REVISED AS OF 9/28/17

MMC 4200 MASS COMMUNICATION LAW AND ETHICS Fall 2017
Section B52 (Course #81071)
Tuesday and Thursday, 11:00 a.m. – 12:15 p.m., GL 265

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Office hours: Tuesday/Thursday, 12:30 p.m. – 1:30 p.m. and Wednesday, 2 p.m. – 4 p.m.

Once you have learned how to ask questions—relevant and appropriate and substantial
questions—you have learned how to learn and no one can keep you from learning
whatever you want or need to know.
--Neil Postman and Charles Weingartner
Teaching as a Subversive Activity, 1969

Welcome to Mass Communication Law and Ethics. I hope this course—maybe more than any
other class you’ll take in the School of Communication and Journalism—will be what Harvard
Emeritus Professor C. Roland Christenson has called “education for judgment.”

No one will leave this class knowing all the answers. No one really can. There are too many
questions, and the answers change over time. This class is about asking good questions. It is
about finding what Ernest Hemingway called “the details that matter” and using them to reach
the best possible solution to a problem for which there is no easy answer.

A century ago, Oliver Wendell Holmes wrote in The Common Law:

The life of the law has not been logic: it has been experience. The felt necessities of the
time, the prevalent moral and political theories, intuitions of public policy, avowed or
unconscious, even the prejudices which judges share with their fellow-men, have had a
good deal more to do than the syllogism in determining the rules by which men should be
governed. The law embodies the story of a nation’s development through many
centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of
a book of mathematics. In order to know what it is, we must know what it has been, and
what it tends to become. We must alternately consult history and existing theories of
legislation. But the most difficult labor will be to understand the combination of the two
into new products at every stage. The substance of the law at any given time pretty
nearly corresponds, so far as it goes, with what is then understood to be convenient; but
its form and machinery, and the degree to which it is able to work out desired results,
depend very much upon its past.

The same can be said about ethics. Both law and ethics are human creations, immutable only to
the extent that human behavior is immutable. We are entitled to think about law and ethics not
just as the limits other people set for us, but as things that change—and that we have the power to
change. Learning about law and ethics isn’t a matter of memorizing rules so that we can predict
and obey. Both law and ethics demand that we think about how to shape and expand, how to
push out the edges and clear away the cobwebs. Because the law and ethics of mass
communication are human creations about another human creation, we have even more
elbowroom. I hope you will enjoy a semester of reading, thinking, talking and writing about law
and ethics as they have been, as they are, and as they might be—if we have the wisdom and the will to fix what could be better. I hope you will use your time in this class and as a professional to think big and make things better.

**Think big.** We live in an era of instantaneous access to a sea of information—some of it important and much of it simply a distraction. Learning to make use of this information, write Christopher Frank and Paul Magnone, is like “drinking from the fire hose.” I hope this class will help you to become better at organizing information and learning to see the big picture, rather than to become lost in the details. That means abstracting on the fly (AOTF): taking useful notes while you read your assignments and while you participate in class discussions and then, after class, organizing those notes in a way that allows you to find the meaning in the details. Those who succeed in careers in the communications business have learned to sort out and use those “details that matter,”—details that allow them to see the patterns and trends that will shape the future. Part of what I will try to determine with exams is how well you are succeeding at AOTF.

**Attendance and note taking:** If you expect to earn three credits for this course, I expect you to be in class, on time, every time. I expect you to prepare for class by doing your assigned reading before you come to class. That means taking the time to make sense of what you read, looking up unfamiliar terms and taking good reading notes. It means asking good questions before and after class (via email, Blackboard course message, phone or an office visit), as well as during class discussions. Be an active participant, focused on the material we are studying, taking part in discussion, and taking good notes in class. No laptops, phones, cameras, recording devices or other electronics may be used during class unless you have provided me with a documented need for special accommodations and have received my advance permission to use electronic aids. Bring your reading notes to class to assist you during discussion. AOTF requires your complete focus on what is being said and your thoughtful evaluation of discussion while it is ongoing. Ask questions. Learn to summarize the discussion in your own words—as it moves along—in a way that captures its broader meaning. Organize and review your notes as soon as possible after class. If you want to organize them on your computer, doing so as soon as possible after class will help you to make sense of your notes while they are fresh in your mind. That way, if you have questions, you can contact me immediately to clarify any confusion in your notes.

**Catalog description:** “An in-depth examination of legal and ethical issues confronting professional communicators. Focus is on the responsibilities and rights of communicators and the implications for a society entering the 21st century.” There are no prerequisites.

**Course objectives and learning outcomes:** You will be expected to demonstrate a working knowledge of the First Amendment and the ethical values of the communications professions, an understanding of legal and ethical principles and vocabulary important to communications professionals, and an ability to recognize and to solve problems involving law and ethics that might arise in your work as a communications professional in an increasingly diverse society.

**Required course materials:** You will need paper and pencil or pen for note taking and a loose leaf binder in which to keep any materials handed out in class, your reading notes and your class notes. This is a web-assisted course, so you will need access to Blackboard to complete your reading assignments outside of class.

This class has been awarded an Affordability Counts Medallion in recognition of my efforts to keep to a minimum the cost to students of required course materials. You do not need to purchase a textbook. Assigned readings will be available at no additional charge to registered

**Recommended reading:**


John Zelezny, “Communications Law,” Sixth Ed., on reserve, Hubert Library

**Grades:** Three midterm exams and a final exam are worth up to 100 points each. The sum of your three highest exam scores will determine your semester grade. Occasionally, I may raise a semester grade based on truly outstanding class participation or lower a semester grade if you are chronically absent, tardy, unprepared or disruptive. Here are the points you must earn to achieve each of the following semester grades:

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<th>Points</th>
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<tr>
<td>279 or above</td>
<td>A</td>
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<tr>
<td>270 – 278</td>
<td>A-</td>
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<tr>
<td>261 – 269</td>
<td>B+</td>
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<td>249 – 260</td>
<td>B</td>
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<td>240 – 248</td>
<td>B-</td>
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<td>231 – 239</td>
<td>C+</td>
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<td>180—209</td>
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<td>179 or below</td>
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**Assignments:** Additional reading assignments may be announced in class or on Blackboard. Regularly check for announcements on Blackboard Course Messages and in your FIU email.

**Week One: Introduction to the study of mass communication law and ethics**

8/22 Why study mass communication law and ethics? No advance reading assignment.

8/24 Why study mass communication law and ethics? By today, you should have read the complete course syllabus on Blackboard. Check exam dates against your calendar. If you know in advance of scheduling conflicts, it is up to you to reschedule those conflicting activities or to drop the class. Be sure to check the university schedule for final exams. Be aware that final exams may be on a different day and at a different time than regular class meetings during the semester. Sometimes the university makes changes in the final week schedule after the beginning of the semester, so do not schedule holiday travel until the end of final week. Contact me before the end of drop-add week if you have questions about scheduling conflicts.

**Week Two: The fundamentals of mass communication ethics** (Prepare in advance for this week’s classes by reading the written ethical principles and values of AAF, PRSA and SPJ.)

8/28 Last day to add, drop or swap courses without incurring financial penalty

8/29 What values and principles are shared by all communications professionals? In what ways are the values and principles of advertising, public relations and journalism different?
8/31 The fundamentals of mass communication ethics, continued.

**Week Three: The fundamentals of mass communication law** (Prepare in advance for this week’s classes by reading Veraldi, “Finding the Right Balance between Freedom and Safety.”)

9/5 What does the First Amendment say? What does the First Amendment mean?
The fundamentals of mass communication law, continued

Week Four: Prior restraints (Prepare in advance for this week’s classes by reading Handbook, “Introduction,” “Prior Restraints,” and “Gag Orders.”)

9/12 How do the courts define prior restraints? Why are protections against them so strong?

9/14 Prior restraints, continued

Week Five: Access to information (Prepare in advance for this week’s classes by reading Handbook, “Access to Courts” and “Confidential Sources and Information” and the Florida reporter privilege statute and Veraldi, “Access to Government Meetings and Documents.”)

9/19 It is one thing to protect the public and the press against prior restraints on publication of information we already have. But how can we be assured of having access to important information so that there will be something to publish

9/21 Access to information, continued

Week Six: Exam 1

9/26 Summary and review for Exam 1. Review your notes and bring your questions for discussion.

9/28 Exam 1. Bring a #2 pencil and a photo ID.

Week Seven: Different legal standards for different technologies (Prepare in advance for this week’s classes by reading Veraldi, “The FCC and the Public Interest.”)

10/3 Why are First Amendment protections for broadcast radio and television different from those for print media? How have the courts treated other electronic media like cable television and the internet, compared to broadcasting?

10/5 Different legal standards for different technologies, continued

Week Eight: Objectionable Content (Prepare in advance for this week’s classes by reading Veraldi, “Objectionable Content.”)

10/10 How have the courts defined obscenity and indecency? What differences exist in the First Amendment protections of the two? Is speech about violence protected by the First Amendment?

10/12 Objectionable content, continued

Week Nine: Advertising and corporate speech (Prepare in advance for this week’s classes by reading Veraldi, “The Evolution of Free Commercial Speech.”)

10/17 How has the U.S. Supreme Court expanded its interpretation of First Amendment protections for commercial advertising and corporate political speech since it first considered the issues?

10/19 Advertising and corporate speech, continued

Week Ten: Exam 2
10/24 Summary and review for Exam 2. Review your notes and bring your questions for discussion.
10/26 Exam 2. Bring a #2 pencil and a photo ID.

Week Eleven: Copyright and trademark (Prepare in advance for this week’s classes by reading Handbook, “Copyright.”)

10/30 Last day to drop the course with a DR grade.

10/31 What are the differences between copyright and trademark in terms of what the law protects and why the law protects each of these kinds of intellectual property?

11/2 Copyright and trademark continued

Week Twelve: Defamation (Prepare in advance for this week’s classes by reading Handbook, “Libel.”)

11/7 What legal issues and ethical values ought to be considered when dealing with information that might be damaging to an individual’s reputation?
11/9 Defamation continued

Week Thirteen: Privacy (Prepare in advance for this week’s classes by reading Handbook, “Invasion of Privacy,” “Surreptitious Recording,” and “Access to Places.”)

11/14 What are the differences between defamation and invasion of privacy?
11/16 Privacy continued

Week Fourteen: Summary and review for Exam 3

11/21 Summary and review for Exam 3. Review your notes and bring your questions for discussion.

11/23 Thanksgiving holiday. No classes.

Week Fifteen: Exam 3

11/28 Exam 3. Bring a #2 pencil and a photo ID.

11/30 Prior restraints and access to information. (Prepare in advance for this week’s classes by reading or reviewing Handbook, “Introduction,” “Prior Restraints,” “Gag Orders,” “Access to Courts” “Confidential Sources and Information,” and Veraldi, “Access to Government Meetings and Documents.”)

Week Sixteen: (added to semester to makeup for Hurricane Irma closure)

12/5: Group makeup: Exam 1. Any student who did not take Exam 1 on 9/28/17 may take the makeup for Exam 1 during this class period. Students who already took Exam 1 as originally scheduled need not be in class today. Bring a #2 pencil and a photo ID.

12/7: Summary and review for Final Exam. Review your notes and bring your questions for discussion.
Week Seventeen: Final Week of Classes (12/11 - 12/16)

Thursday, 12/14, 9:45 – 11:45 a.m. Final Exam. Bring a #2 pencil and a photo ID.

The Final Exam will be given as scheduled by the University. The schedule provides a two-hour block for each class. This may be at a different time and/or day than our usual class schedule. You must adjust your work schedule and personal schedule to be available for the Final Exam. Do not book travel during the final week of classes; the university sometimes makes changes to the final week schedule during the semester, so you will need to keep yourself available through the end of the week, even if your classes are normally scheduled early in the week.

Makeup exams: If you arrive late for an exam, you will be allowed to take the exam in whatever time remains only if no other student has already finished the exam and left the classroom. If you miss an exam, you may take a makeup exam on another date if FIU policy allows you to take a makeup exam (for example, FIU athletic team travel or observance of a religious holiday) or if you have written documentation of a serious emergency beyond your control (an accident or sudden illness) that could not be anticipated prior to the date of the exam. Scheduling conflicts due to work, travel, elective surgery, routine medical or dental appointments, or social events are not emergencies beyond your control. If class is cancelled on the day an exam is scheduled, the exam will be given at the next class meeting.

Academic misconduct: Academic misconduct will be subject to the Academic Misconduct procedures and sanctions outlined in the FIU Student Handbook. Academic misconduct includes cheating (“the unauthorized use of books, notes, aids, electronic sources; or assistance from another person with respect to examinations, course assignments, field service reports, class recitations; or the unauthorized possession of examination papers or course materials, whether originally authorized or not”) and plagiarism (“the use and appropriation of another’s work without any indication of the source and the representation of such work as the student’s own. Any student who fails to give credit for ideas, expressions or materials taken from another source, including internet sources, is responsible for plagiarism.”)

Time required for class: A prolific writer whose name I have forgotten was asked how he had managed to write so many books. He replied that every day there are "16 hours until midnight." Like him, each of us can accomplish a lot in 16 hours. But none of us can do (or have) it all. No one knows better than you how much time you need for your other responsibilities. But I can tell you how much time you need for this class. As a general rule, you should expect to work about two hours outside class for every hour you spend in class. For an average student in a 3-credit course like this, that means about six hours outside class in addition to almost three hours in class every week—about a workday a week. (A course load of 12-15 credits is expected to be the equivalent of a fulltime job.)

As I see it, my job as a teacher is not to make everything easy—even if I could. Most things worth thinking about are not simple. I cannot give you all the answers. But I hope you will leave this class asking better questions. I hope the work you do in this class will help you learn to listen better, to read more critically, to write more clearly, to speak more confidently. I hope you will become both more skeptical and more tolerant—even though those two qualities may at first seem mutually exclusive. I hope you will become both more confident and less sure of yourself, although those qualities, too, may seem at odds. I hope you will graduate from FIU not just with a credential, but also with an education.