Resource Center only, simply to make them available as resources. I will inform you in class if you are to be tested on any materials on reserve. Unless otherwise announced, you won't be. I will try to use Blackboard to post announcements and supplemental materials.

STUDENTS WITH DISABILITIES

If you have a disability and need assistance either in regular classes or in taking exams, please let me know as early as possible in the semester and I will be glad to work with you and the University to make appropriate arrangements to accommodate you.

CAMPUS SAFETY

The University has asked that we include the following message in the syllabus:

Safety is everyone's business at UAA. We care about your safety on campus. While relatively safe, our campus is NOT a sanctuary from crime and accidents still occur no matter how hard we try to prevent them. You are encouraged to be responsible for your own safety and to bring safety concerns to the attention of UAA faculty or staff, or contact Campus Police at 786-1120 when you observe an unsafe environment. For your own safety, please also take the time to locate the nearest exit and emergency telephone when you are in campus buildings.

EMERGENCY EVACUATIONS

The show must go on! If our building must be evacuated for some reason when we are scheduled to hold class, the class will reconvene at the cafeteria in the Campus Center.

JPC LAB POLICIES

No food or drinks (including water) are allowed in JPC student labs. This includes JPC Multimedia Instructional Classroom, JPC Digital Publications Lab, JPC Television Studio, the Control Rooms, and JPC Digital Audio and Video Labs.

JPC instructional labs are for JPC student work. First priority is for instructional activities and attendant student work. JPC's second floor instructional labs are student labs (for JPC students only) and are supported by UAA student technology fee and JPC user fees. JPC first floor labs are student labs supported by CAS and JPC.

UAA STUDENT POLICIES

For UAA student policies related to academic instruction and class cancellation, see the UAA Catalog and the UAA Student Handbook.

COURSE OUTLINE

The course will generally follow the outline of the textbook. The following is a tentative and general list of topics to be covered and their likely order. Not all topics will be given equal treatment. Additional topics can be covered or emphasis given if warranted by interests or experience of class members.

<u>Session</u>	<u>Date</u>	<u>Chapter</u>	<u>Subject</u>
1	01/13	1	Intro/Legal System
2	01/20	2	Legal System/First Amendment
3	01/27	EXAM +3	Risk to Public Safety, 1st TEST (1-3),
4	02/03	4	Review of first test, and Libel
5	02/10	4 - 5	Libel, Privacy
6	02/17	5 – 6	Privacy, Access to Info (Records)
7	02/24	6	Access to Information (Meetings)
8	03/03	EXAM +7	SECOND TEST (4-6), and courts
—	03/10	No class	(Spring Break)
9	03/17	7	Review, Media & the Justice System
—	03/24	Papers Due	
10	03/24	8	Copyright -- Creative Property
11	03/31	EXAM +12	Commercial Speech, plus THIRD TEST (7, 8, 12),
12	04/07	9	Review of test, FCC & Broadcasting
13	04/14	10	Electronic Media Content
14	04/21	11	Obscenity & Indecency
15	04/28	EXAM	Final and Review of final

*The classes (and test) on Access to Information will rely heavily upon handouts containing the Alaska Open Meetings Act and the Alaska Public Records Act. This material is not in the text.