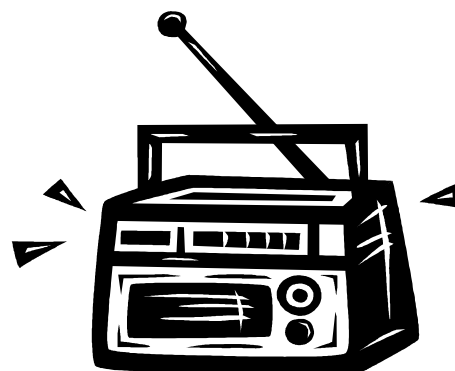


## Broadcast Law – Course Number 41-2300 (40-2300-01)

Fall 2008 – Class Meets 6:30pm – 9:20 pm, Tuesdays, Room 705  
(Prerequisite: English Composition II – 52-1152)

Columbia College,  
Radio Department  
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**Text (required):** J. Zelezny, *Communications Law* (5th Edition, 2007). Ancillary materials will be handed out in class or will be available from the instructor's website.

### Recommended Reading (optional):

- 1) Legal Information Institute, *Media Law* (<http://www.law.cornell.edu/topics/media.html>).
- 2) R. McChesney and J. Nichols, *Our Media, Not Theirs* (Seven Stories Press 2002).
- 3) D. Simon, *Big Media: Its Effect on the Marketplace of Ideas and How to Slow the Urge to Merge* (Winter 2002). Available from instructor's course website.
- 4) Additional resources at the course website: [www.entertainmentlawchicago.com/broadlaw.htm](http://www.entertainmentlawchicago.com/broadlaw.htm).

### Course Description:

This course concentrates on practical applications of broadcast law and examines various general principles that apply to the daily affairs of the broadcasting industry. Course includes defamation law, advertising law, invasion of privacy, intellectual property, free speech, the justice system, issues related to employment and employment contracts, and the history, organization, function, and regulations of the Federal Communications Commission.

### Learning Objectives:

Upon completion of the course students will have: 1) an understanding of the basic principles, laws, and regulations affecting the broadcasting industry; 2) a historical perspective on the development of broadcasting policy and regulatory framework; and 3) an understanding of how economic, political, and social factors shape policy and regulation and vice versa.

### Class Participation and Student Performance Requirements:

Be sure to complete all reading assignments *before* you come to class. You will also be responsible for all material included in handouts. You are expected to be polite, alert, and attentive at all times. It is also important to realize that classroom discussions are an opportunity to demonstrate your knowledge.

**Grading Policy:**

20%	Class Participation
20%	Pop Quizzes
30%	Midterm Exam
30%	Final Exam
(+10%	Extra Credit)

**Grading Scale:**

A=	100% - 90%
B=	89% - 80%
C=	79% - 70%
D=	69% - 60%
F=	59% -

**Incomplete Grade Policy:**

An Incomplete Grade (I) can only be issued for an undergraduate student who has met the following criteria: the student has successfully completed all course requirements to date, but is faced with unexpected circumstances during the final weeks of the semester resulting in the inability to complete course requirements by the end of the semester.

The student must have, in the instructor's estimation, the ability to complete missed course requirements outside of class and by the end of the eighth week of the following semester. The instructor must agree to evaluate the student's work and replace the incomplete grade before the end of the following semester. An agreement specifying work to be completed and a due date must be signed by the instructor and student and approved by the Department Chair. In the event that the College no longer employs an instructor, a Program Coordinator, Director, or the Department Chair can evaluate the work and assign the course grade.

**Exams and Pop-Quizzes:**

Exams will be short answer format, and include definitions, short answers, multiple choice and true and false questions. The midterm exam will be take-home; the final exam will be in class, but open-book; pop-quizzes, however, will be closed-book.

**Extra Credit:**

Write a minimum two-page report on a current "hot topic" in broadcast regulation or on some political or social aspect of broadcasting. You must get prior approval from the instructor on your topic selections! The amount of extra credit given will be based on topic selection, development of issue(s) and argument(s), effective advocacy that is reasonable and convincing in light of current law, writing style, organization, grammar, and punctuation.

**Attendance/Tardiness Policy:**

Class begins promptly at 6pm. If you are going to be late for class, please be courteous to the instructor and other students by entering the room quietly. Failure to attend and/or repeated tardiness will result in grade reduction. You are entitled to 1 absence without penalty; however, you are still responsible for all reading assignments. It is your responsibility to secure any information you may have missed. If you are tardy more than 3 times your grade will be reduced. If you miss more than 3 class sessions, you will receive a failing grade for the class.

**Academic Honesty:**

In accordance with Columbia College's policy on academic honesty, plagiarism or cheating can result in failure of the assignment or of the course.

**The Fine Print:**

The instructor reserves the right to amend this syllabus as necessary, as the course proceeds. Students will be informed of all changes in a timely way.

## Reading Assignments and Discussion Topics

- Week 1 -** Political Science: Why study the law? The U.S. legal system. The three branches of government; federal vs. state legal system; civil vs. criminal law; case law vs. statutory vs. constitutional vs. administrative law; torts vs. contracts; evolution of a lawsuit, what is law and what are its sources?  
**Read:** Text, Chapter 1, pp. 1-32.  
**Handout:** Amendment I (Memorize!)
- Week 2 -** The First Amendment: Freedom of speech. Expression vs. conduct. Content and noncontent-based regulation. Pop quiz?  
**Read:** Text, Chapter 2, pp. 34-80.
- Week 3 -** Commercial Speech: Commercial speech and the First Amendment. Deceptive advertising and the FTC. Lanham Act lawsuits. State advertising laws. Illegal ads.  
**Read:** Text, Chapter 12, pp. 455-495.
- Week 4 -** Risks to Public Safety/Damage to Reputation: Yelling “fire” in a crowded theater -- protected speech? Clear and present danger. Fighting words. What is defamation? Libel vs. slander. *New York Times v. Sullivan* and the public figure doctrine. Fact vs. opinion. Actual malice. *Gertz* and Negligence.  
**Read:** Text, Chapter 3, pp. 81-108.  
**Read:** Text, Chapter 4, pp. 109-164.
- Week 5 -** Obscenity and Indecency: What is obscenity? The *Miller* test. The Seven Dirty Words. Indecency. Pornography and sex-discrimination.  
**Read:** Text, Chapter 11, pp. 415-445 (down to Cable TV).  
pp. 452-454 (start at Summary Points).
- Week 6 -** Right to Privacy: Appropriation. Disclosure of private facts. False light. Intrusion. Intentional infliction of emotional distress.  
**Read:** Text, Chapter 5, pp. 165-207 (down to Privacy in Cyberspace).  
pp. 211-213 (start at Summary Points).
- Week 7 -** The Media and the Justice System: Covering the courtroom—media and a fair trial. Prior restraints. SLAPPs. What is an injunction?  
**Read:** Text, Chapter 7, pp. 249-295.  
**Handouts:** Copyright and Trademark Materials.  
**Handout/discuss:** MIDTERM EXAM (Chapters 1-5, 7, 11, and 12)
- Week 8 -** Intellectual Property: Copyrights. Trademarks. Patents. Infringement. Music licensing/clearance. Fair Use defense. IP and the Internet. Unfair competition.  
**Read:** Text, Chapter 8, pp. 296-350 and Handouts from Week 7.  
**Handout:** “About the FCC”  
**DUE:** MIDTERM EXAM TO BE TURNED IN AT START OF CLASS.

**Week 9 -**    Electronic Media I:    The history, organization, function, and procedures of the FCC. Station licensing. Radio spectrum. Underground, low power, and satellite radio. Internet broadcasting.

**Read:**            **Text, Chapter 9, pp. 351-385.**  
**Handout:**       **Summary of the Telecom Act of 1996.**

**Week 10 -**   Electronic Media II:    Public service and commercial aspects of radio.    The Telecom Act and Deregulation.

**Read:**            **Text, Chapter 9, pp. 351-385.**

**Week 11 -**   Electronic Media III:    Broadcast content controls. Political Broadcasting. Equal Opportunity Rules.

**Read:**            **Text, Chapter 10, pp. 387-403 (top) and 413-414.**  
**Handout:**       **Examples of radio talent employment contracts.**

**Week 12 -**   Contracts 101:    Reading the fine print in a talent contract. The meaning of various clauses and what to look for. Unions: SAG, AFTRA, CWA, et. al. In-class speaker(s): local talent agent and/or union representative.

**Read:**            **Examples of contracts handed out in class in Week 12.**  
**Handout:**       **Title VII and the EEOC**

**Week 13 -**   Employment Law 101:    Nationality and Age Discrimination. Sex/Sexual Harassment. Race. Religion. Handicap. Title VII and the EEOC.

**Read:**            **No reading assignment.**

**Week 14 -**   In Class Review for Final Exam.    **Bring your questions on all material that we have covered since Week 1.**

**Read:**            **No reading assignment.**

**Week 15 -**    **FINAL EXAM IN CLASS**