

Comm 410 – 302 (5992) – The Law and Digital Media

T.: 7:00-9.30 p.m.
Location: SoC 222

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Office Hours : Tuesday 5-7 pm, Thursday: 1-2.30 pm

Course description

This seminar will explore the main issues relating to the law of digital media. How have courts and lawmakers dealt with the proliferation of digital media and the Internet and how does this legal landscape affect communicators? In order to better be able to answer these questions we will read statutory laws, court cases, articles and book chapters that will form the basis for our discussion.

This class will also explore and analyze the ethical dilemmas presented by new media (technologies) using traditional ethical theory.

Textbooks:

Sara Baase, *Gift of Fire, A: Social, Legal, and Ethical Issues for Computing Technology*, 4/E, (Pearson).

James Grimmelman, *Internet Law: Cases and Problems*, (Semaphore Press).

This required text is available for download only at www.semaphorepress.com. Semaphore Press uses a publishing model different from the traditional law school casebook publishers. I encourage you to read about Semaphore Press's publishing approach on its website. This publisher suggests that a student pay \$1 for each class session in which Semaphore Press material is the assigned reading for the session. We will be using material from this book for 12 class sessions. Therefore, I urge you to pay \$ 12 as the suggested retail price in order to keep high-quality legal educational materials available at reasonable prices.

Loyola's Policy on Academic Dishonesty

Below you can read Loyola's policy in dishonesty. Be aware that in case of "cut and paste" plagiarism, where you copy swats of text without attribution will result in an F for the course.

The basic commitment of a university is to search for and to communicate the truth as it is honestly perceived. The university could not accomplish its purpose in the absence of this demanding standard. To the extent that this standard is respected, a genuine learning community can exist. Students of this university are called upon to know, to respect, and to practice this standard of personal honesty.

Plagiarism is a serious form of violation of this standard. Plagiarism is the appropriation for gain of ideas, language, or work of another without sufficient public acknowledgement and appropriate citation that

the material is not one's own. It is true that every thought probably has been influenced to some degree by the thoughts and actions of others. Such influences can be thought of as affecting the ways we see things and express all thoughts. Plagiarism, however, involves the deliberate taking and use of specific words and ideas of others without proper acknowledgement of the sources.

The faculty and administration of Loyola University Chicago wish to make it clear that the following acts are regarded as serious violations of personal honesty and the academic ideal that binds the university into a learning community:

Submitting as one's own:

1. Material copied from a published source: print, internet, CD-ROM, audio, video, etc.
2. Another person's unpublished work or examination material.
3. Allowing another or paying another to write or research a paper for one's own benefit.
4. Purchasing, acquiring, and using for course credit a pre-written paper.

The critical issue is to give proper recognition to other sources. To do so is both an act of personal, professional courtesy and of intellectual honesty.

Plagiarism on the part of a student in academic work or dishonest examination behavior will result minimally in the instructor assigning the grade of "F" for the assignment or examination. In addition, all instances of academic dishonesty must be reported to the chairperson of the department involved. The chairperson may constitute a hearing board to consider the imposition of sanctions in addition to those imposed by the instructor, including a recommendation of expulsion, depending upon the seriousness of the misconduct.

Academic cheating is another serious act that violates academic integrity. Obtaining, distributing, or communicating examination materials prior to the scheduled examination without the consent of the teacher; providing information to or obtaining information from another student during the examination; attempting to change answers after the examination has been submitted; and falsifying medical or other documents to petition for excused absences all are violations of the integrity and honesty standards of the examination process.

In the case of multiple instances of academic dishonesty across departments, the academic dean of the student's college may convene a hearing board. Students retain the right to appeal the decision of the hearing board to the academic dean of the college in which they are registered. The decision of the dean is final in all cases except expulsion. The sanction of expulsion for academic dishonesty may be imposed only by the Provost upon recommendation of the dean.

Format:

This class is in seminar format, which may not be a format you are familiar with. The seminar format of instruction basically means that a smaller group of students meets once a week to discuss and debate one issue in great depth. A seminar can only be a successful learning experience if everybody participates and is prepared. The role of the instructor is limited to providing a framework for discussion. Coming to class prepared and participate is a big part of the grade for a seminar. You may have read this statement in many other syllabi before, but in this case it is true. The largest part of your grade will be determined by your performance during the seminar. You will need to be **present** (both physically and mentally) and contribute frequently with insightful comments that display knowledge of the readings in order to get an A. This does not mean that you necessarily need to be able to nail every question, but you should display that you have given them some thought. This seminar will use the Socratic method, so be prepared to be grilled! Class time will not be devoted to explaining the readings as much as to discussing them.

The textbooks used in this seminar presents a number of questions based on the cases you read, you should come prepared to answer those. You will have two take-home tests in the course of the semester as well as a project which will be discussed in greater depth during class.

Graded activity:

In class activities and participation:	35%
Project:	25%
Take home midterm:	20%
Take home final:	20%

Class Schedule (subject to change)

Jan. 14: *Intro, meet and greet. Intro to the American Court System. Brown v. Entertainment Merchants Association*

Jan. 21: The Internet: Theory, Technology and the Law.

Grimmelmann: 1.I, 1.II

Baase: 1.1-1.3

Jan. 28 : Ethics and jurisdiction

Baase: 1.4, 5.4

Grimmelmann: 2.I, 2.II

Feb. 4: When computers screw up

Baase: 8

Grimmelmann: I.3

Feb. 11: Evaluating information

Baase: Chapter 7

Feb. 11: Racism, Hate, and Pornography Online: A Cesspool in Need of Regulation?

Grimmelmann: Chapter 3

Baase: Chapter 2

Feb. 18 Racism, Hate, and Pornography Online: A Cesspool in Need of Regulation?

Same as last week

Feb. 25: Privacy

Grimmelmann: Chapter 4

Baase: Chapter 4

March 11: Privacy

Same as last week

March 18: Section 230- Crime, TBD

Grimmelmann: 6.I; 6II

Baase: chapter 5

TBD

March 25: Intellectual property

Grimmelmann: Chapter 8

Baase: Chapter 4

April 1: Intellectual property

Same as last week

April 8: TBD

TBD

April 15: Project presentations

April 22: Project presentations