

JOUR281 Media Law and Ethics in the Digital Age

Wednesdays 2-3:15pm KNI3202

Associate Professor Deborah Nelson

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Office hours: Wednesdays 12-2 KNI2100E or by arrangement

What are our constitutional rights and ethical responsibilities as citizens of the digital world? In this course, you will explore the foundations of free speech and their present-day applications to information gathering and sharing by citizens through social media and online platforms. You will gain a practical working knowledge of the First Amendment, libel, privacy, intellectual property and open government laws. You will examine the effects of online disinformation, misinformation and hate speech. And you will work with a team to develop your own code of ethics for lawful, socially responsible online sharing.

is a blended course.

That means you will complete all the coursework with your team outside the classroom at times/places of your choosing, as long as you complete the assignments by the **three weekly deadlines**. We will meet once a week in the classroom to discuss and actively apply concepts covered in the online coursework, and to work on team projects.

DEADLINES:

- **You must complete 2 modules per week due 11:59pm Tuesdays and Fridays.** Plan to spend an average 2.5 hours per module, including homework+classwork+quiz. That's 5 hours per week. Tip: Set a recurring calendar alert now for 8:30pm every T/Th. (That's the latest you'll want to start work on the modules.)
- **You must post 1 blog entry and 1 comment by 2pm Wednesdays.**

THE IMPORTANT DETAILS



Where to find info

Coursework | Assignments | Due dates: Modules will be your go-to page for this course.

Lectures: There are none! Your professor's teaching is contained in an online slide presentation called a Sway. It's similar to a PowerPoint but more interactive and contains links to reading and viewing assignments. You'll find a link to each class's Sways in Modules.



About the course

You can expect to:

- apply constitutional principles to contemporary controversies and your own online sharing.
- make decisions on the exercise of your free speech rights when they conflict with other legal and societal interests.
- exercise your right to an open government by observing government proceedings or obtaining records through FOIA.
- learn to detect misinformation and disinformation with digital tools and critical thinking skills.
- contribute well-researched, fact-based opinions to online and classroom discussions.
- work on a team to develop your own code of ethics and social responsibility for operating in the digital realm.



Optional textbook

A Practical Guide to Media Law, Revised Edition (2019), Ashley Messenger. (Pearson 2015 ISBN-10: 1433167980 ISBN-13: 978-1433167980) *I recommend you get and read the book.*



Assessments

35% Exams. You will take 3 multiple-choice exams. In addition to testing your knowledge of concepts, the exams will require you to apply legal principles to real-life problems and to demonstrate that you can find and accurately analyze authoritative sources of information. There will be a First Amendment exam worth 15%, a libel/privacy exam worth 15% and a copyright mini-test worth 5%. Please let us know if you have problems taking multiple-choice tests. We will design an essay exam to cover the same topics.

35% Online class assignments and quizzes. You will take twice weekly multiple-choice quizzes to assess progress and reinforce concepts.

15% DIY ethics code. You will work with a team over the semester to develop ethics standards for operating in the digital realm that cover a range of issues, including accuracy, fairness, verification, transparency, cultural sensitivity and anti-racism. (-1,000 words, footnoted, peer-reviewed)

10% Blog posts. You will get a weekly prompt on topical issues in digital law and ethics. You'll write an original, footnoted blog post that provides your opinion, the facts on which you're basing your opinion, and links to the sources of your information. You'll post at least one comment on another student's posts. (1x/week, -100-150 words)

5% Diary on exercise of your statutory open government rights. Your team will choose to either file public records requests or attend a government proceeding, such as a city council meeting, court hearing or congressional hearing. You will present an in-class presentation on your experience.

Extra Credit

You may earn extra credit points. Each point will erase one poor quiz grade at the end of the semester. You may erase a total of 4 quizzes. (If you earn more than 8, you also may add 5 points to one of your exam grades.)

Ways to earn EC points

1 point: Submit a second diary post.

1 point: Attend designated events on campus or online related to topics covered in the course.

1 point: Be the first to notify the instructor of a broken link, wrong quiz answer or other problem in ELMS or the online coursework.

Units

1 The U.S. legal system: Constitutions, statutes and the courts

2 First Amendment

- Freedom of Tweet: Introduction to the First Amendment
- Expletive Deleted: Broadcast, cable and online speech
- Supreme Enforcers: Brief history of the Supreme Court
- Speech restrictions and yelling "Fire!" in a crowded internet
- Speech Crimes: Incitement, fighting words, true threats & cyberbullying
- Hate Speech: Constitutional protections, challenges and responses
- Campus Controversies: Rights and limits on student speech
- Political Speech: Why even lies are protected
- Loose Lips: Free speech vs national security

3 Open government

- Sunshine laws 1: FOIA and government records
- Sunshine laws 2: Open government meetings

4 Intellectual Property

- Copyright and Fair Use: YouTube, TikTok and take downs
- It's your life: Appropriation and the right to privacy and profit
- Trademarks: 1st Amendment considerations

5 Libel

- 5 Steps to Libel: The tort of defamation
- Libel and the 1st Amendment: Public figures and actual malice
- Defenses: Truth and privilege

6 Privacy

- Basics: The constitutional right to privacy versus the common law right to privacy
- Undercover and secret recording: Legal and ethical considerations

7 Misinformation, Disinformation and Verification

- Protection against Deception 1 : The ABCs of disinformation
- Protection against Deception 2: Online verification tools and techniques



Cheating

By college policy, you will get an F for the course and be referred to the UMD Office of Judicial Affairs for disciplinary proceedings. Busts so far: 8

Misrepresentation is giving someone else the answers, or taking someone else's answers and presenting them as your own. That's cheating.

Fabrication is making up information and presenting it as fact. That's cheating.

Plagiarism is stealing someone else's words without giving credit and presenting them as your own work. That's cheating. Cutting and pasting material from the Internet is plagiarism, unless you put quotes around it and name the source.

FOR EXAMS: YOU MAY NOT COMMUNICATE WITH ANYONE BY ANY MEANS about the exam questions or answers. That is cheating. *One grade is not worth a disciplinary action and F for the course. If you do poorly, there are plenty of honest opportunities to raise your G PA in this course. (Plus the answers someone gives you aren't guaranteed to be the right ones.)*

FOR QUIZZES: TEAMWORK IS ENCOURAGED *BUT* must follow these rules.

This is NOT cheating: Talking through classwork and quiz questions with study partners while all of you are doing the work.

- Student A: Hey, so I'm looking at this quiz problem, and the guy is tweeting that people should join together and overthrow the government. Overthrowing the government would be illegal, right? So that sounds like incitement.
- Student B: I don't think just tweeting people should overthrow the government is enough. But let's look it up in the textbook
- *Student A & B both look it up.*
- Student A: Oh, yeah, you're right. In the Brandenburg case the Supreme Court says you've got to do more than talk about it -- you've got to intend for people to take illegal action.

- Student B: Uh-huh. And it says the illegal action would have to happen immediately on the spot.

This IS cheating: Taking someone else's answers and presenting them as your own without doing your own research.

- Student A: Hey, so is the answer to the first quiz question incitement?
- Student B: No the correct answer is that it's not incitement.
- *Student A changes his/her answer*

Are you a dishonest person? Then consider this: How do you know the other person is right unless you check for yourself? We've actually busted students who turned in the exact same WRONG answers.

ATTRIBUTION RULES

These rules apply to all written assignments including blogs, diaries, ethics codes. Violating them will put you at risk of committing plagiarism.

1. Someone else's EXACT WORDS need QUOTATION MARKS + ATTRIBUTION + FOOTNOTE....
2. Your own PARAPHRASE of someone else's thoughts or words needs ATTRIBUTION + FOOTNOTE....
3. YOUR ORIGINAL THOUGHTS AND WORDS need FOOTNOTES to let us know what research you did to support your position.

YOU MUST KNOW THE DIFFERENCE BETWEEN PLAGIARISM & PARAPHRASING.

[READ THIS.](#)

Q: WHY PLAGIARIZE IN A COURSE THAT REWARDS YOU FOR CITING OUTSIDE SOURCES?!

Rights, accommodations, disciplinary procedures

[Click here](#) for information about your rights, accommodations for disabilities, learning and counseling assistance, disciplinary procedures, missed assignments and more.

About your professor



Associate Prof. Deborah Nelson, J.D., is a Pulitzer Prize-winning investigative journalist based at the Philip Merrill College of Journalism. She has worked for the Los Angeles Times, Washington Post, Seattle Times and Chicago Sun-Times with a focus on exposing social, economic, racial and environmental injustice. She [shared in a Pulitzer for a series on low-income housing and co-edited Pulitzer-winning investigations of military accidents and the](#)

D.C child welfare system. Since joining the faculty in 2006, she has published a book on war crimes and co-authored award-winning series for Reuters on climate change, income inequality, suerbugs, and the military. Her most recent investigation led Congress in 2020 to appropriate \$300 million to fix dangerous conditions in family housing on U.S. military bases. Her journalism students have investigated homelessness, jails, wrongful convictions, human trafficking and climate change. Their stories have been published and distributed nationally by The Associated Press. Prof. Nelson holds a Bachelor of Science degree in journalism from Northern Illinois University and a law degree from DePaul University.