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| Spring Semester 2023 | Instructor: Nakho Kim |
| Class day/time: MWF 3:30PM - 4:25PM Location: EAB S207 | nmk5360@psu.edu Office: 1 717 948 4353 |
|  | Office hours: MW 11:00-12:30p, or by appointmentOffice Location: Olmsted Bldg W005F |

**COMM 458 Media Law & Ethics**

**Course Description**

During the semester, we will overview the role of the mass media in American society regarding the rights and responsibilities of practicing professionals in media fields including journalism, PR and creative media work. This course covers both law and ethics topics in close inter-connected manner. Students examine current legal issues in mass media with the goal of preparing them to be lawful members of the profession, while also recognizing the need to exercise reasoned ethical principles for further responsibility towards the subjects, the field and the larger society. Legal topics include access to information, defamation, privacy, intellectual property, among others; Ethical topics include fair use, transparency, conflicts of interest, invasion of privacy, and the ethics of persuasion and entertainment.

**Prerequisites**

COMM 100 or COMM 251; or instructor’s permission.

 **Course Learning Outcomes**

By the end of this course, students will:

1. Understand the framework of media laws in contemporary American society
2. Be familiar with the core ethical standards of the media industry
3. Be able to critically analyze legal and ethical factors in current issues on media
4. devise possible approaches to cope with ethical and legal dilemma in media

**General Course Requirements**

*Follow current events and news*: While the readings provide knowledge and stimulate thoughts on how we can understand the legal and ethical issues in media production and use, actual media news provide us with real-time experience. Keeping track of recent events and debates as they unfold is crucial for understanding the field in a constant flux. Therefore, you will be expected to regularly follow news coverages and suggest them for class discussions. Some prominent sources include the Poynter Institute for journalism (<https://www.poynter.org/channels/ethics>) and PR Week for strategic communication (<https://www.prweek.com>).

*Class discussions*: Students should come to class prepared, having done the readings for the week meaning that the readings for any particular week should be completed **beforehand**, allowing us to engage and discuss their contents during class. Students should also be prepared to engage their classmates and the instructor with regard to the course material in a civil manner both in-class and online. Note that active class participation is a part of the grading scheme. Electronic reserve readings will be available online or on CANVAS file repository. Additional short media (online articles, videos, etc.) may be assigned during the semester. As such, students are required to check the online site regularly for vital class announcements.

**Attendance**

Class starts promptly. Please plan to arrive on time, and remain until the end of the class period, in order to avoid disrupting class discussions.

Please keep careful track of assignment deadlines. Late assignments will be not be accepted or will be evaluated with a significant penalty. Exceptions will be made only in cases of genuine emergency - in which case you may be required to provide documentation or other acceptable proof of an emergency nature. When contacting the instructor via email, it is recommended to do it via CANVAS to ensure prompt retrieval.

Excused absences must be by PRIOR arrangement with the instructor, unless brought on by a genuine emergency as mentioned above. Unexcused absences will count significantly negative toward the final grade and will not be granted make-up opportunities.

**Assessment and Grading**

Course grades will be based on the reading quizzes, discussion leadership (group presentation) and the final essay. Grades will be determined according to the following formula:

Case briefs (30 points \* 10 times) 300 points

Issue debate (over the semester) 150 points

Midterm quiz 150 points

Final essay 350 points

Participation 50 points

Total raw score 1000 points

The breakdown of grades will be as follows:

A = 93% and higher; A- = 90 - 92.99%; B+ = 87 - 89.99%; B= 83 - 86.99%; B- = 80 - 82.99%; C+ = 77 – 79.99%; c = 70 – 76.99%; D = 60 – 69.99%; F = 59.99% and below.

*Case Briefs*: This is a task to get you trained in understanding legal cases. Ten “briefs” on core media cases will be assigned. A case brief is essentially a *short* and annotated abstract of a specific legal case, providing a straight-to-the-point overview of the logic, debate and implication. The topics can be found at the bottom of the syllabus; detailed instructions on how to write a case brief will be discussed in-class. The due date for each brief will be on Week #4 - #14 (excludes spring break).

*Issue debate*: Starting from week#5, every Friday will be devoted to debating a current issue relating to the topic covered that week. Students will be assigned randomly to either pro or con position of each issue at the start of the debate; students can work together or individually to prepare their logic and “win” the argument.

*Midterm quiz*: On week#8 Friday, we will have a midterm quiz focusing largely on key understanding of the legal and ethical frameworks regarding media work.

*Final Essay*: based on the knowledge gathered over the semester, each student will introduce an ethical dilemma in media work of one’s own interest and propose what would be needed to possibly reach a solution. It will be in a formal format, but not exceeding 3000 words (not counting references). Details will be discussed in-class.

*Participation*: It’s a combination of attendance and taking part in in-class discussions (i.e. sitting in class and not being engaged will not result in good evaluation). Since this is an advanced course, it is crucial that you bring in your own cases of interest and observations into the mix. Participation will be assessed not simply based on the frequency of talking, but on the relevance, collaborative manner and civility. Those who are uncomfortable speaking in class may share written questions on the readings with the class via discussion boards on CANVAS.

**Academic Integrity**

Academic dishonesty is not limited to simply cheating on an exam or assignment. The following is quoted directly from the "PSU Faculty Senate Policies for Students" regarding academic integrity and academic dishonesty: "Academic integrity is the pursuit of scholarly activity free from fraud and deception and is an educational objective of this institution. Academic dishonesty includes, but is not limited to, cheating, plagiarizing, fabricating of information or citations, facilitating acts of academic dishonesty by others, having unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, or tampering with the academic work of other students."

All University and Penn State Harrisburg policies regarding academic integrity/academic dishonesty apply to this course and the students enrolled in this course. Refer to the following URL for further details on the academic integrity policy of Penn State Harrisburg. Each student in this course is expected to work entirely on her/his own while taking any exam, to complete assignments on her/his own effort without the assistance of others unless directed otherwise by the instructor, and to abide by University and Penn State Harrisburg policies about academic integrity and academic dishonesty. Academic dishonesty can result in an assignment of "F" or "XF" as the final grade for the student.

**Class Etiquette and Accommodation**

The use of personal computing devices in the classroom is basically allowed because we are not living in the Victorian Age. However, their usage is limited to activities directly related to the class such as note-taking, reference searching, and in-class interactions (not permitted: checking out your social media timeline, leveling up your gaming stats, or other unique ways of distraction). Also, it should be noted that such forms of media use can be very distracting to other students. If distraction is severe, it will count as an offense and repeated offenses will affect your participation grades.

Food and drinks are officially prohibited in the classroom by university policy, but it does not mean you should stay hungry as long as your intake becomes a distraction.

**Weather Policy**

If we have bad weather, please listen to local radio and TV stations for announcements about Penn State Harrisburg or check the Penn State Harrisburg website, or simply your phone (please sign up for message alerts). Naturally, they will be faster than my announcement on CANVAS.

**Disability Access**

Penn State welcomes students with disabilities into the University’s educational programs. Penn State values diversity and inclusion; we are committed to a climate of mutual respect and full participation. Our goal is to create environments that are usable, equitable, inclusive, and welcoming. Every Penn State campus has a Student Disability Resources office. Student Disability Resources at Penn State Harrisburg is located in the Student Enrichment Center Room 205. The Assistant Director Student Disability Resources, Alan Babcock, can be contacted via email at aub15@psu.edu or by phone at 717-948-6025.

To receive consideration for accommodations, please contact Student Disability Resources (SDR), participate in an intake interview, provide documentation of your disability, and complete an online Introductory Questionnaire. Please know that you are not required to already have documentation to begin the process with SDR, as SDR can assist with the process of requesting accommodations. Additional information is available on the Student Disability Services Resources website. If the documentation supports requests for reasonable accommodations, SDR will provide you with an accommodations letter, which you can then give to your professors. Please know that requests for accommodations and support must be initiated by the student and communication with professors regarding the approved accommodations must be initiated by the student. You will receive accommodations after you give your accommodations letter to your professors. It is recommended that you share your accommodations letters with your professors as early in the semester as possible. Professors do not provide accommodations retroactively.

**Counseling & Psychological Services**

Success in college depends heavily on your personal health and wellbeing. Please recognize that some stress and anxiety is a normal part of life and the college experience, and it can be compounded by unexpected setbacks or life changes outside the classroom. Penn State Harrisburg has a number of support options listed in this syllabus.

If you are experiencing issues that feel unmanageable, you reach the point that you have difficulty concentrating and/or feeling motivated, or have anxiety or feelings of depression that interfere with your ability to take care of yourself or your daily responsibilities, please consider talking with someone in CAPS (Counseling and Psychological Services). We have a range of services to help you navigate issues that are impacting your ability to be healthy, well, and productive at college.

You can learn more about the confidential mental health services available on campus by visiting the Counseling and Psychological Services website or by calling (717) 948-6025 Monday through Friday 8am to 5pm. CAPS is located on the 2nd floor of the Student Enrichment Center, Suite 205.

You can access a crisis counselor 24/7/365 any time by calling 1-877-229-6400 or by texting “LIONS” to 741741.

Find us on Instagram @pshbg\_caps\_sdr or on Facebook @psuhbgcounselinganddisabilityservices.

(Yes, I know it’s an unyieldingly long handle)

**Educational Equity**

Penn State takes great pride to foster a diverse and inclusive environment for students, faculty, and staff.  Acts of intolerance, discrimination, harassment, and/or incivility due to age, ancestry, color, disability, gender, national origin, race, religious belief, sexual orientation, or veteran status are not tolerated and can be reported through Educational Equity at the Report Bias site: https://equity.psu.edu/reportbias.  Penn State’s Code of Conduct can be found at the following link: https://studentaffairs.psu.edu/support-safety-conduct/student-conduct/code-conduct.

Direct all inquiries regarding the nondiscrimination policy to The Office of Diversity, Equity, and Inclusion at Penn State Harrisburg at 717-948-6016, and to Equity & Compliance at 717-948-4381 or in person in Olmsted E125.

**Mandated Reporting**

Penn State is committed to equal access to programs, facilities, admission, and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, or physical or mental disability, gender, perceived gender, gender identity, gender expression, genetic information or political ideas. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University’s educational mission, and will not be tolerated. Gender-based and sexual harassment, including sexual violence, are forms of gender discrimination in that they deny or limit an individual's ability to participate in or benefit from University programs or activities. For reporting resources, and support, please visit Penn State's Title IX website.

Penn State strongly encourages all members of the campus community to take appropriate action by providing support and encouraging those impacted by such incidents to submit a report to the Title IX Coordinator. You may also submit a report online by using the Incident Report Form found here: Office of Sexual Misconduct Prevention & Response Incident Report Form. If the University Title IX staff receives information about an incident, they will reach out to offer information about resources, rights, and procedural options available to you.

At Penn State Harrisburg, your point of contact is:

Nicholas Paesano – Equity & Compliance Specialist/Sexual Misconduct Resource Person

Penn State Harrisburg
E125 Olmsted Building
717-948-4381
nbp5382@psu.edu

Penn State’s Interim Title IX Coordinator is:

Suzanne Adair, Interim Title IX Coordinator
222 Boucke Building
University Park, PA 16802
814-867-0099
titleix@psu.edu

Other resources that are available include:

Penn State Harrisburg Counseling and Psychological Services
SEC 205 - 717-948-6025

Department of Safety & Police
Campus Police – 717-979-7976
Emergency – 911

UPMC Harrisburg
111 South Front Street – 717-782-3131

Penn State Harrisburg Student Health Services
220 Capital Union Building – 717-948-6015

Penn State Hotline 800-560-1637 (Anonymous reporting)

**Writing Support: Learning Center Writing Support Information**

The Russell E. Horn Sr. Learning Center may have a tutor who can assist you with this course. An appointment is recommended. Tutoring sessions are available in-person or on Zoom, depending on your preference.

Visit: Student Enrichment Center Room 201

Or go to: starfish.psu.edu and click on “My Success Network”

Or call: 717-948-6475

Or email: PSHLearningCtr@psu.edu

The Learning Center can help you in a variety of ways: Academic Success Coaches, Subject Area Tutoring and Writing.

**Other Support**

The **Lambert Undergraduate Advising Center** can assist you with exploring majors and minors, understanding academic policies, and planning courses for future semesters. You can see your assigned advisor in the "My Advisors" box in LionPATH. Drop-in Quick Question Advising is available during the semester both in-person and online (no appointment necessary). See dates, times, and locations at: bit.ly/whatsnexthbg

The **Madlyn L. Hanes Library** has Library Guides ready. Access curated resources such as databases, books, and journals relevant to your course and areas of study. Browse by topic (subject guides) or by campus and course number (course guides): Penn State Library Guides.

**Changes to Syllabus**

To reflect current events and developments, the syllabus is subject to change at the instructor’s discretion.

**Schedule**

**\* Required textbook:**

**Moore, Murray, Farrell & Youm (2021). *Media Law and Ethics*, 6th Ed.** (from hereon, MLE)

 \* Other readings will be either publicly available online (address on the syllabus) or stored on the class site.

**Week1. Introduction: regulating media practices**

Lessig (2000). *Code Is Law: On Liberty in cyberspace*
https://harvardmagazine.com/2000/01/code-is-law-html

Stephens (2017). *Goodbye Nonpartisan Journalism. And Good Riddance*.
https://www.politico.com/magazine/story/2017/06/26/goodbye-nonpartisan-journalism-and-good-riddance-215305

**Week2. Understanding ethical dilemmas of the media (No class on MLK)**

MLE Ch2. Media Ethics: A Cognitive Framework

**Week3. “Codes” of Ethics**

SPJ (Journalism) https://www.spj.org/ethicscode.asp

AAF (Advertising)
http:// aaf.org/\_PDF/AAF%20Website%20Content/513\_Ethics/IAE\_Principles\_Practices.pdf

PRSA (PR) https://www.prsa.org/ethics/code-of-ethics/

**Week4. Legal frameworks**

MLE Ch1. US Law and the Legal System

**Week5. Getting information: access, sources** \*Debate sessions start

Understanding Shield Law (Quill Magazine, 2021)
<https://www.quillmag.com/2021/04/08/understanding-shield-law/>

Freedom of Information Toolkit (SPJ)
<https://www.spj.org/foitoolkit.asp>

Pro/con debate: (not) protecting whistleblowers

**Week6. Producing for media: copyrights**

MLE Ch9. Intellectual Property

Pro/con debate: (not) legitimizing “piracy” in the academic industry

**Week7. Producing for media: moral boundaries**

MLE Ch6. Indecency and Obscenity

Pro/con debate: (not) permitting adult content on social media

**Week8. Producing for media: transparency**

Weinberger (2009). Transparency is the new objectivity.
http://kmworld.com/Articles/Column/David-Weinberger/Transparency-the-new-objectivity-55785.aspx

NPR Ethics Handbook: Transparency. (2017) http://ethics.npr.org/category/g-transparency/

Stearns (2015). Why Journalists Should Use Transparency as a Tool to Deepen Engagement.
http://mediashift.org/2015/08/why-journalists-should-use-transparency-as-a-tool-to-deepen-engagement/

Pro/con debate:(not) mandating transparency for news orgs

**Week9. Communicating: censorship**

MLE Ch3. Prior Restraint

Pro/con debate: de-platforming anti-social provocateurs

**Week 10. Communicating: strategic communication**

MLE Ch8. Corporate and Commercial Speech

Pro/con debate: (not) regulating "sponsored content"

**Week 11. Communicating: regulating "mass" media**

MLE Ch7. Digital Media

Pro/con debate: (not) mandating platform services for moderation

**Week 12. Impacting others: invading privacy (No class on “Wellness Day”)**

MLE Ch5. Right of Privacy

Pro/con debate: (not) regulating "doxxing" culture

**Week 13. Impacting others: harming reputations**

MLE Ch4. Defamation

Pro/con debate: (not) mandating corrections of disinformation

**Week 14. Impacting others: global influence, local jurisdictions**

MLE Ch10. International and Foreign law

Pro/con debate: (not) regulating international content farms

**Week 15. Oral presentations of final essay topic**

**Finals Week:** Final essay due on Monday 11:59 pm.

**[Case list for briefs]**

Freedom of Expression

* New York Times Co. v. Sullivan (1960)
* Brandenburg v. Ohio (1969)
* Reno v. American Civil Liberties Union (1997)
* Snyder v. Phelps (2011)
* Janus v. AFSCME (2018)

Access and shield

* Branzburg v. Hayes (1972)
* Packingham v. North Carolina (2017)

Defamation

* Blumenthal v. Drudge (1997)
* Zeran v. America Online, Inc. (1998)
* Obsidian Finance Group v. Crystal Cox (2011)

If you want to do one more to gain some extra credit:

International

* Google Spain v. AEPD (2014) : European Court of Justice

The original texts to the legal cases may be found online on LEXIS-NEXIS, supremecourt.gov or findlaw.com.