MEDIA LAW AND ETHICS/J395

Professor Anita Varma, PhD
UT Austin School of Journalism and Media
Fall Semester 2023
Tuesdays & Thursdays, 12:30am-2pm CT, synchronous & in-person

Office Hours: Tuesdays 2pm-4pm CT and by appointment

Email: anita.varma@austin.utexas.edu (Please note: Professor Varma checks email from 9am-5pm on Mondays-Fridays)

WHAT IS THIS COURSE ABOUT?

Journalists encounter legal and ethical issues all the time. This course is designed to help prepare professional track students with precedents and frameworks for making legal and ethical decisions in their own reporting. Unlike professions with clear-cut standards of practice, journalists work in a context where professional standards, expectations, and norms are often a moving target. Class meetings, readings, and assignments will focus on figuring out what it means for journalists to practice their craft responsibly.

Learning Outcomes:

After completing this class, you should be able to:
- Explain what media ethics and media law are, and how they differ
- Recognize key ethical and legal issues in the field of US journalism practice
- Analyze, justify, and critique your own news judgments, using ethical frameworks
- Apply ethical and legal frameworks when assessing the quality of journalism

COURSE STRUCTURE

Generally, each week of this course will be devoted to a separate topic (see attached schedule), with the first portion of the semester focused on Law and the second portion of the semester focused on Ethics. On Tuesdays, we will introduce new material with plenty of time for your questions. On Thursdays, we will focus on discussion, activities, and group reflections. (We will make occasional exceptions to this structure due to guest speakers' availability).

Please note that Tuesday's class session will not aim to summarize what you've already seen in the reading. Please be sure to complete the reading by Tuesday's class – we will build on it.

Participation is strongly encouraged on both Tuesdays and Thursdays. Please come to class prepared to discuss the material, and prepared to actively listen.

ASSIGNED READING

The assigned readings for this course have been selected based on relevance, accessibility, and depth. Please note that you will be reading **two** Supreme Court cases – commonly known as the *Pentagon Papers* ruling and *New York Times v. Sullivan*. Reading these cases will likely take more time than any of the other readings this semester, so please plan accordingly. Also, please rest assured that there are only two cases! The goal of assigning these cases is to ensure that you have direct exposure to two Supreme Court rulings that are considered crucial for media law and often referenced today.

Textbook:

Media Law: A Practical Guide (Revised Edition, 2019) by Ashley Messenger. Publisher: Peter Lang Media and Communication.

All required readings are available on Canvas under "Files" and organized by week.

REQUIRED WORK

To successfully complete this course, you must submit **all** required work. Please do not try to find a way to avoid doing an assignment or exam – it won't work, and any attempt to "game the system" is terribly ironic in an ethics course.

Required work, for a total of 500 possible points:

1. Media Law exam (100 points)
2. Ethics reflection paper #1 (125 points)
3. Ethics reflection paper #2 (125 points)
4. Final term paper (150 points)

HOW WILL MY REQUIRED WORK BE EVALUATED?

The Media Law exam will consist of 20 multiple choice questions and 4 short answer questions, with a fixed answer key. This exam is not designed to be tricky, and is written to ensure that students grasp key takeaways from Media Law material.

Each paper assignment will come with a rubric that specifies the criteria for evaluation and grading scale. Please bear in mind that all ethics papers will be evaluated based on *the quality of argumentation, not the content of the argument*. This means you are welcome to disagree with the perspectives we read and discuss – including the professor's. Your argument just needs to be clearly explained, logical, and justified.

Please feel welcome to come to office hours (or make an appointment) to discuss individual assignments, both before and after submission. I will provide written feedback on each of your papers, but discussing feedback also helps! We can brainstorm together.

Grades will not be "negotiated" at the end of the semester. I'm committed to returning your evaluated work in a timely fashion, and if you have a concern about how you're doing in this course, please come to office hours or make an appointment during the semester.

Grading Scale
A: 465-500 points   **A-**: 450-464 points
B+: 435-449 points   **B**: 415-434 points   **B-**: 400-414 points
C+: 385-399 points   **C**: 365-384 points   **C-**: 350-364 points
D+: 335-349 points   **D**: 300-334 points   **F**: Below 300 points

LATE SUBMISSIONS

Please submit all assignments on time. No late Law exams will be accepted. Late Ethics papers will lose 5 points for each calendar day past the deadline listed on the syllabus. Exceptions will be made for illness, bereavement, and family emergencies. In all cases, please let me know if you are going to miss a deadline and why *in advance* of the deadline.

ACADEMIC INTEGRITY

Do not plagiarize. Attribute quotes and ideas to the person or entity who came up with them, *in all cases*. Cite your sources.

University of Texas Honor Code
The core values of The University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the university is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community.

Policy on Scholastic Dishonesty
The University defines academic dishonesty as cheating, plagiarism, unauthorized collaboration, falsifying academic records, and any act designed to avoid participating honestly in the learning process. Scholastic dishonesty also includes, but is not limited to, providing false or misleading information to receive a postponement or an extension on a test, quiz, or other assignment, and submission of essentially the same written assignment for two courses without the prior permission of the instructor. By accepting this syllabus, you have agreed to these guidelines and must adhere to them. Scholastic dishonesty damages both the student's learning experience and readiness for the future demands of a work-career. Students who violate UT rules on scholastic dishonesty are subject to disciplinary penalties, including the possibility of failure in the course and/or dismissal from UT. See: https://deanofstudents.utexas.edu/conduct/academicintegrity.php

Academic dishonesty includes:
• Plagiarizing or using someone else's material, another media source, student work or even yourself (in part or in whole) and representing it as new for this class. You can't turn in a story or media project from a previous class without the instructor's permission.
• Making up quotes, sources and facts.

• Not interviewing people who appear in your stories.
• Not giving appropriate attribution or citation of a source or background information. In this class, you will learn how to properly attribute information.
• Cheating during a quiz, exam or an assignment.

As a general rule, if you are unsure of expectations, please ask before submitting written work. There is nothing wrong with asking in advance.

POLICY ON USING GENERATIVE AI (SUCH AS CHATGPT AND THE LIKE)

Generative AI raises a myriad of ethical questions for journalists and journalism. Some news outlets have already started to use ChatGPT, while others have stated they will not use it. In August 2023, the Associated Press issued initial guidance about how they will and will not use generative AI: https://blog.ap.org/standards-around-generative-ai.

Artificial intelligence tools have both appropriate and inappropriate uses in classwork. The use of artificial intelligence **will be part of our Media Ethics assignments (not Media Law*)**, and students will be expected to ensure that the content generated by AI is properly fact-checked and cited. All submissions that use AI must include a disclosure statement about which parts of your submission were generated by AI. You are required to provide the prompt anytime you use an artificial intelligence tool. We will discuss this in much more detail when we walk through Ethics assignment prompts. Please feel free to reach out to me in advance of the due date of assignments for which you will be using generative AI tools and I will be happy to discuss.

It is important to note that generative AI (whether large language models, code generators, and image producers) can produce inaccurate facts, fake citations, and offensive content for which you are ultimately responsible if you use this output. If your name is on the work, it is your responsibility.

When you use an AI model for class work, you must answer the following:

1. What was your prompt?
2. Did you revise the AI model's original output for your submission?
3. How did you check the accuracy of the AI model's output?
4. Did you ask follow-up questions?
5. What did you learn?"

*https://apnews.com/article/artificial-intelligence-chatgpt-courts-e15023d7e6fdf4f099aa122437dbb59b

COVID-19

COVID-19 continues to affect how we live, learn, and work. Many students, faculty, and staff at UT are dealing with heightened health concerns, bereavement, and anxiety about what the future may hold. Others are less intensely impacted on a day-to-day basis. In class discussions, we will hold space for a range of experiences. Please be respectful and mindful that each person in this class may have a different experience of what it means to live, learn, and work in a pandemic – and that's okay.

ELECTRONICS & ENGAGEMENT POLICY

This course is discussion-focused, which means your presence and attention are crucial! We will record class meetings and make them available on Canvas for later viewing, but you will get the most out of this class by attending, participating, and engaging.
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Smartphones, smart watches, tablets, and the Internet in general can support learning, but can also quickly become distractions. Zoom fatigue has likely set in for most of us, as well. With this context in mind, please:

- Refrain from using your phones during class time. If an emergency comes up that you need to handle immediately, step into the hall to do so and then come back.
- Do not use your laptops or tablets to text or use messaging apps during class time.
- Engage with your classmates and professor in a respectful way in all interactions.
- Take turns in class discussion, so that everyone has a chance to contribute.

DOCUMENTED DISABILITY STATEMENT

The University of Texas at Austin provides upon request appropriate academic accommodations for qualified students with disabilities. For more information, contact Services for Students with Disabilities at 471-6259 (voice) or 232-2937 (video phone). Students with Disabilities Please notify your instructor of any modification/adaptation you may require to accommodate a disability-related need. You will be requested to provide documentation to the Dean of Student's Office in order that the most appropriate accommodations can be determined. Specialized services are available on campus through Services for Students with Disabilities.
https://diversity.utexas.edu/disability/

SCHEDULE SUMMARY

Week of	Topic for the Week
August 22	Course Introduction: What is ethics? What is law? What do ethics and law have to do with journalism?
August 29	The First Amendment (Law)
September 5	Freedom of Information Act (Law)
September 12	Libel (Law)
September 19	Shield Law & Privacy (Law)
September 26	**Law review and exam**
October 3	Truth, Misinformation, and Disinformation (Ethics)
October 10	Ethics of Word Choice in News (Ethics)
October 17	Protecting Sources – Sometimes? (Ethics)
	Reflection paper #1 due Friday, October 20
October 24	Ethics of Local Reporting (Ethics)
October 31	"Is that *Really* Journalism, or is it Advocacy?" Solidarity Reporting on Marginalized Communities (Ethics)
November 7	Racial History in Journalism (Ethics)
	Reflection paper #2, due Friday, November 10
November 14	Journalists' Burnout, Stress, and Precarity as Ethical Concerns (Ethics)
November 21	Fall Break (No Class)
November 28	Anonymity, Plagiarism, and Attribution in a Social Media Era

Final term paper due Monday, December 4

Week of August 22

What is ethics? What is law? What do ethics and law have to do with journalism?

Assigned Reading:

Read: Society of Professional Journalists Code of Ethics
https://www.spj.org/pdf/spj-code-of-ethics.pdf

Read: A Framework for Ethical Decision Making
https://www.scu.edu/ethics/ethics-resources/a-framework-for-ethical-decision-making/

Week of August 29

The First Amendment (Law)

Assigned Reading:

Read: Chapter 1: Court Systems, Citation, and Procedure in *Media Law: A Practical Guide (Revised Edition)*

Read: Chapter 2: The First Amendment – Theory and Practice in *Media Law: A Practical Guide (Revised Edition)*

Read: New York Times Co. v. United States (1971) – summary: https://www.mtsu.edu/first-amendment/article/505/new-york-times-co-v-united-states

Read (Case):
https://scholar.google.com/scholar_case?case=17571244799664973711&q=NEW+YORK+TIMES+CO.+v.+UNITED+STATES,+403+U.S.+713+(1971)&hl=en&as_sdt=6,44

Optional - Watch: "Supreme Court of the United States Procedures: Crash Course Government and Politics #20" https://www.youtube.com/watch?v=7sualy8OiKk&t=410s

Week of September 5

Freedom of Information Act (Law)

Assigned Reading:

Read: Chapter 11: Is there a Right of Access to Information, Places, or Events?" in *Media Law: A Practical Guide (Revised Edition)*

Peruse: Freedom of Information stories, Reporters Committee for Freedom of the Press
https://www.rcfp.org/category/freedom-of-information/

Week of September 12

Libel (Law)

Guest speaker James A. Hemphill, Trial & Appellate Litigation (UT School of Law Alum)

Assigned Reading:

Read: Chapter 3: Libel – The Risk of Criticism, Insults, and Trash Talk in *Media Law: A Practical Guide (Revised Edition)*

Read: New York Times Co. v. Sullivan (1964) – summary: https://www.mtsu.edu/first-amendment/article/186/new-york-times-co-v-sullivan

Read (Case):
https://scholar.google.com/scholar_case?case=10183527771703896207&q=New+York+Times+v+Sullivan&hl=en&as_sdt=6,44

Read: "After Fox Settlement, Assault on Media Protections Is Likely to Continue."
https://www.nytimes.com/2023/04/19/business/nyt-sullivan-dominion-first-amendment.html

Week of September 19

Shield Law & Privacy (Law)

Guest speaker Joan Harrington (Santa Clara University School of Law)

Assigned Reading:

Read: Chapter 13: Efforts to Subpoena or Search Journalists in *Media Law: A Practical Guide (Revised Edition)*

Read: Chapter 4: Publishing Private, Embarassing, or Sensitive Information

Week of September 26

In-Class Review and Exam (Law)

Assigned Reading:

Review Law readings and slides on Canvas to prepare questions for Tuesday's in-class review and Thursday's exam

Week of October 3

Truth, Misinformation, and Disinformation (Ethics)

Assigned Reading:

Read: Marro, A. (1985). "When the Government Tells Lies." *Columbia Journalism Review*, p. 29-41.

Bennett, W. L., Gressett, L. A., & Haltom, W. (1985). Repairing the news: A case study of the news paradigm. *Journal of Communication*, p. 50-68.

Week of October 10

Ethics of Word Choice and Framing in News (Ethics)

Assigned Reading:

Read: "Local Media Responds to George Floyd" by Aubrey Nagle

https://modifier.resolvephilly.org/wp-content/uploads/2021/10/Reframe-Protest-Audit-Report.pdf

Read: "Riot or resistance? How media frames unrest in Minneapolis will shape public's view of protest" by Danielle Brown https://theconversation.com/riot-or-resistance-how-media-frames-unrest-in-minneapolis-will- shape-publics-view-of-protest-139713

Read: "Incarcerated is not a fixed identity" by Brett Simpson

https://objectivejournalism.org/2021/10/incarcerated-is-not-a-fixed-identity/

Week of October 17

Protecting Sources – Sometimes? (Ethics)

Assigned Reading:

Read: "Why should I tell you? A Guide to Less-Extractive Reporting" by Natalie Yahr https://ethics.journalism.wisc.edu/why-should-i-tell-you-a-guide-to-less-extractive-reporting/

Read: "How to Cover an Uprising (Without Causing Harm) https://www.thenation.com/article/activism/journalism-photography-uprising-ethics/

Read: "Brandi Collins-Calhoun circulated the following demands on social media after the Greensboro News and Record doxed them." https://docs.google.com/document/d/1bKqa_ZYaYCh7AmNEUM-5SEyvD3tMGS0IpMzjnwsHtJ0/edit

Reflection paper #1 due Friday, October 20 at 5pm

Week of October 24

Ethics of Local Reporting (Ethics)

Guest speaker Professor Joy Jenkins (University of Missouri, School of Journalism)

Readings TBA

Week of October 31

"Is that *Really* Journalism, or is it Advocacy?" Solidarity Reporting on Marginalized Communities (Ethics)

Assigned Reading:

Read: "What Solidarity Journalism Reveals to Us" by Anita Varma
https://indypendent.org/2021/12/what-solidarity-journalism-reveals-to-us/

Read: Varma, A., Limov, B., Cabas-Mijares, A. (2023). "They Always Get Our Story Wrong": Addressing Social Justice Activists' News Distrust through Solidarity Reporting. *Media and Communication*.

Optional: Solidarity journalism resources for reporters at https://mediaengagement.org/solidarity-journalism/

Week of November 7

Racial History in Journalism (Ethics)

Guest speaker Professor Ayleen Cabas-Mijares (Marquette University)

Assigned Reading:

Read: "The 1619 Project" by Nikole Hannah-Jones
https://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html

-**or** listen to the podcast: https://www.nytimes.com/2020/01/23/podcasts/1619-podcast.html

Additional readings TBA

Reflection paper #2, due Friday, November 10 at 5pm

Week of November 14

Journalists' Burnout, Stress, and Precarity as Ethical Concerns (Ethics)

Assigned Reading:

Read: Mesmer, K. R. (2023). Unprepared for Reality: Early-Career Journalists Ill-Equipped for Hostility in the Field. *Journalism & Mass Communication Educator*.

Read: "The 'Leavers' Study" by Carla Murphy
https://opennews.org/projects/2020-leavers-survey/

Read: "Striking Does Work": Fort Worth Journalists Win Only Newspaper Union Contract in Texas by Gus Bova
https://www.texasobserver.org/striking-does-work-fort-worth-journalists-win-only-newspaper-union-contract-in-texas/

Week of November 21

Fall Break – No Class

Week of November 28

Anonymity, Plagiarism, and Attribution in a Social Media Era (Ethics)

Assigned Reading:

Read: "Plagiarism and Attribution," ONA Ethics
https://ethics.journalists.org/topics/plagiarism-and-attribution/

Final term paper due Monday, December 4 at 5pm