



Jour 618 First Amendment and Society

Class # 11872, Fall 2019

9:00 – 9:50 a.m. Mon-Wed-Fri

Malott 2001

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Office Hours: Mon and Wed, 10:30-11:30 a.m. and by appointment, McLain's Mkt., 1420 Crescent Rd. I generally answer email within 18 hours.

NOTE: This class is a hybrid or “flipped” class, with some of the work (particularly reading quizzes/exams) done online on your own time. You must have both Internet access and a computer capable of connecting to Blackboard. You should also have basic Internet use knowledge and skills that include typing and online navigation. If you have technical difficulties, contact the help desk at (785) 864-8080. It is up to you to troubleshoot your own tech issues.

About This Syllabus

This syllabus is a contract between you, the student, and me, the instructor. While I take seriously my obligation to provide information about First Amendment law and give you a chance to practice it, I need you to take seriously your obligation to make a sincere effort to learn that information and understand and perform the assignments given to you. Please feel free to ask questions at any time if you are uncertain as to what I expect or what you should do. However, our schedule is not engraved in stone; if we need to take longer on a particular area, we will make accommodations.

Course Objectives

There is never a dull moment in media law! Nearly every time we turn on the news, we hear of new developments in media law, whether in online porn, net neutrality, campaign finance, broadcast indecency, privacy, hate speech, or libel. This course is an introduction to legal issues facing today's media organizations. I hope you'll gain a richer understanding of the privileges and responsibilities today's media enjoy...and I bet you'll have some fun in the process. *Free speech rocks.*

Learning Goals

- You'll develop skills necessary to “red flag” legal issues in your work in a media organization.
- You'll learn First Amendment law and its specific applications to media professionals.
- You'll practice your legal problem-solving skills on case studies and other applied learning.

Textbook and Required Readings (to be read BEFORE the class for which assigned)

Textbook: Genelle Belmas, Jason Shepard, and Wayne Overbeck, *Major Principles of Media Law* (2019 ed.). Cengage, 2018. (You can use another book if you want – just see me.) You'll need online access for Blackboard for study guides, lecture notes and other stuff and for www.freespeechrocks.com, where there are lecture videos.

Grading

200 points — Two-chapter quizzes (best four scores; 25 questions, ea. 2 pts.) (*online*)

100 points — Final exam (50 questions, ea. 2 pts.) (*online*)

100 points — ARQs (best 10 scores; 10 questions, ea. 1 pt.) (*online*)

400 points — Total (grad students will have an additional writing assignment)

Grades will be based on the total number of points you accumulate. The scale will be:

A	93-100%	B+	87-89%	C+	77-79%	D	60-69%
A-	90-92%	B	83-86%	C	73-76%	F	0-59%
		B-	80-82%	C-	70-72%		

General Guidelines

Academic misconduct. The William Allen White School of Journalism and Mass Communications does not tolerate plagiarism, fabrication of evidence and falsification of evidence. Penalties for plagiarism, fabrication or falsification can include a failing grade for this course and expulsion from the School of Journalism and Mass Communications. If you have any questions about what constitutes plagiarism, fabrication, or falsification, please consult me. Some examples:

- If you use or attempt to use any unauthorized materials during a test, or if you give any unauthorized materials to someone else during a test, this is *cheating*. Unauthorized materials include written materials, such as notes. Unauthorized materials include any forms of nonverbal communication (one cough, the answer is A; two coughs, the answer is B, etc.).
- *Plagiarism* is stealing. You take someone else's ideas, thoughts, or words and present them as your own original work. This includes taking ideas from written sources, such as books, as well as materials on the Internet. Cutting and pasting materials from the Internet and presenting that work as if it was your own is plagiarism. There may be times when you want to incorporate another person's ideas, opinions, and words into the papers you write, to make a point or to provide background. If you do, it is essential that you attribute that information—explain where the information came from and give credit where credit is due. "Recycling" past interviews or research from other students and presenting it as your own falls into the category of plagiarism.
- *Fabrication and falsification* mean that you made it up. This can include making up an entire interview or embellishing a fact, quote, or statistic to make it sound better. Don't do it.
- *Bottom line:* Do your own original work and don't copy another student or cheat in any way. Be yourself, not someone else. If I bust you cheating, I will follow up with university administration. In this class, and in all journalism classes, honesty and integrity are critical. Any work you do must be original and reflect your own ideas, thoughts, and research. In a work setting, if you choose to violate professional standards, you will be fired. In this class, if you choose to violate the standards for academic integrity, you'll fail the course, and you may be expelled from or denied admission to the School of Journalism.

Special needs. The University of Kansas is committed to helping all students learn. If you have a special need that may affect your learning, please contact me as soon as possible. The KU Office of Student Access Services coordinates accommodations for all students who are eligible. If you have a disability for which you wish to request accommodations and have not contacted this office, please do so as soon as possible. Information about services can be found at <https://disability.ku.edu/>. Or you can visit the office on the first floor of Strong Hall. The phone number is (785) 864-4064. The email is

achieve@ku.edu. Please contact me privately regarding your needs in this course.

Weather. In the event of inclement weather, the decision to cancel classes is made by KU officials (NOT BY ME!). To determine whether snow or icy conditions have canceled classes, call (785) 864-7669 ((785) 864-SNOW).

Weapons policy (KU's language). Individuals who choose to carry concealed handguns are solely responsible to do so in a safe and secure manner in strict conformity with state and federal laws and KU weapons policy. Safety measures outlined in the KU weapons policy specify that a concealed handgun:

- Must be under the constant control of the carrier;
- Must be out of view, concealed either on the body of the carrier, or backpack, purse, or bag that remains under the carrier's custody and control;
- Must be in a holster that covers the trigger and secures external hammer in an uncocked position;
- Must have the safety on and have no round in the chamber.

Phones, laptops, tablets: I have no objection to electronic study aids, and some students are better typists than hand-writers. But doing puzzles, messing around on Facebook, texting or reading the newspaper in class is unprofessional. So is sleeping, particularly if you snore. Anybody doing any of the above in class will be given one warning and then asked to leave class for the day. If you feel you really cannot get off Instagram or stop texting or shopping for 50 minutes, please consider another class.

Exams and Assignments

Active Reading Quizzes (ARQs): In this class, as in many classes, if you get behind on the reading, catching up can be pretty hopeless. Yet some students are reticent to keep up with the reading (imagine! <grin>). To encourage you to keep up, I'll be giving Active Reading Quizzes, or ARQs, regularly except on exam days. These are short quizzes (10 questions) that should be answerable if you read the material for the day. You should find them easier than the chapter quizzes or major exams. ARQs serve several purposes: an incentive to keep up on the reading and a way for you to see what areas you need to focus on in class preparation. ARQs will be taken on Blackboard, and they will be available the weekend before the Monday we start the chapter. You are encouraged to ask questions any time. I will try to keep things interesting by allowing time for discussion. Although there will be **NO MAKEUPS**, you will be able to drop several ARQ scores.

Two-Chapter Quizzes (TCQs) and Final: These assessments emphasize legal problem-solving and the application of legal principles to sample scenarios (higher on Bloom's taxonomy scale). They replace a traditional midterm and are not cumulative. They are 25 questions, and the questions resemble exam questions, rather than simple reading comprehension. There will be **NO MAKEUPS** for missed TCQs, but there is a "reading TCQ" on outside chapters you can take as a makeup or to replace a low score (a low TCQ score can be dropped). The final will also emphasize problem-solving and is like the TCQs. Make-up finals will only be allowed in clearly documented situations that have been communicated to me *before* the original date. Study guides are online.

An important note on exams: If you feel you are not "getting it," please see me sooner rather than later. Doing well on the ARQs doesn't always predict how well you'll do on the exams. If you find that you are studying but still not doing well, talk to me, and we'll find a study approach that works for you.

Extra credit: There may occasionally be opportunities for extra credit for participation in research and other external projects. More on this as the opportunities arise.

Graduate students: Please see me for an additional writing assignment for graduate credit.

"But my Internet service is down!" "My computer crashed!" I do not extend due dates or offer exams on other days without very good reason, and your home Internet service being down or your

computer failing does not count. There are lots of places to get free access, such as the library, here in ST-F, and the many coffee shops around Lawrence! Plan a backup place to go if you lose access at home. Crashed computers – make a contingency plan with family or friends or visit the resource center.

Attendance and Class Participation

Much of the material on tests will come from class meetings, so you'll benefit from coming to class. We go through content quickly, so I expect you in class every meeting. Excessive absenteeism will go badly for you – trust me. Extenuating circumstances, like illness or other emergencies, need to be documented. And ASK QUESTIONS! Please! This stuff is timely and fun to talk about. Really.

Attendance. It's required Mondays and Wednesdays; Fridays I take attendance, and these can count as XC and/or makeups. *You get three freebie absences. After that, I take off percentage points (half a point per unexcused absence) from your final grade.* And I know how it is: We are busy people, and it's tempting to sleep in, catch up on those missed hours. I can assure you that you will do *much* better in the class if you come. So, I encourage it – strongly, through points. We'll talk about occasions for excused absences, but class is only 50 minutes, and ya gotta get out of bed sometime, amirite?

Email

While email is a wonderful tool for communication, there need to be a few policies. I read email several times each day, and I welcome your communication, but some things need to be discussed in person – in-depth questions about the material, inquiries about grades, excessive absences. Email is best for quick clarifications and to schedule meetings. It's not a substitute for face-to-face visits.

Questions? Criticisms? Comments? Suggestions?

If at any time something seems unclear or unreasonable to you, please come discuss it with me. I am open to your comments, criticisms, and suggestions. This class is meant to be an open forum for learning and discussion, and I am dedicated to making it an enjoyable experience to the extent I am able. I am also extremely open to student suggestions for improvements. If something's not working for you, let's talk about how to fix it.

One More Thing ... A Few Ground Rules for Jour 618

The foundation of the freedoms that the mass media enjoy is the First Amendment to the U.S. Constitution. We must also remember that it contains protection for “freedom of speech.” That said, I need to make clear a few ground rules for discussion.

Our classroom is an open forum for the free flow of information. Disagreement between students or between students and instructor, and perhaps heated discussion, is to be expected. Please do not hesitate to question what I say or what others say. *If you disagree with me on ideological grounds, I will not hold it against you!* I know you think that is easy to say but not to do, but if you believe your points of view are being held against you, please talk to me about it. We need many points of view to have a good discussion, and I look forward to hearing yours.

In addition, our classroom is a space for respectful discussion and tolerance. Diversity of thought, perspective, ideology, and culture is what makes our campus the vibrant place it is, and the clash of ideas allows us to grow as scholars and as people. However, ideological disagreement does *not* give us the right to attack each other on a personal basis. We can and must disagree respectfully, and I expect that you will conduct yourself appropriately, even if you disagree vehemently. Hate speech, personal attacks, and the like simply won't be tolerated. Just follow the One Rule and all will be well.

Class Schedule and Reading Assignments (subject to change)

Other handouts may be added; ARQs will be drawn from each week's assigned chapter(s). Generally, everything will be due on Mondays at 9 a.m. but **SEE THE SCHEDULE** for actual dates. We will stick **HARD** to the schedule of ARQs and TCQs so you can plan accordingly. Final exam dates TBD.

Note: the schedule does not exactly follow the chapters in the book; we skip around!

Week	Dates	Topic	Reading	ARQ usually over weekend	TCQ weekend
1	Aug. 26, 28, 30	Welcome! Introduction to class The American legal system	Ch. 1	Ch. 1 (open all week, due Mon.)	
2	Sept. 2, 4, 6	Development of freedom of expression MON: LABOR DAY – NO CLASS	Ch. 2	Ch. 2 (due Wed. 9 am)	
3	Sept. 9, 11, 13	Finish Dev. of freedom of expression Censorship and prior restraints	Ch. 3	Ch. 3	
4	Sept. 16, 18, 20	Finish Censorship and prior restraints Privacy	Ch. 5	Ch. 5	Ch. 1 & 2
5	Sept. 23, 25, 27	Finish Privacy Libel	Ch. 4	Ch. 4, up to “Libel and the First Amendment”	
6	Sept. 30, Oct. 2, 4	Libel	Ch. 4	Ch. 4, to end	Ch. 3 & 5
7	Oct. 7, 9, 11	Freedom of information	Ch. 9	Ch. 9	
8	Oct. 14, 16, 18	Free press/fair trial MON: FALL BREAK – NO CLASS	Ch. 7-8 (both ch.)	Ch. 7-8 (due Wed. 9 am)	
9	Oct. 21, 23, 25	Finish free press/fair trial Newsgatherer's privilege	Ch. 7-8 (both ch.)	None	Ch. 4 & 9
10	Oct. 28, 30, Nov. 1	Finish newsgatherer's privilege Intellectual property	Ch. 6	Ch. 6, up to “Computers, the Internet and Copyright Laws”	
11	Nov. 4, 6, 8	Intellectual property	Ch. 6	Ch. 6, to end	Ch. 7 & 8
12	Nov. 11, 13, 15	Finish intellectual property Electronic media regulation	Ch. 11	Ch. 11	
13	Nov. 18, 20, 22	Electronic media regulation	Ch. 11	None	
14	Nov. 25, 27, 29	Commercial speech WED-FRI: THANKSGIVING – NO CLASS	Ch. 13	Ch. 13, up to “Corporate Freedom of Speech”	
15	Dec. 2, 4, 6	Commercial speech	Ch. 13	Ch. 13, to end	
16	Dec. 9, 11	Commercial speech Review for final	Finish up	None	
	Dec. 16 (Mon.) scheduled	FINAL EXAM (Covers chapters 6, 11, 13) 7:30 - 10:00 a.m. (will be online unless otherwise arranged)	----	----	