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R - 2/17/12
App. 2/28/12

Undergraduate Distance Education Review Form
(Required for all courses taught by distance education for more than one-third of teaching contact hours.)

Semak - INFO 3/20/12

Existing and Special Topics Course

Course: JRNL 347 Journalism Law

Instructor(s) of Record: Stanford G. Mukasa

Phone: (724) 357 3097

Email: Mukasa@iup.edu

Step One: Proposer

A. Provide a brief narrative rationale for each of the items, A1- A5 after the signature pages.

1. How is/are the instructor(s) qualified in the distance education delivery method as well as the discipline?

I have taught distance education courses for over five years now. I attended IUP IRT workshops on LMS instructional technology, notably webCT. I also learned other LMS ITs like Interwise, Elluminate and SKYPE from workshops outside IUP. These courses added to my basic skills in instructional technology applications. From 2002 to 2010, I offered distance education courses for Africa through the IUP-Africa Virtual University program. My distance education strategies included a variety of approaches such as videotaped lectures which were delivered in both VHS/DVD and streamed formats. Through the Interwise and Elluminate, I was able to interact in real-time with students in classes in several countries in Africa. I have so far trained over 300 students from Africa through distance education. I have also produced and taught four courses at IUP through distance education : JRNL 355 High School Journalism, JRNL 466 Community Journalism, PNAF 131 Introduction to Pan African Studies and JRNL 223 Photojournalism.

(ref. <mms://avs.iup.edu/emp/mukasa/JRNL466Lecture1.wmv>) and
mms://avs.iup.edu/emp/mukasa/UNDP_vol1_lec1.wmv)

In 2007 I won an IUP sponsored programs award for outstanding achievement in curriculum and instruction.

As for the discipline, I have a Ph. D. in Communications from McGill University, Canada. I have been teaching journalism at IUP since 1992.

2. How will each objective in the course be met using distance education technologies?

Course objectives will be achieved through DVD or streamed lectures; lecture notes and assigned readings on the LMS. Students will submit their assignments and take their tests on the LMS. They will interact with the instructor through the LMS Chat line, Forum, SKYPE, email and telephone.

Objective

A. Understand the historical origins of journalism law.

Received

FEB 23 2012

Liberal Studies

Received

JAN 31 2012

Liberal Studies

JRNL 120 Journalistic Writing

JRNL 347 Journalism Law. Please find corrections to the above course proposals.

<p>UWUCC comments on JRNL120 Journalistic Writing</p> <p>Provide more substance and detail in terms of how each objective will be met using distance education technology.</p> <p>On the Distance Education syllabus the catalog description needs to match the catalog, add nonmajors/minors to the prerequisite, remove "for all news media, print and broadcast" because it is not in the catalog. This proposal cannot alter the catalog description.</p> <p>Remove the hours from the Distance Education syllabus because the timing in Distance Education is not as precise</p> <p>Under Evaluation Methods in the Distance Education syllabus the committee wonders if it should be Leads and News stories or not?</p> <p>Please alphabetize the bibliography and the Kershner entry should have the last name first to be consistent with the others.</p> <p>Objectives in the online syllabus do not match the syllabus of record provided--they need to be the same on the DE syllabus as the syllabus of record.</p> <p>Along with the module lecture you need to include an activity/assignment and/or evaluation that goes with that module.</p> <p>UWUCC comments on JRNL347 Journalism Law</p> <p>11-95 JRNL 347 Journalism Law, distance education. Although there was more detail about each objective, the committee requests that these responses be expanded on this proposal as well.</p> <p>Remove the hours from the Distance Education syllabus</p> <p>The bibliography is in better shape but the Dilts reference is in the wrong location and is not written with the last name first.</p> <p>On the first slide of the sample lecture the course number is incorrect.</p>	<p>ACTION</p> <p>See IV. Course Outline. Outcomes 1 - 4</p> <p>Done</p> <p>Done</p> <p>Done</p> <p>Done</p> <p>Done</p> <p>Done</p> <p>Done</p> <p>Done</p> <p>Done</p>
<p>Remove the hours from the Distance Education syllabus because the timing in Distance Education is not as precise</p>	<p>Done</p>
<p>Under Evaluation Methods in the Distance Education syllabus the committee wonders if it should be Leads and News stories or not?</p>	<p>See V. Evaluation Methods.</p>
<p>Please alphabetize the bibliography and the Kershner entry should have the last name first to be consistent with the others.</p>	<p>Done</p>
<p>Objectives in the online syllabus do not match the syllabus of record provided--they need to be the same on the DE syllabus as the syllabus of record.</p>	<p>Done</p>
<p>Along with the module lecture you need to include an activity/assignment and/or evaluation that goes with that module.</p>	<p>Activities and assignments are listed under Modules. See also IV. Course Outline. Outcomes 1 - 4</p>
<p>UWUCC comments on JRNL347 Journalism Law</p>	<p>ACTION</p>
<p>11-95 JRNL 347 Journalism Law, distance education. Although there was more detail about each objective, the committee requests that these responses be expanded on this proposal as well.</p>	<p>See IV. Course Outline Outcomes 1 - 4.</p>
<p>Remove the hours from the Distance Education syllabus</p>	<p>Done</p>
<p>The bibliography is in better shape but the Dilts reference is in the wrong location and is not written with the last name first.</p>	<p>Done</p>
<p>On the first slide of the sample lecture the course number is incorrect.</p>	<p>Done</p>

Undergraduate Curriculum Committee. Dual-level courses also require review by the University-wide Graduate Committee for graduate-level section.

Step Three: University-wide Undergraduate Curriculum Committee Approval

Recommendation: Positive (The objectives of this course can be met via distance education)
 Negative

Gail Sedquist
Signature of Committee Co-Chair Date

Forward form and supporting materials to the Provost within 30 calendar days after received by committee.

Step Four: Provost Approval

Approved as distance education course Rejected as distance education course

Genard W. Stensen 3/7/12
Signature of Provost Date

Forward form and supporting materials to Associate Provost.

JRNL347 Journalism Law – Distance education

I Catalog Description

A survey of the major Supreme Court and state court rulings governing the mass media, especially the news media. Areas include libel, antitrust, free press/fair trial, privacy. Approach is nontechnical. 3 credits

Prerequisites

Prerequisites: JRNL 328, junior/senior standing.
Open to nonmajors by instructor permission.

II Course Outcomes

Students will;

1. understand the historical origins of journalism law.
2. demonstrate knowledge of the relevant constitutional freedoms and legal issues and principles in mass communication,
3. apply the mass media law and precedents to specific situations (such as a news article or advertisement) and determine if there are potential legal problems.
4. articulate the First Amendment rights of the public and press and how they might be applied to the emerging media.

III Distance education requirements

1. For resource requirements and technical support, please go to <http://www.iup.edu/distance/>
2. For the class LMS, please go to <http://www.iup.edu/d2l/>. Students will be advised if a different LMS is used.

Students will need or have access to;

1. a computer securely connected to the Internet,
2. PC speakers attached to, or built in, the computer,
3. (optional) a built-in microphone or free -standing microphone attached to the computer
4. (optional) students are strongly advised to download and install SKYPE a free software application that allows users to make voice calls over the Internet.
5. (optional) A PC videocam, if one is not already built in the computer.

IV Course Outline

Method: The course will be taught primarily through 10 streamed video lectures which can be accessed through the course LMS.

Each course module will consist of streamed video lectures, assigned readings and assignments.

Interaction with the instructor will be done through the chat feature, LMS email, SKYPE (optional). The IUP-issued email and telephone will also be used as needed.

Students will take on-line tests and submit assignments.

Outcome 1. Understand the historical origins of journalism law.

- a) Students will watch streamed lecture videos as specified by the instructor.
- b) Instructor will use Chat line and the Forum to send questions to students about the historical origins of journalism law. Students will answer the questions through the same LMS facility.
- c) Students will read an assigned article on the LMS about some aspect of the journalism law, e.g. Zenger case. Students will write a reaction paper and submit it through the LMS.
- d) Students will earn points for correct answers. These points will be converted into a percentage of the final grade. See Assignments in V. Evaluation Methods.

Outcome 2. demonstrate knowledge of the relevant constitutional freedoms and legal issues and principles in mass communication

- a) Students will watch streamed lecture videos as specified by the instructor.
- b) Instructor will use Chat line and the Forum to send questions to students about constitutional and legal issues in mass communication/journalism.. Students will answer the questions through the same LMS facility.
- c) Students will use assigned case studies such as *Schenck v United States* and *Abrams v United States* to write short analyses in the legal interpretation of the law, for example, is the freedom of the press absolute or relative; what are the elements of libel?
- d) Students' papers will be submitted through the LMS.
- e) Students will earn points for correct answers and papers. These points will be converted into a percentage of the final grade. See Assignments in V. Evaluation Methods.

Outcome 3. apply the mass media law and precedents to specific situations (such as a news article or advertisement) and determine if there are potential legal problems.

- a) Students will watch streamed lecture videos as specified by the instructor.
- b) Instructor will use Chat line and the Forum to send questions to students about constitutional and legal applications in specific cases. Students will answer the questions through the same LMS facility.
- c) Students will be assigned to select a case, e.g. *New York Times v Sullivan*, and write an in-depth analysis of the implications, precedents or problems arising from the case. Through the Chat line and Forum, instructor will provide research guidelines for researching, writing and analyzing the case.
- d) The student will submit the paper through the LMS. Points will be awarded and converted into percentage of the final grade. See Assignments in V. Evaluation Methods.

Outcome 4. articulate the First Amendment rights of the public and press and how they might be applied to the emerging media.

- a) Students will watch streamed lecture videos as specified by the instructor.
- b) Instructor will use Chat line and the Forum to send questions to students about conflicts in constitutional and legal rights as well as issues and

problems arising in the new or emerging media. Students will answer the questions through the same LMS facility.

- c) Students will write and submit through the LMS reaction papers on assigned cases. The focus of the reaction papers will be to establish potential problems, precedents in mass communication law and the new or emerging media, e.g. privacy rights and new technologies of mass communication. Points will be awarded and converted into percentage of the final grade. See Assignments in V. Evaluation Methods.

Module 1. The First Amendment

Historical background to journalism law

Watch streamed lectures 1 - 2 online on the following topics.

1. **Introduction:**
2. Course introduction
3. The American Legal System.
4. The First Amendment: historical origins

Lectures will be based on the following landmark cases.

1. Seditious Libel: Trial of John Peter Zenger 1735
2. *Schenck v. United States* 1919.

The First Amendment: Contemporary Problems

1. *Near v. Minnesota*, 1 MLR 1001 (1931)
2. *Miami v. Tornillo*, 1 MLR 1898 (1974)
3. *Herceg v. Hustler*, 13 MLR 2345 (1988)
4. *Leathers v. Medlock*, 18 MLR 1953 (1991)
5. *Nelson v. McClatchy*, 25 MLR 1703 (1997)

Module 1 activities

Forum posting. Expect questions from the instructor on Module 1. You must answer and post the questions on the Forum within the deadline.

Assignment 1: Read the attached Zenger Case and the Alien and Sedition Act. Write a reaction paper about 1 -1½ pages.

Address the following:

1. Summarize the John Peter Zenger case.
2. What was the Alien and Sedition Act?
3. Who was Zenger?
4. Who was Andrew Hamilton? What was his key defense for Zenger?
5. Analysis. Do you think the Alien and Sedition Act was compatible with the First Amendment? Explain.
6. Should truth, as Hamilton argued, be acceptable as a defense against Seditious Libel? Explain.

Module 2 : Libel

Watch streamed lectures 3-4 on the following topics.

Libel.

1. What is libel?
2. Elements of libel

Lectures will be based on the following cases.

1. *Rice v. Paladin*, 25 MLR 2441 (1998)
2. *Arkansas v. Forbes*, 26 MLR 1673 (1998)
3. *Atlanta Journal v. Atlanta*, 31 MLR 1842 (2003)
4. *Flynt v. Rumsfeld*, 32 MLR 1289 (2004)
5. *N.Y. Times v. Sullivan*, 1 MLR 1527 (1964)

Libel:

1. Proof of Fault
2. Defenses and damages

Lectures will be based on the following cases.

1. *Gertz v. Robert Welch*, 1 MLR 1633 (1974)
2. *Medico v. Time*, 6 MLR 2529 (1981)
3. *Philadelphia v. Hepps*, 12 MLR 1977 (1986)
4. *Hustler v. Falwell*, 14 MLR 2281 (1988)
5. *Haynes v. A. A. Knopf*, 21 MLR 2161 (1993)

Activities for Module 2

Forum posting. Expect questions from the instructor on Module 2. You must answer and post the questions on the Forum within the deadline.

Chat line: Use the Chat line feature of the LMS for a revision with the instructor in preparation for the first test. Check times the instructor will be available on the chat line. If none of the times is suitable for you, send the instructor an email and indicate at least three time slots you will be available.

SKYPE. For students who are familiar with Skype, there will be a session that will replicate the Chat line above.

Test 1

Term paper topic. Select a First Amendment or libel case from the list above. Write a case analysis, 1 -2 pages, using the following guidelines.

1. Give case title
2. What were the legal issues in this case?
3. What was the prosecution's argument?
4. What was the defense's argument?
5. What was the court judgment?
6. How did the court reach its judgment?
7. What is your analysis? Give reasons.

Module 3 Privacy

Watch streamed lectures 5-6 on the following topics.

1. Invasion of privacy
2. Appropriation and Intrusion
3. False Light
4. Publication of Private Information

Lectures will be based on the following cases.

1. *Dietemann v. Time*, 1 MLR 2417 (1971)
2. *Deteresa v. American*, 25 MLR 2038 (1998)
3. *Shulman v. Group W*, 26 MLR 1737 (1998)
4. *Sanders v. American*, 27 MLR 2025 (1999)
5. *Bartnicki v. Vopper*, 29 MLR 1737 (2001)
6. *Florida Star v. B. J. F.*, 16 MLR 1801 (1989)
7. *Cantrell v. Forest*, 1 MLR 1815 (1974)
8. *Romaine v. Kallinger*, 15 MLR 1209 (1988)

Activities for Module 3

Assignment 2: Answer the following questions

1. What is privacy?
2. What conflict/s can arise between privacy and the First Amendment?
3. How do courts define (i) public official (ii) public figure (iii) private person?
4. In a libel suit, what, according to the courts, is the difference between public official and public figure, on one hand, and private person on the other hand?
5. What must the plaintiff in libel suit prove?
6. What are defenses against libel?
7. What three categories of damages can be ordered if the libel suit is successful?

Forum. Expect questions from the instructor. Answer and post them on the forum within the given deadline.

Chat Line or SKYPE. Expect a discussion with the instructor on the questions in 5 above. Also, be ready to give a progress report on your term paper research.

Module 4 Protection of News Sources

Watch streamed lectures 7-8 on the following topics.

1. Protection of News Sources/Contempt Power
2. Gathering Information: Records and Meetings

Lectures will be based on the following cases.

1. *Sherrill v. Knight*, 3 MLR 1514 (1977)
2. *Houchins v. KQED*, 3 MLR 2521 (1978)
3. *Oak Creek v. Ah King*, 16 MLR 1273 (1989)
4. *Wilson v. Layne*, 27 MLR 1705 (1999)
5. *Food Lion v. Capital*, 27 MLR 2409 (1999)

6. *National v. Favish*, 32 MLR 1545 (2004)
7. *Branzburg v. Hayes*, 1 MLR 2617 (1972)
8. *Cohen v. Cowles*, 18 MLR 2273 (1991)
9. *Gonzalez v. National*, 27 MLR 2459 (1999)
10. Grand Jury Subpoena, Judith Miller, 34 MLR 1296 (2006)

Activities for Module 4

Chat line: Use the Chat line feature of the LMS for a revision with the instructor in preparation for the second test. Check times the instructor will be available on the chat line. If none of the times are suitable for you, send the instructor an email and indicate at least three time slots you will be available.

SKYPE. For students who are familiar with Skype, there will be a session that will replicate the Chat line above.

Forum. Expect questions from the instructor. Answer and post them on the forum within the given deadline.

Chat Line or SKYPE. Expect a discussion with the instructor on the questions in 5 above. Also, be ready to give a progress report on your term paper research.

Test 2

Module 5 : Free Press--Fair Trial

Watch streamed lectures 9 - 10 on the following topics

Free Press--Fair Trial

Closed Judicial Proceedings.

Regulation of Obscene and Other Erotic Material

Lectures will be based on the following cases.

1. *Sheppard v. Maxwell*, 1 MLR 1220 (1966)
2. *Nebraska v. Stuart*, 1 MLR 1064 (1976)
3. *Landmark v. Virginia*, 3 MLR 2153 (1978)
4. *Smith v. Daily Mail*, 5 MLR 1305 (1979)
5. *Richmond v. Virginia*, 6 MLR 1833 (1980)
6. *Seattle v. Rhinehart*, 10 MLR 1705 (1984)
7. *Press v. Riverside*, 13 MLR 1001 (1986)
8. *Harper v. Nation*, 11 MLR 1969 (1985)
9. *Braun v. Soldier*, 20 MLR 1777 (1993)

Chat line: Use the Chat line feature of the LMS for a revision with the instructor in preparation for the final test. Check times the instructor will be available on the chat line. If none of the times are suitable for you, send the instructor an email and indicate at least three time slots you will be available.

SKYPE. For students who are familiar with Skype, there will be a session that will replicate the Chat line above.

Term papers are due. Post on the LMS.

Test 3

V Evaluation Methods

Activity	Percentage of final grade
Three tests	60
Term paper	10
Assignments	30
Total	100

Grade weights

A = 90% and above B=80% -89% C=70% -79% D= 60%-69% F=Below 60%

VI Required Textbook

No required text

VII Academic Dishonesty: Plagiarism will not be tolerated. Academic dishonesty (plagiarism, falsification of information, cutting and pasting from web-based resources without acknowledgement, etc.) is a serious violation and will result in consequences that affect grades and/or may result in disciplinary charges. Plagiarism is defined as "copying another's work or portions thereof and/or using ideas or concepts of another and presenting them as one's own without giving proper credit."

Turnitin: Students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. Use of the Turnitin.com service is subject to the Terms and Conditions of Use posted on the Turnitin.com site.

VIII Bibliography

Associated Press. (2011) *The Associated Press Stylebook and Briefing on Media Law 2011*. Publisher: Basic Books; Forty-fifth Edition

Carter, T. Barton (2008). *First Amendment and the Fourth Estate, the Law of Mass Media*. 10th Edition. Publisher: West Group

Creech, Kenneth (2007). *Electronic Media Law and Regulation*. 5th Edition. Publisher: Elsevier Science

Dilts, Jon (1996). *Media Law*. McGraw-Hill Humanities/Social Sciences/Languages; 4th Edition

Gillmor, Donald M. (1996). *The Fundamentals of Mass Communication Law*. 1st Edition. Publisher: Cengage Learning.

Overbeck, Wayne. (2010) *Major Principles of Media Law*. 1st Edition. Publisher: Cengage Learning

Pember, Don, Clay Calvert (2010). *Mass Media Law 17th* McGraw-Hill Humanities/Social Sciences/Languages.

Russoman, Joseph , Susan Dente Ross. (2011). *The Law of Journalism and Mass Communication*. 3rd edition. CQ Press College.

Siegel, Paul (2007) *Communication Law in America*. 2nd Edition. Publisher: Rowman & Littlefield Publishers, Inc.

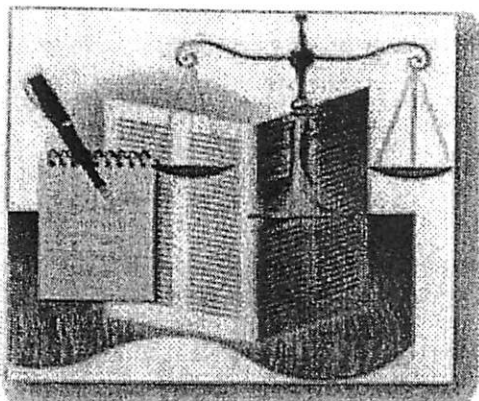
Siegel, Paul (2011). *Communication Law in America: 3rd Edition*. Publisher: Rowman & Littlefield Publishers, Inc.

Teeter, Dwight E. (2011) *Law of Mass Communications: Freedom and Control of Print and Broadcast Media*: 13th Edition. Publisher: Foundation Press, Incorporated

Zelezny, John D. (2010). *Communications Law: Liberties, Restraints, and the Modern Media*. 6th Edition. Publisher: Cengage Learning

Zelezny, John. (2010) *Cases in Communications Law 6th Edition*. Wadsworth Publishing.

Syllabus



Journalism Law JRNL 347 Spring 2009

What: Journalism Law, JRNL 347, Section 001, CRN 21257

Who: David Loomis, Ph.D., instructor
Office: Davis 421
Office hours: MWF: 2:30-3 p.m.; TueThu: 1:45-3:30 p.m.; or by appointment
E-mail: dloomis@iup.edu
Telephones: 724-357-2742 (office)
724-357-8005 (home)

Where: Davis 418

When: TueThu, 12:30-1:45 p.m.

Why: From the 2006-2007 Undergraduate Catalog: "Prerequisites: JRNL 328, junior/senior standing (or with permission.) A survey of the major Supreme Court and state court rulings governing the mass media, especially the news media. Areas include libel, antitrust, free press/fair trial, privacy. Approach is nontechnical."

Course goals:

From the syllabus written by the creator of the Journalism Law course, former IUP professor Bob Russell: "The purpose of this course is to familiarize students planning a career in the media with their rights and responsibilities under the law. This course is not intended primarily for students planning to attend law school and pursue a career in the law, although they may find the field intriguing enough that they may want to consider this." The course also will enable students to think critically as citizens about how media – especially news media – fit into the foundations of the U.S. form of representative democracy.

These course goals will be approached several ways -- assigned readings (in the textbook and in supplemental readings and other supplemental media), guided individual research, and discussion of readings and current events that reflect course themes.

Required skills:

Students are responsible for ensuring that they receive email messages. This means that students will need to check regularly their IUP email account for course-related communication.

Students also should have access to Adobe Reader computer software to allow access to supplemental readings and other materials that occasionally will be sent electronically. Adobe Reader is a free download, easily installed. Campus labs and libraries are equipped with computers that have Adobe Reader installed.

The textbook:

Don Pember, Clay Calvert (2009-2010 edition). *Mass Media Law*. New York: McGraw-Hill.

Additional readings:

Supplemental readings will be assigned. They will be made available by email attachment or in class. As noted above, some may require use of Adobe Acrobat Reader. Watch your IUP email in-box for announcements of supplemental reading assignments and related course communication. These may include news stories on current events that are relevant to our studies this term. This is a journalism course. Students will be expected to know current events and how they relate to our course content. That is, students will be expected to be consumers of reliable and authoritative news, especially news about media as it relates to course content. Evaluations of this will be made on class participation, which represents 10 percent of your course grade. That's one full letter grade.

Suggested supplemental resources:

The following books are standard references for writers. They are useful for answering questions of usage, style, punctuation, grammar and so on.. These books are useful for preventing weak writing from adversely affecting your grade in this journalism course.

- Brian S. Brooks, James L. Pinson and Jean Gaddy Wilson (any recent edition will do). *Working With Words: A Handbook for Media Writers and Editors*. New York: Bedford/St. Martin's.
- Also: *When Words Collide*, and other guides to standard English usage, grammar and style.
- Norm Goldstein, ed. (any recent edition will do). *The Associated Press Stylebook and Libel Manual*. New York: Associated Press. (Used-book prices at Amazon.com and BarnesandNoble.com are in the \$2 range for recent editions.)

Suggested Web sites:

- FindLaw.com: <http://www.findlaw.com/> A popular Web site for free legal information. Features include a Constitutional Law Center containing landmark U.S. Supreme Court cases and a searchable database of decisions back to 1893; Circuit Court and state court rulings; federal and state legal codes, and a legal dictionary.
- Refdesk.com: <http://www.refdesk.com/> Virtual reference library. Factual information in almost every conceivable category. Includes online dictionary and thesaurus.
- New York Times Navigator: <http://www.nytimes.com/library/tech/reference/cynavi.html> (Includes 1918 version of Strunk & White's "Elements of Style" and links to the Encyclopedia Britannica, World Almanac, Roget's Thesaurus, phone directories, print media Web sites, and more)
- Poynter Institute: Reporting, writing and editing resources at http://www.poynter.org/content/content_view.asp?id=1226
- Merriam-Webster's dictionary and thesaurus: <http://www.m-w.com/>
- American Journalism Review: <http://www.ajr.org/Newspapers.asp?MediaType=1> offers links to U.S. newspapers, including Pennsylvania papers. The site's home page includes numerous media links.
- Info Please Almanac: <http://www.infoplease.com/> More facts.
- <http://www.oit.umd.edu/units/web/literacy/>: A University of Maryland Web site for evaluating Web sites. It is one of many. Use this site (and others like it) to evaluate information you find on the Web. Be careful out there. The online environment is a shot full of factual black holes. Always employ skepticism as part of your critical-thinking skills, but be especially skeptical of everything you read online.

The work:

Graded work for the course includes research papers, periodic tests on assigned readings, student oral presentations and class discussion of assigned readings. Tests will be announced in advance, either in class or in email messages sent to your IUP email account. An all-inclusive final exam will conclude the term.

A more detailed explanation of the semester's graded assignments follows. Additional details will be provided during the semester:

I. Written, Oral Research Projects:

1. Contemporary media law issue. Description, analysis, conclusion.

This assignment has two parts -- one written, the other oral. From your reading of recent news and current events, find a press-law issue that reflects the content of our course and textbook. Example: Consider the case of former New York Times reporter Judith Miller, who was jailed for nearly three months in 2005 for refusing to divulge to federal investigators the content of phone conversations she had with high-placed Bush administration sources and for refusing to identify a leaker. In January 2007, Miller's name came up again in connection with the case, which by then was bringing the leaker -- I. Lewis "Scooter" Libby, a close aide to U.S. Vice President Dick Cheney -- to trial. In either event, in either case, what's the press-law issue? What are the legal precedents? So what? Why should news media professionals care? Why should American citizens care? From the news media's perspective, what should be done about the legal issue? By whom? Why? How?

These two court cases are examples. Find your own. The case need not be national in scope. It may be a local or state case. Consider, for example, the recent case of a Beaver County teen rapper who was expelled from his middle school for rap lyrics he posted online. He was arrested in his middle school in April 2005, led from the building in handcuffs, and jailed briefly in a juvenile detention facility. He sued. In December 2006, he won. High-school and college newspaper censorship cases are another area of current case law.

Due to me: first, a 1-page proposal for your topic, subject to approval by me. This proposal should include details about the plaintiff and the defendant, the facts, the case history and status, and the issue -- such as defamation, censorship, et cetera. Following approval of the proposal, research and write a 6-8 page paper, including a bibliography. A 5-10 minute oral presentation of your case also will be scheduled. A one-sheet summary (and study guide) of your presentation, including bibliography, must be distributed to each class member. A rubric detailing how your oral presentation will be graded -- organization of material, evidence/facts, delivery, argument/refutation and discussion/class participation -- will be distributed in class to help you prepare and present. I will use the rubric for your oral-presentation grade. See "calendar" section at end of syllabus for deadlines and presentation scheduling.

2. Historic case presentations: oral argument

Twice this semester, each student will present -- orally -- one side of a court case relevant to our course. The other side will be presented by another student assigned the same case. So, for example, if the assigned court case is *Schenck v. United States* (1919), one student will argue Schenck's side of the case, and the other student will present the U.S. government's side. Each member of these two-person groups will be evaluated on organization of material, evidence/facts, delivery, argument/refutation and discussion/class participation. Both presenters will be responsible for explaining the outcome of the case, the court's reasoning in its decision and the case's relevance to our course content. A rubric detailing these assessment criteria will be distributed to help you organize and prepare for these oral presentations. Engagement of the class in discussion of your case and how it reflects course content will be one measure of assessment.

Each student will present one side of one case in each half of the semester -- for a total of two such presentations during the semester.

Due to me: a written summary of the facts and arguments on your side of the case, a list of two or three key issues for class discussion and a bibliography listing sources for your information. Be sure to follow an accepted style of citation -- this includes citations for Web and Internet sources. (See "research note," below.)

Be sure to make enough copies of your summary, discussion issues and bibliography for distribution to each member of the class (including the instructor) on the day you are scheduled to present.

Length of written assignment: 2 pages, doubled-sided (one sheet of paper), double-spaced, including bibliography. No large images or graphics. Stick to the substance.

Duration of oral presentation: 20 minutes total -- max -- per group, including class discussion.

RESEARCH NOTE: Be sure to follow an acceptable guide for citation of sources for your research. The IUP library's Web site -- <http://www.lib.iup.edu/instruction/guides/researchpap.shtml> ("Steps to Successful Research Papers") -- has concise guides for structuring your research, your citations and your writing.

II. Quizzes, exam(s):

Occasional quizzes on assigned readings and on class discussions will be given, but no quiz will come as a surprise. A midterm examination is tentatively planned. A final exam is definitely scheduled. Keeping good class notes will be your best study guide and key to the content of quizzes and exams.

III. Class discussion:

The quality of your participation in class discussion represents 10 percent of your course grade. A substantial portion of this participation will be evaluated according to the following critical-thinking scale. The scale will be applied to all course work, not just class discussion.

Course grading:

I. CRITICAL THINKING

Following is a guide for your written work and class discussion and for evaluation of your work in this course. The guide is a six-level taxonomy (or classification) of critical thinking and how it relates to grading of college work:

LEVEL 0 -- Irrelevant

Writing that is off the subject or otherwise unscorable.

LEVEL 1 -- Unilateral Descriptions

Students define terms, paraphrase information or restate the question. Information is repeated and simple "good" or "bad" statements are presented, such as "I agree," with no reason given. Nothing new is added to the issue or question.

LEVEL 2 - Simplistic Alternatives

Students make unsupported assertions or simplistic arguments. They take sides but do not explore other alternatives. They make an assertion, without evidence, often in the form of a question that modestly advances thinking or attempts to get the discussion back on track. Challenges are made to previous assertions, but without evidence to support the challenge. Previous statements are clarified. Does not address conflicts with opposing views or does not explore them.

LEVEL 3 - Basic Analysis/Reasoning

A serious attempt is made to construct an argument or to analyze multiple arguments by appealing to (simple) evidence. An assertion with explicit evidence is offered (or a reasoned challenge of another's assertion), but without a clear, logical framework. Casual observation, anecdotal evidence, an example or a datum (not data) are provided as support for an argument or assertion. An appeal to a recognized (appropriate) authority is presented. Data are presented but without analysis. One or more factors are listed as evidence but are not integrated within a logical framework. No clear conclusion or choice between alternatives is made. For example, when choosing a "best" explanation, the response is that all choices are equally valid. A measure of ambiguity or confusion is apparent.

LEVEL 4 - Theoretical Inference

Theory is used to make a cohesive argument. [See list of mass-communication theories to be distributed to the class.] Logical statements are made. Assumptions are identified. A key assumption of another's theory or argument is challenged. A series of logical questions are posed. A conclusion is reached, based on theory or logical argument.

LEVEL 5 - Empirical Inference

Empirical evidence is presented to strengthen theoretical argument. Analysis of appropriate historical data is presented to "test" the validity of an argument. At least an implicit logical framework is evident. Data are used to reach a clear conclusion or to choose between alternative theories or arguments. A challenge is made to a peer's empirical measure or evidence.

LEVEL 6 – Merging Values with Analysis

A move is made beyond objective analysis to incorporate subjective interests. An argument may be made that while positive evidence exists to validate a particular policy or action, there are other consequences that must be considered. A particular policy or action is selected from several that have positive evidence to support them.

In summary, the more critical thinking you show in your work and your class discussion, the better your grade will be in this class. You should strive to perform at least at Level 3.

II. WRITING

Writing ability also is an important measure of academic performance – and of critical thinking. Good writing skills must be well demonstrated. Solid and consistent use of good grammar, punctuation, spelling, sentence structure, paragraphing, attribution/citation and other issues in basic communication writing courses should be evident in all work submitted for assessment and grading. Logical organization and clarity of expression are factors in good writing. Use of Associated Press style – found in the Associated Press Stylebook listed as a suggested supplemental text, above -- is expected.

For the grammatically challenged, other suggested supplemental texts and online sources are listed above. Lots of English-grammar-and-composition reference books are out there. If you think you need one (and most of us do), then buy one that addresses your writing needs and seems user-friendly. Also, come see me for samples and suggestions.

The grading standards for work in this course:

Scores on course work will correspond to the following letter grades, and vice versa:

- 90 and up = A
- 80 and up = B
- 70 and up = C
- 60 and up = D
- Below 60 = F

Following are weights and points for course assignments that will figure in your final course grade:

- | | |
|---|-----|
| • Research paper (contemporary issue) | 25% |
| • Group oral presentations (historic cases) | 25% |
| • Quizzes/tests | 15% |
| • Class participation | 10% |
| • Final exam | 25% |

Course Policies:

Communication:

Students will be responsible for using their IUP-provided email address for receiving messages on email. Students will be responsible for staying current with all course-related electronic messages during the term.

Writing format:

All work for this class must be typed, double-spaced, in 12-point type with standard page margins (about an inch on each side of the page). If you must submit work electronically, first get permission. If granted, submit the assignment as an attachment in Microsoft Word. Hard copy submitted in class is the default. Electronic submission is discouraged. Be sure that atop each piece of work submitted are your name, the due date, the class and section, and the slug – a word or two that describes the assignment. Here's a sample of what it looks like:

Joe Doaks
JRNL 347/Journalism Law
Feb. 14, 2009
Research paper

Number the pages. Put your name on each page.

Makeup work:

Makeup work may be accepted. But late work will cost one letter grade with each passing week. Exceptions to this general rule may be made in case of verifiable medical emergency, death in the family or the like. If you are unable to turn in an assignment at the deadline, make arrangements with me *in advance* to turn in your work *before* the deadline.

Attendance:

Attendance will be recorded. It will be reflected in the "class participation" portion of the course grade. Class participation and course performance are strongly correlated. The more class sessions that students attend, the better their grades.

Academic integrity:

Be sure you are familiar with the "Academic Integrity Policy and Procedures" section of IUP's 2003-04 Undergraduate Catalog:
<http://www.iup.edu/registrar/catalog/acapolicy/index.shtm#Academic%20Integrity%20Policy%20and%20Procedures>

Know what plagiarism is. Know the penalties for committing it. They are severe. Professors are given wide latitude to deal with cases of plagiarism. In journalism, plagiarism is regarded as a most serious offense. I share that view.

If you need a refresher on plagiarism and how to avoid it, visit <http://www.indiana.edu/~istd/>, to borrow one Web example. It is a tutorial posted by Indiana University (of Indiana). It offers examples and a quick and easy interactive quiz of your understanding.

Gadgets:

Please switch off and keep out of sight all electronic devices, including cell phones. Repeated violation of this request may result in adverse consequences for your grade. Exceptions may be granted in the case of laptop computers for in-class course-related research.

Exams:

A midterm exam may be scheduled. The final exam will cover all assigned readings and material covered in class discussion. A review of the course and preview of the final exam is scheduled for the final class session. (See calendar, below.) Your class notes are your best study guide for exams and other such assessments.

Calendar:

The following class schedule is tentative and subject to change.

Class Week/Day	To Do Before Class	To Do in Class
Week 1 Tue., 1/13/09 Thu., 1/15	Get Pember & Calvert textbook Read Pember & Calvert text, Chap. 1	Preview course
Week 2 Tues., 1/20 Thu., 1/22	Read Pember & Calvert text, Chap. 2-3: First Amendment	Discuss readings Turn in contemporary-media-law-issue proposal. Hand out, schedule first of two assignments of historic-case arguments.
Week 3 Tues., 1/27 Thu., 1/29	Read Pember & Calvert, Chaps. 4: Libel	Discuss readings. Finalize contemporary-media-law-issue proposals.
Week 4 Tues., 2/3 Thu., 2/5	Read Pember & Calvert, Chap 5: Libel	Discuss readings. Historic-case-argument oral presentations begin.
Week 5 Tues., 2/10	Read Pember & Calvert, Chap 6: Libel	Discuss readings. Historic-case-argument oral presentations continue.

Thu., 2/12		Historic-case-argument oral presentations continue.
Week 6 Tues., 2/17	Read Pember & Calvert, Chap 7: Invasion of Privacy	Discuss readings. Historic-case-argument oral presentations continue. Historic-case-argument oral presentations continue (conclude?)
Thu., 2/19		
Week 7 Tues., 2/24	Read Pember & Calvert, Chap 8: Invasion of Privacy	Discuss readings. Contemporary-media-law-issue paper due; oral presentations begin
Thu., 2/26		
Week 8 Tues., 3/3	Read Pember & Calvert, Chap 9: Gathering Information	Discuss readings. Contemporary-media-law-issue oral presentations continue. Midterm exam
Thu., 3/5		
Week 9 Tues., 3/10	SPRING BREAK	
Thu., 3/12	SPRING BREAK	
Week 10 Tues., 3/17	Read Pember & Calvert, Chap 10: Protection of News Sources	Discuss readings. Contemporary-media-law-issue oral presentations continue. Hand out, schedule second of two historic-case-argument assignments.
Thu., 3/19		
Week 11 Tues., 3/24	Read Pember & Calvert, Chap 11-12: Free Press/Fair Trial	Discuss readings.
Thu., 3/26		
Week 12 Tues., 3/31	Read Pember & Calvert, Chap 13: Obscenity, Etc.	Discuss readings. Historic-case-argument oral presentations begin.
Thu., 4/2		
Week 13 Tues., 4/7	Read Pember & Calvert, Chap 14: Copyright	Discuss readings. Historic-case-argument oral presentations continue. Historic-case-argument oral presentations continue.
Thu., 4/9		
Week 14 Tues., 4/14	Read Pember & Calvert, Chap 15: Regulation of Advertising	Discuss readings. Historic-case-argument oral presentations continue. Historic-case-argument oral presentations continue.
Thu., 4/16		
Week 15 Tues., 4/21	Read Pember & Calvert, Chap 16: Telecom Regulation	Discuss readings. Preview exam
Thu., 4/23		
Final Exam Thursday, April 30, 10:15 am - 12:15 pm		Ace final

**JRNL 347 Journalism Law
The First Amendment**

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

**The First Amendment
was adopted in 1791**

Was part of the Bill of Rights

Historical development

Seditious libel in Britain was used to punish publishers who criticized the King

Licensing and prior restraint laws

- Required printer to obtain prior approval from government before printing pamphlets or newspapers

Freedom of the press in colonial America

- British laws were applied to the press in colonial America

Benjamin Harris' Publick Occurrences

- Was banned after it failed to obtain a license to publish

James Franklin New England Courant

- was jailed 1772 for publishing without license.

John Peter Zenger New York Weekly Journal

- Was jailed under the Sedition law
- Lawyer, Andrew Hamilton, successfully argued that truth should be accepted as defense in a Sedition trial
- Zenger acquitted by jury

Precedence

- Zenger's acquittal established truth as a defense in a libel case.

Theories of the First Amendment

1. Absolutist or Libertarian theory

- Based on *Congress shall make no law...abridging the freedom of the press*
- Legal interpretation of First Amendment was given by the Supreme Court

Supreme Court

- never accepted the absolute theory of the press
- Schenck v the United States (1919)

Abrams v the United States (1919)

- Supreme Court Chief Justice Oliver Wendell Holmes : First Amendment does not protect anyone from falsely shouting fire in a crowded theater. Several types of speech fall outside scope of First Amendment protection.

Ashcroft v. Free speech Coalition (2002)

- Justice Anthony Kennedy(2002) "the freedom of speech has its limits; it does not embrace certain categories of speech, including defamation, incitement, obscenity, and pornography produced with real children.

2. Ad hoc balancing theory

- Holds freedom of speech and press are two of a number of constitutional rights
- When rights conflict courts must balance freedom of the press with other rights .
- Schenck v the United States (1919)

Abrams v the United States (1919)

- When national security is threatened need for secrecy in the military must be given greater weight.

3. Preferred position balancing theory

- Freedom of the press and expression often get a preferred position when in conflict with some other rights like right to privacy.

4. Meiklejohnian theory

- Speech or expression that relates to the functioning of our political system must enjoy absolute first amendment protection. But speech that does not relate to the self governing process is not protected absolutely by the First Amendment

5. Marketplace of ideas theory

- Truth-seeking rationale for free expression
- Origins from John Milton's Areopagitica: [T]hough all the winds of doctrine were let loose to play on the earth, so Truth be in the field, we do injuriously, by licensing and prohibiting, to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter?

Abrams v the United States (1919)

- Supreme Court Chief Justice Oliver Wendell Holmes "...the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes can be safely carried out.

6. Access theory

- Freedom of the press belongs to the man who owns one. Freedom of expression has little meaning if citizen does not have the economic means to exercise it.
- Access to the marketplace of idea is not equal to all but skewed in favor of media corporate owners.

Tornillo v Miami Herald 1974

- Government may have to force equal access to the media. This idea was unanimously rejected by the Supreme Court in newspapers (Tornillo v Miami Herald 1974)

Red Lion Broadcasting v F.C.C

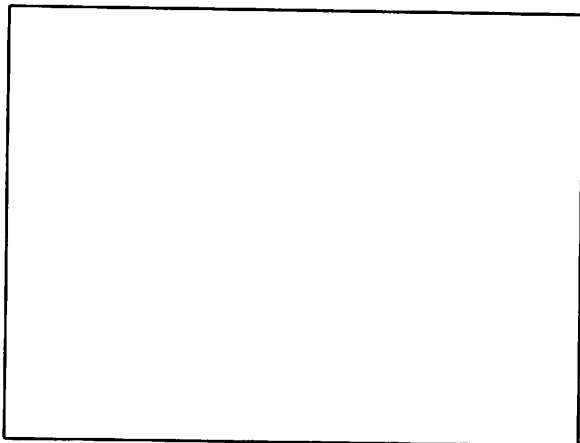
- In broadcast media Supreme Court ruled in favor of giving the right of access by the public (Red Lion Broadcasting v F.C.C.)

7. Self-realization/ self-fulfillment theory

- Speech and expression are important to an individual regardless of its impact on politics or society.

8. Social responsibility theory

- Replaced the absolute/libertarian theory
- Freedom of press is protected by the first amendment as long as it does not violate other people's freedoms and rights.



Undergraduate Curriculum Committee. Dual-level courses also require review by the University-wide Graduate Committee for graduate-level section.

Step Three: University-wide Undergraduate Curriculum Committee Approval

Recommendation: Positive (The objectives of this course can be met via distance education)
 Negative

Signature of Committee Co-Chair

Date

Forward form and supporting materials to the Provost within 30 calendar days after received by committee.

Step Four: Provost Approval

Approved as distance education course

Rejected as distance education course

Signature of Provost

Date

Forward form and supporting materials to Associate Provost.

- 3.3 **SKYPE.** SKYPE will enable real-time voice interaction between instructor and students.
- 3.4 **Telephone.** Instructor and students will also be able to communicate through the telephone or sms texts through the smart phone.

4. How will student achievement be evaluated?

Three tests	60 percent of the final grade
Term paper	10 percent of the final grade
Assignments	30 percent of the final grade

5. How will academic honesty for tests and assignments be addressed?

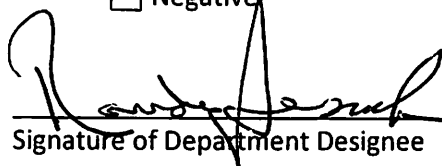
Students will be given specific deadlines to submit their work
 All tests and other written work will carry an academic integrity clause. Tests will be shuffled and timed. Students will be advised that papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism

- B. Submit to the department or its curriculum committee the responses to items A1-A5, the current official syllabus of record, along with the instructor developed online version of the syllabus, and the sample lesson. This lesson should clearly demonstrate how the distance education instructional format adequately assists students to meet a course objective(s) using online or distance technology. It should relate to one concrete topic area indicated on the syllabus.

Step Two: Departmental/Dean Approval


Recommendation: Positive (The objectives of this course can be met via distance education)

Negative


 Signature of Department Designee

1-26-12
 Date

Endorsed:


 Signature of College Dean

1/31/12
 Date

Forward form and supporting materials to Liberal Studies Office for consideration by the University-wide