

MST 407: Media Law and Ethics

Spring 2023

Part 1: Course Information

Instructor Information

- **Instructor:** John Boschini
- **Classroom:** Brown 215
- **Office:** Brown 213
- **Office Hours:** By Appointment
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Course Description

- This course will provide students with an overview of both the legal and ethical frameworks which govern most forms of mass media.
- The course will focus on four broad topics.
 - The rights afforded media under the First Amendment of the United States Constitution as well as applicable state and federal laws.
 - The laws of copyright, trademark and publicity/privacy.
 - The legal structure of the entertainment industry with a particular focus on film and television.
 - The ethical standards to which members of the media, both journalistic and entertainment, are expected to abide.
- By the conclusion of the course, students should be able to do the following
 - Demonstrate an understanding of the relevant Constitutional Freedoms, legal issues and ethical principles of mass communication.
 - Apply legal rules to factual scenarios.
 - Argue a legal issue in a structured setting.
- **For this class to count towards the MST major, students must receive a grade of C or better.**

Textbook & Course Materials

- **Required Textbooks:** None
- **Recommended Texts & Other Readings:**
 - Other readings will be made available through Canvas.

Part 2: Student Objectives

Format and Procedures

Most classes will follow the traditional lecture format with each period being dedicated to a specific area of media law or ethics. Lectures will be supplemented by Powerpoint Slides that will be posted on Canvas.

Graded Assignments

A detailed explanation of each assignment will be distributed well in advance of the due date but are tentatively as follows

- A written legal analysis where students will apply legal rules to a given set of facts. The legal analysis will come with a “do - over” option, as explained below.
- Two oral arguments where students will argue opposite sides of a legal issue.
- Reflection papers on three movies students will be expected to view throughout the semester
- A final exam consisting of both multiple-choice questions and a legal analysis.
- **Extra credit will not be offered unless there are extraordinary circumstances. The decision to offer extra credit is in the professor’s sole discretion**
- Deadline extensions must be requested in advance and will only be given for good cause. Assignments that are submitted late will be penalized one full letter grade (10 total points) for every 12 hours the assignment is not submitted.
- **Students should also be aware that their grade, as listed on Canvas, may not reflect their current grade in the course. Some assignments may not be graded via Canvas and, therefore will not be included in the Canvas gradebook. Students can learn their current grade by utilizing the percentage breakdown below or by emailing the professor. Students will receive a midterm grade around the time of spring break**

Grades will determined according to the following formula

- Written Legal Analysis (20%): This assignment will have a “do over” option. When the assignment is returned, students will be given another opportunity to complete the assignment. Students will be given the higher of the two grades. Essentially, the first submission may be treated as a graded rough draft by students.
- Oral Arguments (30%): Students will complete two oral arguments throughout the course of the semester. The first will count for **10% of the final grade** while the second will count for **20% of the final grade**.
- Reflection Papers (15%): Students will be graded on their top three responses to the four movies. This allows students to “skip” one movie without incurring a penalty
- Final Exam (35%): A detailed breakdown of the final exam will be distributed during the semester but shall consist of a mixture of multiple choice questions with one truncated legal analysis.

Academic Integrity

Students must familiarize themselves with UNCG's Policy on Academic Integrity. This can be found at <https://osrr.uncg.edu/academic-integrity>.

Accommodations for Students with Disabilities

I am available to discuss appropriate academic accommodations that may be required for students with disabilities. If possible, requests for academic accommodations should be made within the first three weeks of the semester.

Attendance Policy

With the return to in-person learning, an attendance policy will be enforced. Students are permitted four absences for any reason during the semester. Additional absences will be excused on a case-by-case basis in extraordinary circumstances including, but not limited to, prolonged illness or extended leave due to a family emergency. Students are encouraged to save their absences in anticipation of a brief illness or the need to miss a single class due to, for example, a death in the family.

If a student requests additional absences, the student may be required to explain their absences from earlier in the semester in order to allow the professor to decide the justifiability of excusing additional absences.

If a student is advised or ordered by a healthcare practitioner or governmental agency to self-quarantine due to a potential COVID-19 exposure or infection, they are expected to notify the professor as soon as practical. This will allow the professor to take additional steps to ensure the student does not miss any material covered in class and those absences will not count against the four allowed for all students.

Inclusivity Statement

We understand that our members represent a rich variety of backgrounds and perspectives. The UNCG Media Studies Department is committed to providing an atmosphere for learning that respects diversity. While working together to build this community we ask students to do the following.

- Share their unique experiences, values, and beliefs.
- Be open to the views of others.
- Honor the uniqueness of their colleagues.
- Appreciate the opportunity that we have to learn from each other in this community.
- Value each other's opinion and communicate in a respectful manner.
- Keep confidential discussions that the community has of a personal (or professional) nature.

Part 3: COVID-19 Accommodations

As we return for spring 2023, please uphold UNCG's culture of care to limit the spread of covid-19 and other airborne illnesses. These actions include, but are not limited to:

- Engaging in proper hand-washing hygiene
- Self-monitoring for symptoms of covid-19
- Staying home when ill
- Complying with directions from health care providers or public health officials to isolate if ill
- Completing a [self-report](#) when experiencing covid-19 symptoms or testing positive for covid-19
- Following the CDC's [exposure guidelines](#) when exposed to someone who has tested positive for covid-19
- Staying informed about the University's policies and announcements via the [covid-19](#) website

Part 4: Topic Outline/Schedule¹

- **Week 01 (January 9 - 11): Class Introduction, First Amendment Generally**
 - Why is this class relevant to a career in media? What are the topics, themes and events that will be covered? What is the first Amendment? What is its history? Where does the First Amendment apply and, perhaps more importantly, where does it not apply?
- **Week 02 (January 18): First Amendment Generally Continued**
 - *Note: No classes on Monday, January 16th due to MLK Day*
- **Week 03 (January 23 - 25): Unprotected Speech**
 - What are some of the types of speech the First Amendment doesn't protect? What is obscenity and indecency? What role does the FCC play in regulating the type of content that can be shown on the internet/TV/Movies.
- **Week 04 (January 30 - February 1): Unprotected Speech (Cont.) Legal Issues of Reporting**
 - What is defamation? Are journalists treated differently than under defamation law than non journalists?
 - Assignment Due: Reflection Paper on *People v. Larry Flynt*
- **Week 05 (February 6 - 8): Legal Issues of Reporting (Cont.) and Student Speech**
 - Do students have First Amendment rights? If so, are there limits on the First Amendment rights of students? How are students treated different in college than in middle or high school?
 - Assignment Due: Initial Submission of Legal Analysis.
- **Week 06 (February 13 - 15): Commercial Speech**
 - What rules apply to advertisements? Does the First Amendment protect advertisers?

¹ The assignment due dates are simply an estimate. Students will be given advance notice of any and all due dates.

- **Week 07 (February 20 - 22): Privacy and Publicity Torts**
 - Do I need permission to use someone's image or identity in a creative work? What about in a commercial advertisement? Do private individuals have the ability to monetize their likeness?
- **Week 08 (February 27 - March 1): Oral Argument #1**
- **Week 09 (March 6 - 8): No Class Spring Break**
- **Week 10 (March 13 - 15): Copyright**
 - How (and to what extent) does the law protect creative works? What are the rights of copyright holders? When can another artist use the creative works of another without permission?
- **Week 11 (March 20 - 22): Copyright (Cont.)**
 - Assignment Due: Legal Analysis Rewrite
- **Week 12 (March 27 - 29): Copyright (Cont.)**
 - How can one generate consumer recognition of, and obtain legal protection for, a brand or service? What are the limits of trademark protection and what remedies are available for trademark holders?
- **Week 13 (April 3 - 5): Trademark**
 - How can one generate consumer recognition of, and obtain legal protection for, a brand or service? What are the limits of trademark protection and what remedies are available for trademark holders?
- **Week 14 (April 10 - 12): Trademark (Cont.)**
- **Week 15 (April 17 - 19): Oral Argument #2**
- **Week 16 (April 24 - 26) : Media Ethics and Business of Entertainment**
 - What ethical questions to journalists face? Are there firm rules for what journalists should and should not do? What are the ethical considerations for filmmakers and other producers of fiction?
 - What are some of the challenges facing those working in the entertainment industry? What is an agent? How is it different than a manager? What do guilds do?
- **Final Exam**: Monday, May 1 at 7:00 p.m.