

COMMUNICATION 3404: Media Law & Ethics
Derby Hall 080
Wednesdays and Fridays 12:45 p.m. – 2:05 p.m.
Spring 2014

Professor: Lanier Frush Holt, Ph.D.	Office hours: 11 a.m.- 12:15 p.m. Wednesdays and Thursdays and by appointment; 3080 Derby Hall
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Course Description: Welcome to Media Law & Ethics. In Ferguson, Missouri protesters rioted not just because they were angry because a young, unarmed black child was shot and left to die on the street; they were rioting because they want **justice**. Earlier this year the Supreme Court ruled that corporations could pick and choose which parts of the Obamacare provisions they will abide by as corporations, much like people, have rights. Women's rights groups and several other Americans decried this decision wondering if this was "**justice**?" This could be the most important class you take this semester. Now, before you dismiss this as hyperbole, realize that whatever the Supreme Court of the United States (SCOTUS) says is law, is the law of the land. Rulings by the Court has determined how much time people serve for murder, if and when a woman can get an abortion, whom you can and cannot go to school with, and even who does and does not count as a human being. Realize that at one time women could be thrown in jail for voting, you could be imprisoned for teaching me to read, and many of your forefathers and foremothers could be bought and sold like dogs...**legally**. Also, it was not that long ago when 18-year-olds could not vote. In fact, in just the year 2000 the Supreme Court was the decider on who would be the president of the United States. Again, the law is whatever the Supreme Court says is the law. The judicial branch is arguably the most powerful branch of government. Its members set the course of history. They are appointed for life, and they are one of the very few officials whose decisions affect your every day life, yet neither you, nor anyone else in the general public, elect them.

In this class we will learn about the Court's justices, their decisions, and how they impact the reality we see today.

This course combines law, media, debate, as well as your personal and professional ethics. There are several phrases you will hear repeatedly throughout the semester. First: *your personal ethics will always override your professional and legal ethics*. Second, there is often a difference between what the law says and what you believe is right or wrong. Third, the law is flexible, and the key to you being successful in this course is being flexible...with the syllabus, assignments, and with yourself. *You will hear this third phrase later in this syllabus*.

In this class, you will look up law cases, debate legal, social, and political issues addressed by the Court, read media accounts about cases, and do a scouting report on various Supreme Court justices. We will also discuss current news, law events, and you will be tested on your ability to keep up with news and learn the content of the course. In this course, you will work. If work is not what you're looking to do this semester, this is not the class for you. This course is geared mainly toward juniors, seniors, and those who are looking toward graduate or law school. Remember, this is an upper-division course and this is The Ohio State University.

You will cite your work throughout this class. However, you will not be required to cite information in Blue Book Style.

Required Text: There is no required text for this course. All of the materials will either be provided for you or will require you looking them up in much the same way that attorneys and law school students.

Course Website: Check Canvas regularly for announcements, course changes, or other matters related to the course.

Course Requirements: Students are required to be active participants in discussions and to answer questions when called upon. Students will also participate in **the LFS**, which will be discussed on the first day of class.

Current events: As citizens of an ever-changing world, students are **also required to speak on current events at the start of each class and to read a daily news source before the start of each class.**

Here is a synopsis of the assignments and point values for the semester:

Point Values per Assignment and Due Dates

Assignment	Due Date	Maximum Point Value	Maximum Semester Points
Group Ethics	Jan. 18	30	30
Quiz 1	Feb. 1	10	40
Ferguson et al.	Feb. 22nd	35	75
Affirmative Action Debate	March 1	30	105
Obamacare	March 22	20	125
Gay Marriage Debate	April 5	30	155
Quiz 2	April 12	10	165
Final Project	April 21	Maximum: 75 <u>Points Breakdown:</u> - <u>Debate:</u> 30 points - <u>Presentation & Q&A:</u> 30 points - <u>Slides:</u> 15 points	240

Total number of semester points: 240

***This chart was created so you can follow your academic progress throughout the semester without asking me what grade you're getting at any given point in the semester.

Multiple Choice Exams: The multiple-choice exams are very straightforward and are based on material discussed in class and current events (some of which will have been mentioned in class). All exams are A-D, with no "all of the above," "none of the above," or "both A & C" type questions. There are also no trick questions. All exams require a #2 pencil and will be given on scantron forms.

Professionalism: Class participation is not only expected it is required in this course as students will often be called upon to either give their opinion or to speak on cases being discussed on that date. Many of the cases and issues addressed in this class are contentious and controversial. Hence, although a good amount of intellectual rancor is expected and appreciated, students should refrain from being verbally abusive, belittling, or demeaning each other in the process of verbal discourse. I will be the final arbiter in determining what is and is not acceptable behavior. Students who cannot abide by these rules will be dealt with immediately and openly.

Attendance: Attendance is NOT required, but be advised, the slides are only available IN CLASS and information given in class will NOT be repeated. Students who come to office hours asking what they missed will not be met warmly. You have classmates for a reason. Also, not just for this class, but for any class in life, never ask, "What am I going to miss?" when you're not planning to come to class, nor should you ask, "Will I miss something?" Class, and your education, is your responsibility, not mine; after all, you are the one paying the bills for your education, not me. Hence, it behooves you to come to class as most of the information on the exams will come from the slides and/or be mentioned in class. Also, IF any extra credit is given, it will likely be given in class only. Also, events for which points are given in class (which can occur without advance notice), cannot be made up without a valid or medically documented reason. Valid reasons are funerals of members of an immediate family member, and/or other causes that are approved in advance by me.

Course Policies: There are very few course policies, but they are firm: Late assignments are not accepted, and are considered late if they are turned in a moment after the assignment has started to be collected from the class or the time they were to be e-mailed to me.

Academic Integrity: All students at The Ohio State University are bound by the code of student conduct (see http://studentaffairs.osu.edu/resource_csc.asap). Any evidence of academic misconduct will be reported to the Committee on Academic Misconduct in accordance with The Ohio State University Code of Student Conduct and the rules of faculty governance. Academic misconduct is any activity that compromises the academic integrity of the institution or subverts the educational process. Examples of academic misconduct can be found on the above website.

Reasonable Accommodations: Any student who feels s/he may need an accommodation based on the impact of a disability should contact me privately to discuss your specific needs. Please contact the Office for Disability Services at (614) 292-3307 in Room 150 Pomerene Hall to coordinate reasonable accommodations for students with documented disabilities.

Course Schedule

Note: All readings should be done BEFORE the date listed on the syllabus when material related to the readings will be discussed. Also, be advised the readings will not be discussed in detail during the class. Readings augment what is discussed in class and are not merely rehashing the topic.

Again, be advised, we will only be using the textbook a scant amount for this class, however, there is a grand trade-off: in exchange for me saving you about \$100 you will never see again this semester, often **you** will have to look up the legal cases and articles on your own and read them **prior** to class. The good news is, law cases are free to find online and, once you figure out the procedures of how cases are organized, they are rather easy to find. I would **strongly** recommend you find a **law librarian, or a regular librarian** to help you find a case being discussed in class. Googling a case, looking it up, reading just a few lines about it, and writing about the wrong case, will not be considered a valid excuse for being unprepared or having inaccurate information that leads to a poor grade. Effort is only recognized with applause, rewards, and second chances when you're a child. As you undoubtedly tell your parents all the time: you're an adult now. Welcome to the world of responsibility and accountability.

Also, be advised that I have already read pretty much all of the cases, the opinions written about them, and related summaries. Hence, do not attempt to pass other's people's work or opinions as your own, especially without directly citing them. As you are in the Journalism Building, and in arguably the top communications program in the country, do know that you will be caught and harsh steps, possibly even expulsion, can result from such actions. Do your own work. Use your own mind. Get the great results you deserve from your own thoughts.

The list of readings and dates they will be discussed is **tentative and may be changed** depending on the speed in which we get through the material, events that transpire in the real world (e.g., if the Defense of Marriage Act [DOMA] case was decided this semester we would certainly alter the syllabus to take advantage of that issue as it happens). Also, readings may be added to, and deleted from, the syllabus as the semester progresses. Changes will be announced either via electronic medium(s) or in class. As you will see with the rulings of the Supreme Court of the United States (SCOTUS), laws are flexible and change over time. The key to managing in this class – for you – will be flexibility.

Date	Topic	Readings	Responsibilities/ In-class work
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Date	Topic	Readings	Responsibilities/ In-class work
Wednesday, Jan. 11 th	Course expectations detailed		Review syllabus
Topic: Ethics, Groups, and the Law		Learning Objective: Understand the importance of ethics in the context of law and how differing standards of ethics can lead to decisions that operate in concert or discordant of legal and media principles	
Friday, Jan. 13 th	Group Ethics		Groups created and Group Ethics Assignment given out
Wednesday, Jan. 18 th	Group Ethics		Group Ethics assignment DUE (20 points)
Topic: Freedom of Speech is not freedom from consequence		Learning Objective: Understand the importance and limits of free speech, to whom different standards of speech apply, and the consequences that may apply to violating the First Amendment.	
Friday, Jan. 20 th	"Sticks and Stones...but words..."	Chaplinsky v. New Hampshire (315 U.S. 568) New York Times v. Sullivan (376 U.S. 254)	
Wednesday, Jan. 25 th	Is speech actually free in America?	Cohen v California (403 U.S. 15) Schenck v. United States (249 U.S. 47)	
Friday, Jan. 27 th	Freedom of speech limits?	U.S. v. O'Brien (391 U.S. 367)	

Date	Topic	Readings	Responsibilities/ In-class work
Wednesday, Feb. 1 st	Libel and the Internet plus the Right to Privacy?		Quiz 1 (end of class) 10 points; 1 point per question on the events up to and including this class as well as current events – 10 points
Friday, Feb. 3 rd	Indecency, Profanity, Pornography and Legal Protection		
Topic: History of Media, Law, and Ethics		Learning Objective: Students will learn how the current system of jurisprudence came into being and the role individual ethnics has (and continues to play) in our ever-evolving system of media law.	
Wednesday, Feb. 8 th	They the People	Dred Scott v. Sandford (60 U.S. 393) Plessey v. Ferguson (163 U.S. 537)	
Friday, Feb. 10 th	Ethics, History and the Impact of both today		
Topic: The law, as it applies to minority and other traditionally marginalized groups		Learning Objective: Students will understand how the principles of law and ethnics they learned throughout the course are applied to issues in the world today.	
Wednesday, Feb. 15 th	Is the right to be hateful absolute?	R.A.V. v. St. Paul (505 U.S. 377) Virginia v. Black (538 U.S. 343)	

Date	Topic	Readings	Responsibilities/ In-class work
Friday, Feb. 17 th	Ferguson, Missouri, Los Angeles, St. Louis, Dayton, Salt Lake City, et al.	Missouri statutes on capital punishment; Utah and Ohio statutes on capital punishment; potentially differences between degrees of murder and what constitutes manslaughter	Individual Assignment: Court case assignment (Ferguson or any other related case discussed in class).
Wednesday, Feb. 22 nd	Affirmative Action and the Law: How and when did this happen? Is this even legal?	Regents of the University of California v. Bakke (438 U.S. 265) Grutter v. Bollinger (539 U.S. 306)	Ferguson et al., assignment DUE (35 points)
Friday, Feb. 24 th	Ending, Keeping, or changing Affirmative Action		Affirmative Action Debate Groups Created
Wednesday, March 1 st	Affirmative Action Debate		Affirmative Action In-Class Debate (30 points)
Topic: The contemporary world of Media, Law, and Ethics today		Learning Objective: Students will understand how the principles of law and ethnics they learned throughout the course are applied to issues in the world today.	
Friday, March 3 rd	The media's coverage of the 2 nd Amendment	Video and lecture on the 2 nd amendment	
Wednesday, March 8 th	Journalists and Politicians	Contemporary privacy? Julian Assange and Wikileaks	Video and lecture
Friday, March 10 th	Corporations as People? The legality or illegality of Obamacare	National Federation of Independent Business v. Kathleen Sebelius, Secretary of Health and Human Services: The Affordable Care Act/Obamacare	Obamacare groups created and assignment handed out.
March 13 th – March 17 th	SPRING BREAK (No classes scheduled)		

Date	Topic	Readings	Responsibilities/ In-class work
Wednesday, March 22 nd	Corporate "Rights"		Obamacare assignment DUE (20 points)
Friday, March 24 th	Politics and the Court	Citizens United v. Federal Election Commission: Campaign donations	
Wednesday, March 29 th	Gay Marriage, the law, the morality and perception	Gay Marriage cases: Hollingsworth v. Perry United States v. Windsor	- Groups created and Gay Marriage Assignment for Debate is given.
Friday, March 31 st	Gay Marriage continued	Groshek, J.G. & Holt, L.F. (2016). When official consensus equals more negativity in media coverage: Broadcast television news and the (re-)indexing of the 'Don't Ask, Don't Tell' repeal. <i>Media, War & Conflict</i> , 1-19.	- Video on Gay Marriage and the Law
Wednesday, April 5 th	Gay Marriage in America Debate		Gay Marriage In-Class Debate Today: 30 points
Friday, April 7 th	Stand Your Ground and the Castle Doctrine	Find and read: Trayvon Martin, Renisha McBride, Jonathan Ferrell, Jordan Davis, and Marissa Alexander news and/or cases	
Wednesday, April 12 th	Final Debate project given		Quiz 2 (10 points)
Friday, April 14 th	In-class work time		
Wednesday, April 19 th	In-class work time		

Date	Topic	Readings	Responsibilities/ In-class work
Friday, April 21 st	In-class Final Debate		Final Project Due for ALL Groups (75 points) (maximum)
Wednesday, April 26 th	In-class Final Debate		
FINAL EXAM	<i>Thursday, April 27th Noon – 1:45 p.m.</i>		

**** During the Final Project presentations AND debates, all students MUST be in attendance regardless of if they are presenting or not. ANY student who does not show up for their or any other group's presentation, without advance notice from me or a documented emergency, will be given a ZERO on the final project. In addition, students will dress professionally when presenting their final project during which time EACH member of the group is required to speak. In addition, persons who do not contribute to their group's project sufficiently will be graded accordingly.**

Grading Scale

Percentage	Grade
97%	A+
93%	A
90%	A-
87%	B+
83%	B
80%	B-
77%	C+
73%	C
70%	C-

67%	D+
63%	D
60%	D-
59% and below	E/F

The percentages above are the low point for attaining the grade on the right side of the chart.

Be advised, grades are **not discussed immediately after an assignment is returned**. Students must **wait a week after the grades have been posted** to discuss their grades. All grades are final after two weeks and/or our discussion about the grade.

Penalties: **Initially** I am allowing students to bring their laptops and cell phones to class as there will be times when students are called upon to look for material beyond the assigned readings online during class. However, students found using their devices for purposes beyond what is called for in class will be **docked 20 points for each instance**. Should this problem become prevalent throughout the semester an individual or ALL students' right to bring laptops, cell phones, etc., will be revoked for the semester. Students may NEVER text; check Facebook, or other non-class related Web sites during class. Violators will be kicked out of class for the day and lose 5 points on their second offense and for every subsequent offense. I will make the determination about what counts as directly and not directly related to course work. Students having problems with this issue should not just consider, but drop this course immediately.

Also, side conversations are to be kept to a minimum unless they relate to the topic discussed in class.

Extra credit points: It is solely at the discretion of the instructor to award extra credit points. At this time, there are no extra credit points, but some may arise as the semester progresses.

About your professor: Dr. Lanier Frush Holt is an award-winning professor having earned the College of Arts and Sciences Outstanding Teacher of the Year Award – the only totally student-nominated award at The Ohio State University – in his first year at OSU. The award recognizes Dr. Holt as the top professor amongst more than 1,000 eligible faculty members at OSU. In addition, he has been recognized for teaching excellence at both Butler University and Indiana University, where he taught prior to coming to OSU.

Holt teaches Crisis Communication, Intercultural Communication, and Media Law & Ethics at OSU. He previously taught public relations at Butler University, business writing in the prestigious Kelley School of Business at Indiana University, and several journalism, writing, and public relations courses at IU.

Holt earned his undergraduate degree in African American studies and a minor in political science at the University of Minnesota where he also ran the 400 meters for the Gopher track team. He earned his Masters in Journalism, specializing in political communication, and a Ph.D. in Mass Communication, examining the effect media messages have on the perceptions of people of color, women, and other marginalized groups, from Indiana University.

In addition to teaching, Holt is an award-winning researcher and scholar having earned the Top Faculty paper award in the Electronic News division at a national American Educators for Journalism & Mass Communication conference for a paper that examines if public attitudes toward the Don't Ask Don't Tell policy moved in lockstep or discordant with the media's coverage and political elite's opinion of the issue.

Prior to his return to academia, Holt was an award-winning newspaper reporter. He has worked as a staff reporter for the Rochester *Post-Bulletin*, was one of only a handful of students selected nationally to intern at the *Chicago Tribune*, and was a freelance reporter for the *Indianapolis Star*. He also worked for several years in communications at World Headquarters for Honeywell Inc., the company's aerospace business unit Sensor & Guidance Products, and done public relations for the Minneapolis NAACP.

He hails from Ford Heights, Illinois, which is located south of Chicago roughly between the city's south side and Gary, Ind.