

MEDIA LAW & ETHICS

Hybrid Course

Monday, 10:20-12:10 a.m. (311 Enarson Classrooms)

Instructor:

Dr. Nicole Kraft
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614.247.6274
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In-person legal clinic hours

Monday 12:30-2:30 p.m. (3045 E Derby Hall):

Wednesday 11:30 a.m.-12:30 p.m. (217 Journalism)

Online hours: Wednesday 8-9 p.m.
via Zoom--link in Carmen

SUMMARY

This HYBRID course explores the world of law and ethics as they pertain to Journalism and the First Amendment. The course will feature legal and ethical issues facing journalists--as dramatized in the movies. It is a unique adaptation of the case study approach often used in journalism law and ethics classes.

Journalists have been major characters in the movies since film began, and use of film in this course will help you visualize and understand the basic protections and restrictions offered by legal interpretations of the First Amendment, as well as to see and deal with the ethical problems and dilemmas journalists face.

Examining these issues through film will let us see media law and ethics in "real life" situations to better understand First Amendment rights, and journalists' legal and ethical responsibilities and limitations while looking at them from a practical, historical and societal context.

In this course students will learn by examining these fictional and true-life scenarios—as well as recreating significant court cases that have shaped journalism law, crafting arguments representing both sides of legal and ethical issues, and debating key issues that arise in the films.

The focus will be on such core concepts as:

- Libel
- Privacy
- Prior restraints
- Newsgathering
- Privilege
- Objectivity in reporting
- Bias and transparency
- Conflicts of interest
- Sources

This is not a class where students can be passive and do well. Engagement and participation is a key part of student success in the course. The goal is that by the end of the semester, students will be able to understand how the First Amendment is interpreted through U.S. legal decisions, as well as the ethical considerations that reporters face

You will also be able to: identify the significance of key court decisions in the history of American journalism; distinguish between ethical and non-ethical conduct by journalists; demonstrate an ability to think critically and make fair and reasoned judgment about news, issues and events; employ journalistic standards and practices in a variety of newsgathering settings; and demonstrate a professional work ethic by being on time and prepared to contribute to each class session.

This class is a HYBRID, which means we do work IN CLASS (1/3) and ON-LINE (2/3). Please note the workload is the same as a conventional three credit class, which should equal about 12 hours of work per week.

SECTION 1: LEARNING OUTCOMES

By the end of this course, students should successfully be able to:

- a. Develop an understanding of how the First Amendment is Interpreted through U.S. legal decisions
- b. Develop an understanding of the ethical considerations reporters face and how they make decisions in those areas.
- c. Identify the significance of key court decisions in the history of American journalism that have shaped modern-day media law.
- d. Distinguish between ethical and non-ethical conduct by journalists.
- e. Demonstrate an ability to think critically and make fair and reasoned judgment about news, issues and events.
- f. Employ journalistic standards and practices in a variety of newsgathering settings.

SECTION 2: COURSE CATALOGUE DESCRIPTION

Analysis of key legal and ethical issues that affect journalism and media in the past, present and future, with a focus on cases that have shaped media law and theories that help journalism professionals make decisions This course will be delivered entirely online.

SECTION 3: READINGS AND MATERIALS

3.1 Books and sites

Text Book: Media Law & Ethics-Fifth Edition (Moore, Murray, Farrell and Youm)

Cost: \$104.95 (perpetual access), \$62.97 (365-day access), \$52.48 (180-day access)

DO NOT BUY IN BOOKSTORE OR ONLINE. YOU WILL PURCHASE ACCESS WHEN YOU CONNECT TO READINGS VIA CARMEN THROUGH THE PROGRAM PERUSALL!

3.2 Films

There will be viewing of five films in this course to augment understanding of media law and ethics. The films include:

- Absence of Malice (SML)
- All the President's Men (SML)
- Nobody Speak (Netflix)
- Nothing But the Truth (SML)
- Wag the Dog (SML)

Four of these films are accessed through the Ohio State Secured Media Library (SML). Once you login, you will look for "Assigned Playlists," and see the films assigned to you. Every film will be available for at least one week before the film challenge is due. Nobody Speak is only available on Netflix. If you cannot get access, please let me know.

SECTION 4: COURSE TECHNOLOGY

4.1 Zoom.us

The webinar tool [Zoom](#) will be used to host weekly synchronous out-of-office meetings for anyone who needs help and cannot come to in-person law office meetings. A link will be provided weekly in Carmen. **These meetings are Wednesday from 8-9 p.m.**

Help guides on the use of Zoom can be found at <https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started>

Self-Service and Chat support: <http://ocio.osu.edu/selfservice>

Phone: 614-688-HELP (4357)

Email: 8help@osu.edu

TDD: 614-688-8743

4.2 Baseline technical skills necessary for hybrid courses:

Basic computer and web-browsing skills

Navigating Carmen

4.3 Necessary equipment

Computer or Tablet: current Mac (OS X/IOS) or PC (Windows 7+) with high-speed internet connection. **Please bring to class!**

Word processor with the ability to save files under .doc, .docx, .rtf, or .pdf. Most popular word processing software programs including Microsoft Word and Mac Pages have these abilities.

OSU students have access to Microsoft Office products free of charge. To install, please visit https://osuitsm.service-now.com/selfservice/kb_view.do?sysparm_article=kb04733

For help with your password, university e-mail, Carmen, or any other technology issues, questions, or requests, contact the OSU IT Service Desk. Standard support hours are available at <https://ocio.osu.edu/help/hours>, and support for urgent issues is available 24x7.

4.4 Carmen:

Carmen, Ohio State's Learning Management System, will be used to host materials and activities throughout this course. To access Carmen, visit carmen.osu.edu. Log in to Carmen using your name.# and password. If you have not setup a name.# and password, visit my.osu.edu.

Help guides on the use of Carmen can be found at <https://resourcecenter.odee.osu.edu/carmen>

This hybrid course requires use of Carmen (Ohio State's learning management system) and other online communication and multimedia tools. If you need additional services to use these technologies, please request accommodations with your instructor.

4.4a Every week is identified by a LEARNING MODULE, which contains a guide to the subjects being covered, as well as learning videos and assignments. Please consume ALL materials BEFORE CLASS.

4.4b Readings are also accessed through Carmen. On the left navigation there will be a link for PERUSALL. Please click there and complete the readings assigned each week before you come to class.

[Carmen accessibility](#)

SECTION 5: GRADING

5.1 Calculations

Final course grades will be calculated using a one-thousand-point scale in the following way:

Perusall Readings	50 points
In-Class activities (5 @ 10 points each)	50 points
Discussion Posts (5 @ 20 points each)	100 points
Speed Court Cases (10 at 10 points each)	100 points
Film Challenges (5 @ 40 points each)	200 points
Ethical Debate	200 points
You Be the Justice--Final Project	200 points
Final Exam	100 points

These points tallied together will provide the final grade of the following percentages (100-93=A; 92-90=A-; 89-88 B+; 87-82=B; 81-80=B-; 79-78=C+; 77-72=C; 71-70=C-; 69-60=D; 59 and below=E). I am not able to negotiate grades, either during or after the semester.

Final Exam Date: Check University Schedule

5.2 Assignments

5.2a Perusall Readings (50 points)

Our discussions will be based on our class readings and what is going on in

the news. Your readings, which are due BEFORE our live class session meets, are provided through a program called Perusall.

Perusall is accessed on left side of the class Carmen navigation. You will **purchase your textbook** access through Perusall and read the sections assigned through each Canvas assignment. For each reading section you comment at least five times and be scored based on the quality and timeliness of your comments, questions, and responses.

When you open a document, you'll see highlights superimposed on the document that represent comments (yellow) or questions (orange) that you and other students have entered. When someone responds to your question or comment, you will receive a notification by email and you can post a reply by signing on or merely replying to the email. If you ask a question you can indicate that one or more of the responses answers your original question.

While reading the document, you can change which comments you see by clicking the All comments dropdown at the top of the page and selecting either My comments or No comments.

You can view your scores by clicking the My grades button at the top of your course home page.

You may continue to ask questions, answer questions, and make comments outside of the context of a particular reading assignment. However, note that if you edit a comment that was counted towards an assignment whose deadline has passed, that comment may no longer count towards your score for that assignment.

Please visit the link http://support.perusall.com/knowledge_base/categories/students-2 for more information on using Perusall.

5.2b In-Class Activities (50 points--5 @ 10 points each)

During the semester we will have in-class activities, and some will be worth points. These assignments are intended to put into practice the concepts we have learned about in readings and videos, and discussed in class. Your participation is most important toward earning points. These CANNOT be made up if you miss class.

5.2c Speed Court Case (100 points—10 points per week/10 weeks)

Every Monday you have an online assessment activity to see how well you know the cases and ethical issues we are studying in the lectures.

The court will post 10 questions to Carmen and you will have 10 minutes once you start to answer. You will be allowed to use your notes.

You will be able to use this as a study guide to complete our final, so make sure you do a complete job and get the correct answers throughout the semester.

5.2d Discussion Posts (100 points—5@20 points each)

Students will be confronted with a legal or ethical challenge related to media, and you will be asked to write a 300-500-word discussion post on the topic, and then respond to at least two classmates.

5.2e Film Challenges (200 points — 5 @ 40 points for each)

Five times in the semester you we will watch a film that will help frame our discussions around a key journalistic legal or ethical issue. For example, watching "Absence of Malice," which will help frame discussions related to libel, working with sources, revelation of private facts, etc.

For each film you will write a 500-700 word (give or take 50 words) post summing up the legal or ethical issues in the films we watch and discuss during the class, giving both sides of the argument leading up to how you would handle such a situation. The study questions you receive should help guide your discussion.

5.2f Ethical Debate (200 points)

Every student will be part of a debate team (3 people) to argue for or against a journalistic moral or ethical issue, and will face off (virtually) against the other side to see which side better argues their ethical point. Expectations for this assignment are students will demonstrate understanding of the ethical issue and be able to argue the side of the issue assigned to them in class. Use of fact, as opposed to opinion, and real-life examples will be key to your ar-

gument.

This assignment will be completed as newscast-style video and turned in as a .mov or .m4v. Each team will record their argument via a video of 5-10 minutes. You will then be assigned two sides of an argument different than your know, to determine which side made a more compelling argument.

Script writing, video technique and recording instruction/space will be provided. You will be evaluated on how well you make your argument, engage the audience, understand the issue and ability to apply ethical theory discussed in class to the argument you make.

Details for all assignments are in Carmen.

5.2g You be the Justice (200 points)

You will play the part of a Supreme Court justice to explain a legal case from history, how you researched and decided the case, and what you believe has been the impact since the case was decided. You can do this individually or in teams of up to 9 people, and will be assigned a case and justice randomly. You will research your justice to determine his/her legal philosophy and impact on modern law, and then deliberate an assigned real (or hypothetical) case in a recorded session with your fellow justices on the court that is designed as a podcast. Basic podcasting technique and recording instruction/space will be provided.

You will be evaluated on how well you embody the justice and his/her judicial views, your understanding of the case and ability to apply precedent discussed in class to the decision you make.

Details for all assignments are in Carmen.

5.2h Final Exam (100 points)

At the end of the semester, you will have a 50-question final exam, administered through Carmen, that will encompass questions from our readings, Speed Court Cases and films.

5.2i Extra Credit

Everyone will have the opportunity throughout the semester to attend events or do research for extra credit, up to 20 points.

Activities: Participate in outside activities identified during the semester

Research: Take part in School of Communication research, and receive 5 points per activity. <http://osucomm.sona-systems.com>

The deadline for completion and reporting to me all extra credit is Dec. 1.

Journalism Movie Nights: You may watch and complete additional film challenges on journalism-related film screenings offered in monthly in the Journalism Building.

5.3 Late assignments

Assignments that miss the deadline without prior approval will not be accepted.

SECTION 6. FACULTY FEEDBACK AND RESPONSE TIME

I am providing the following list to give you an idea of my intended availability throughout the course. (Remember that you can call 614-688-HELP at any time if you have a technical problem.)

6.1 Grading and feedback

For large weekly assignments, you can generally expect feedback within 7 days.

6.2 Discussion board

I will check and reply to messages in the discussion boards every 24 hours on school days.

6.3 Slack

This course prefers not to use email. Instead, everyone will be invited to an app called [Slack](#) to communicate inside and outside of class and it will, for all intents and purposes, replace class email. Slack is fundamentally an instant messaging and collaboration system in which “channels” are used to separate communities and discussions.

All students will be invited to the class Slack and will be shown how to sign up and communicate.

I will respond to Slack messages between the hours of 8 a.m. and 8 p.m., Monday-Friday. I may not respond to messages on the weekend.

SECTION 7. ATTENDANCE, PARTICIPATION AND DISCUSSIONS

7.1 Student participation requirements

Only students enrolled in this section are permitted to attend class. Attendance (both physical and mental) is key to your success in this class. Your grade is largely contingent on your presence and participation in class. Listen, take notes, and ask questions. Much of the material presented in lecture is not found in your readings. If you miss class for whatever reason, it is your responsibility to obtain notes from a classmate; the instructor will not provide notes in any circumstance. If you miss class, you will not be able to make up any in-class work or extra credit opportunities.

Because this is a hybrid course, your attendance is based on your physical presence one day a week and online activity the remaining days. The following is a summary of everyone's expected participation. Failure to meet this expectations will impact your opportunities to be successful in this class. Missing more than two live classes without documentation will result in the reduction of your course grade by a full letter grade.

7.1a Logging in: AT LEAST TWICE PER WEEK

Be sure you are logging in to the course in Carmen each week, including weeks with holidays or weeks with minimal online course activity. (During most weeks you will probably log in many times.) If you have a situation that might cause you to miss an entire week of class, discuss it with me as soon as possible. .

7.1b Participating in film challenges and discussion forums:

2 TIMES PER WEEK

As participation, each week you can expect to post at least once by Thursday and respond by Sunday as part of our substantive class discussion on the week's topics and our film challenges .

7.2 Discussion and communication guidelines

The following are my expectations for how we should communicate as a class. Above all, please remember to be respectful and thoughtful.

7.2a Writing style: While there is no need to participate in class discussions as if you were writing a research paper, you should remember to write using good grammar, spelling, and punctuation. Informality (including an occasional emoticon) is fine for non-academic topics.

7.2b Tone and civility: Let's maintain a supportive learning community where everyone feels safe and where people can disagree amicably. Remember that sarcasm doesn't always come across online.

7.2c Citing your sources: When we have academic discussions, please cite your sources to back up what you say. (For the textbook or other course materials, list at least the title and page numbers. For online sources, include a link.)

7.2d Backing up your work: Consider composing your academic posts in a word processor, where you can save your work, and then copying into the Carmen discussion.

SECTION 8: CLASS DETAILS

8.1 Legal Clinic (Office hours)

Instead of "office hours," to which few students ever attend, this course offers legal clinic hours twice weekly: Mondays from 12:30-2:30 p.m. (3045E Derby Hall) and Wednesdays from 11:30 a.m. to 12:30 p.m. (217 Journalism). . There will be online clinic hours Wednesday from 8-9 p.m. on the application Zoom. A link will be provided weekly. Our class clerk will also hold legal clinic hours.

See *Appendix I*.

8.2 Gentle Reminders

Every week, this court will disseminate a document that reflects the key elements from the previous week and what is coming in the next week. Please read these Gentle Reminders, as they will help everyone keep track of the court's activities. They will also feature extra credit opportunities.

8.3 Syllabus

This syllabus is an agreement between the instructor and the student. The instructor reserves the right to make changes to the syllabus as deemed necessary. By staying enrolled in this class, the student agrees to abide by the policies described herein.

Every effort has been made to create a syllabus that is as comprehensive and accurate as possible, but each class is a living entity and changes may arise. Please know I will notify you in writing as soon as any syllabus change may arise.

8.4 Withdrawal Policy

Not all classes fit a student's schedule or academic plan. Please know, however, that this instructor wishes to meet with students before they drop (especially deeper into the semester) to work through challenges together. Once group assignments have been made, team-member departures are especially difficult for the class as a whole.

8.5 Safe & Healthy

Keeping students healthy and preventing the spread of illness is important to The Ohio State University—and to me. Students are encouraged to stay home if they are sick and may be asked to leave class if they are coughing/sneezing. Students who are sick and cannot attend class must contact me BEFORE class to receive class any materials and turn in assignments via the drop box or e-mail. If you do not notify me, your assignment will not be accepted.

8.6 Technology Excuse Statement

This course, like journalism as a whole, relies heavily on access to computers, specific software, and the Internet.

At some point during the semester you will likely have a problem with technology. Your laptop will crash; your iPad battery will die; a recording you make will disappear; you will accidentally delete a file; the wireless will go down at a crucial time. These, however, are inevitabilities of life, not emergencies. Technology problems are not excuses for unfinished or late work. Bad things may happen, but you can protect yourself by doing the following:

8.6a Plan ahead: A deadline is the last minute to turn in material. You can start--and finish--early, particularly if challenging resources are required, or you know it will be time consuming to finish this project.

8.6b Save work early and often: Think how much work you do in 10 minutes. I auto save ever 2 minutes.

8.6c Make regular backups of files in a different location: Between Box, Google Drive, Dropbox and iCloud, you have ample places to store and back up your materials. Use them.

8.6d Practice safe computing: On your personal computer, install and use software to control viruses and malware

8.7 Student Academic Services

Arts and Sciences Advising and Academic Services' website provides support for student academic success. Information on advising issues such as tutoring, transfer credits, academic standing, and contact information for Arts and Sciences advisors can be obtained through this website. The site is: <http://advising.osu.edu/welcome.shtml>

8.8 Student Services

The Student Service Center assists with financial aid matters, tuition and fee payments. Please see their site at: <http://ssc.osu.edu>.

8.9 Mental Health

As a student you may experience a range of issues that can cause barriers to learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating and/or lack of motivation.

saulted, you may find the appropriate resources at <http://titleix.osu.edu> or by contacting the Ohio State Title IX Coordinator, Kellie Brennan, at titleix@osu.edu

8.13 Students With Disabilities

The University strives to make all learning experiences as accessible as possible. If you anticipate or experience academic barriers based on your disability (including mental health, chronic or temporary medical conditions), please let me know via email immediately so that we can privately discuss options. You are also welcome to register with Student Life Disability Services to establish reasonable accommodations. After registration, make arrangements with me as soon as possible to discuss your accommodations so that they may be implemented in a timely fashion. SLDS contact information: slds@osu.edu ; 614-292-3307; slds.osu.edu ; 098 Baker Hall, 113 W. 12th Avenue.

APPENDIX I: MEDIA LAW AND ETHICS CLERK SYDNEY ROSE

This court has a clerk who will assist student lawyers in all things related to media law and ethics, and the assignments therein. Sydney Rose will attend classes and meet during Legal Clinic hours to be established. Sydney is graduating in December 2018 as a communication major with a CAP specialization. She is pursuing law school and will be beginning in fall of 2019 with a career goal of working in civil rights and social justice. Please feel free to contact her with any questions about the course or just school in general! She always wants to help



Court Docket



DRAFT

Draft submission



Discussion



Film Challenge

Week of Aug. 27



Module 1

Subject: Intro to Media Law and Ethics (at the Movies)

Perusall Readings:

Media Law and Ethics (1-38)

3 internet articles

Assignments:

Discussion 1: What is the media's role as the Fourth Estate of government?

First Amendment Quiz

Week of Sept. 3: LABOR DAY



Module 2

Subject: Media as Government Watchdog

Perusall Readings:

Media Law and Ethics (39-81)

1 internet articles

Assignments:

Film Challenge 1: All the President's Men

Court Case Assessment 1--at home

Week of Sept. 10



Module 3

Subject: Speech & Press Freedoms in Theory and Reality

Perusall Readings:

Media Law & Ethics (82-105)

Assignments:

Discussion 2: Political Speech and activism

Court Case Assessment 2

Week of Sept. 17



DRAFT

Module 4

Subject: The Ethics of Media in Theory

Perusall readings:

Media Law & Ethics (106-136)

2 internet articles

Assignments:

Court Case Assessment 3

Draft: First submission on debate topic

Discussion 3: What is the biggest ethical challenge faced by the media?

Week of Sept. 24



Module 5

Subject: The Ethics of Media in Reality

Perusall readings:

3 internet articles

Assignments:

Court Case Assessment 4

Film Challenge 2: Absence of Malice

Week of Oct. 1

Module 6

Subject: Libel and Defamation

Perusall readings:

Media Law and Ethics (335-401)

4 internet articles

Assignments:

Court Case Assessment 5

Week of Oct. 8



Module 7

Subject: Media and Privacy

Perusall readings:

Media Law and Ethics (402-450)

3 internet articles

Assignments:

x Court Case Assessment 6

Discussion 4: How much privacy do you deserve?

Ethical Debate Video Due

Week of Oct. 15



Module 8

Subject: Electronic Media-Yesterday and Today

Perusall readings:

Media Law and Ethics (269-344)

Assignments:

Court Case Assessment 7

Film Challenge 3: Wag the Dog

Week of Oct. 22

Module 9



Subject: Reporter's Privilege
Perusall readings:
Media Law and Ethics (137-206)
3 internet articles

Assignments:
Court Case Assessment 8
Film Challenge 3: Wag the Dog
Evaluation of Ethical Debate on VoiceThread

Week of Oct. 29

Module 10



Subject: The Right to Know--Ohio Supreme Court Visit
Perusall readings:
Media Law and Ethics (451-490)
First Amendment Handbook (47-59)

Assignments:
Court Case Assessment 9--at home
Film Challenge 4: Nothing But the Truth

Week of Nov. 5

Module 11



Subject: Obscenity, pornography and cursing, oh my!
Perusall readings:
Media Law and Ethics (491-526)

Assignments:
Court Case Assessment 10
Draft: First submission on You Be The Justice

Week of Nov. 12

Module 12



Subject: Battling fake news and media manipulation
Perusall readings:
Media Law and Ethics (207-268)
4 internet articles

Assignments:
Take Media Bias Survey (before class)
Film Challenge 5: Nobody Speak

Week of Nov. 19

Module 13

Subject: You Be the Justice Work

Assignments:
Let's learn podcasting

Week of Nov. 26

Module 14



Subject: Understanding (Changing) Social Norms
Perusall readings:
Media Law and Ethics (527-602)
3 internet articles

Assignments:
Final Review Jeopardy!
Discussion 5: What are your contemporary community standards?
You Be the Justice Project

Week of Dec. 5

Module 15



Subject: What Have We Learned?
Perusall readings:

Assignments:
FINAL EXAM