THE UNIVERSITY OF WESTERN ONTARIO
Faculty of Information and Media Studies

MIT 2156A COURSE OUTLINE - 2017
MEDIA LAW AND ETHICS

Professor: James F. Hildebrand
Classes: Mondays 7:00 - 10:00 pm
Office Hours: Monday: 5:30 to 6:45 and by appointment, Office Stevenson Hall 4136
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Course Description:

The course will be divided into six sections. In the first section, students will learn about the structure of the Courts, sources of law, the rule of law, the divisions of public and private law, etc. Section two is an introduction to the law of contract. Students will develop a basic ability to decipher written legal judgments as well as clauses in actual contracts. In section three of the course, tort law is introduced through a brief overview of the law of negligence and defamation. The tort cases illustrate the scope of liability faced by those involved in media and information-related industries. The fourth area is copyright law, considering rights of property in live performance, broadcast, internet data transfer, and other contemporary copyright issues.

Criminal law is considered in the fifth section of the course. Students will become familiar with the statutory elements that define crimes by studying the provisions in the *Criminal Code* dealing with media and information related areas such as Defamatory Libel, Hate Speech and Pornography. Criminal cases are also used to explore criminal use of the internet. Students will gain an appreciation of the difficult issues associated with regulating speech in the information age. These difficulties are further considered in the sixth section of the course, which focuses on the Constitutional Law aspect of regulating speech.

Required Text:

Cases and Materials on the Legal Foundations of Media and Information, J. Hildebrand., (London: The University of Western Ontario, 2004.) **[available through the University Bookstore]**
Additional materials may be made available to the class throughout the duration of the course, in an electronic format, as available and relevant to issues studied.

Course Requirements:

In addition to regular attendance, keeping pace with the assigned readings and attempting to participate in class discussion, students are required to complete the following assignments and examinations. The due dates are **NOT** flexible. Late assignments will **NOT** be accepted, nor will make-up examinations be scheduled, **EXCEPT** in the following circumstances:

(i) medical illness (proper medical documentation required);

(ii) where there exists compassionate grounds (with **PRIOR** permission from the instructor or, in any event, as soon as possible); or

(iii) other unusual circumstances (with **PRIOR** permission from the instructor or, in any event, as soon as possible).

Extensions and make-up exams will only be scheduled for those who have a legitimate, **DOCUMENTED** reason. It is the student's responsibility to ensure that personal-life schedules do not conflict with exams or assignment deadlines. Airline tickets, employment, etc. will **NOT** count as legitimate reasons for missing an exam or an assignment deadline. In most situations, rescheduling for those with legitimate reasons can and should be arranged with the instructor **PRIOR TO** the exam or assignment deadline.

Assignment # 1	Due Monday, October 16, 2017	20%
Assignment # 2	Due Monday, November 13, 2017	30%
Final Exam	Date to be set by Registrar	50%

Assignments are **ALWAYS** due **AT THE BEGINNING OF CLASS** on the due date.

Particulars with respect to the nature of the assignments and exam will be provided will in advance of the due date. **ALWAYS** feel free to approach the instructor before or after class, during office hours, or by appointment with any questions you might have about the course materials, lectures, assignments or exams. Alternatively, feel free to leave voicemail or e-mail and the instructor will reply as soon as possible.

Academic and Administrative Policies:

English Proficiency

Students are reminded that University Policy requires proficiency in English to be taken into account in the assignment of grades in all courses. Work presented in English which shows a lack of proficiency is unacceptable for academic credit and will either be failed or, at the discretion of the instructor, returned to the student for revision to a literate level.
See: http://westerncalendar.uwo.ca/2017/pg100.html

Scholastic Offences

Students are further reminded that the instructor views plagiarism in material submitted for academic evaluation as a form of cheating. The act of plagiarism is therefore subject to penalties ranging from reprimand to expulsion from the University. Typical penalties include a failing grade on the assignment or a failing grade in the course. Plagiarism has been defined as "The act of appropriating the literary composition of another, or parts or passages of his writings, or the ideas or language of the same, and passing them off as the product of one's own mind." [Excerpted from H.C. Black, Black's Law Dictionary, West Publishing Co., 1979, 5th ed., p. 1035.] Other scholastic offences include, but are not limited to:

- Cheating on an examination or falsifying material subject to academic evaluation.
- Submitting false or fraudulent assignments or credentials.
- Submitting a false medical or other such certificate under false pretences.

- Improperly obtaining or unauthorized possession of an examination paper, however obtained, prior to the date and time for writing such an examination.
- Impersonating a candidate at an examination or availing oneself of the results of such impersonation.
- Intentional interfering in any way with any person's scholastic work.
- Submitting for credit any academic work for which credit has previously been obtained or is being sought in another course or program of study in the University or elsewhere.

For further information see: http://westerncalendar.uwo.ca/2017/pg113.html

Examinations
In addition to what was stated above in the section entitled ***Course Requirements***, it should be noted that students who fail to appear for an examination at the time set in the timetable will not be allowed to write the examination thus missed. Any student who, in the opinion of the instructor, is absent too frequently from class or fails to maintain satisfactory academic standing throughout the year may also be barred from writing the final examination.

Please refer to: http://westerncalendar.uwo.ca/2017/pg129.html

Student Absences Due to Illness
Students who are unable to meet a course requirement through illness in any form should advise the instructor at the earliest opportunity. The instructor may, at his discretion, require submission of medical certificates for verification of absence for reasons of illness, especially when this coincides with a significant assessment period.

Social Conduct
The University has a number of policies governing social conduct. Students are advised to familiarize themselves with the policies listed in the *UWO Manual of Administrative Policies and Procedures* at http://www.uwo.ca/univsec/mapp/. Some of the policies listed include:

- Sexual Harassment Policy & Procedure (1.11)
- Code of Behaviour for Use of Computing Resources and Corporate Data (1.13)
- Race Relations Policy (1.21)
- Policy and Procedures for the Conduct of Research (7.0)

Please note that these policies apply to students in person and/or on-line.

Appeal Process:

Students who wish to appeal a grade to the instructor must conform to the following procedure:

1. The student shall provide the grader with written submissions, indicating the reasons for the appeal, ***within three weeks*** of the date upon which the assignment was returned to the class. A failure to appeal within the prescribed time period may result in the grader's or instructor's refusal to consider the appeal. There must be a substantive basis for the

appeal. Submissions such as the fact that the student needs a higher grade for some other purpose, the fact that the student put a great deal of time and effort into the assignment, or an unsubstantiated opinion that the student "deserved" a higher grade are ***not*** a sufficient basis for appeal.

2. Upon receipt of written submissions, the grader shall arrange an informal meeting with the student ***within three weeks***. At this meeting, the grader will respond to the student's written submissions either orally or in writing. If the grader is persuaded that the original mark was in error, the grader shall enter an appropriate mark and inform the student of the grade change. If the grader is not persuaded by the student's submissions, the student shall be informed of the decision to leave the grade unchanged.

3. If the grader is not the course instructor, the student may further appeal to the course instructor. The student shall arrange an informal meeting with the instructor to review the basis of appeal ***within three weeks*** of the date that grader denied the appeal. Although the instructor will not usually invite that grader to attend the meeting, the instructor may do so. Usually, the instructor will consult with the grader prior to the meeting.

4. If the instructor is persuaded that there is merit in the appeal, the instructor may change the grade. If the grade is changed, the instructor shall inform the student of the change. If the instructor is not persuaded, the student shall be informed of the decision to leave the grade unchanged.

5. Where a final grade is concerned, the student has the right to further appeal the decision of the course instructor to the Undergraduate Chair, the Dean, and ultimately the Senate Review Board Academic by conforming with the appeal procedure outline in the Academic Calendar (see: http://westerncalendar.uwo.ca/2017/pg112.html).

THIS OUTLINE IS SUBJECT TO CHANGE, GIVEN SUFFICIENT PRIOR NOTICE.

MIT 2156 READING LIST 2017		
DATE	**LECTURE TOPIC**	**READINGS**
Sept 11	Course Overview	Course Outline
Sept 18	Introduction to Law	What is Law? Divisions of Law Sources of Law
Sept 25	Introduction to Law	The Principles of *Stare Decisis* and Precedent Statutory Interpretation The Language of the Law Analyzing Legal Problems
Oct 2	Introduction to Contract Offer/Invitation to Treat Offer & Acceptance	*Carlill v. The Carbolic Smoke Ball Co.* *Pharmaceutical Soc. Of Great Britian v. Boots Cash Chemists* *Dickinson v. Dodds* *Brinkibon Ltd. v. Stahag Stahl*

	Communicating Acceptance	

Oct 10 –Thanksgiving Holiday - reading week– no class

Oct 16 *** ASSIGNMENT # 1 DUE AT THE BEGINNING OF CLASS***		
Oct 16	Reasonable Notice of Terms, Standard Form Contracts	*Tilden Rent-A-Car Co. v. Clendenning* *Rudder v Microsoft* Mustang Account License Agreement; UWO/ITS Systems Services Acceptable Use Agreement; End-User License Agreement for Microsoft Software; Typical Cell Phone Contract
Oct 23	Negligence & Duty of Care Negligence & Standard of Care Negligent Misrepresentation *Invasion of Privacy*	*Donoghue v. Stevenson; Palsgraf v. Long Island Ry. Co.* *Bolton v. Stone* *Hedley Byrne & Co. v. Heller & Partners Ltd* *Jones v Tsige*
Oct 30	Defamation	*Hill v. Scientology* *Vander Zalm v. Times Publishers et al.* *Cubby v Compuserve* *Stratton- Oakmont v Prodigy*
Nov 6	Introduction to Copyright	*Damiano v. Dylan et al.* *Fantasy Inc. v. Fogerty* *A&M Records Inc. et al. v Napster Inc.*
Nov 13	Copyright cont'd	*Bridgeport v Dimension et al* *Voltage v Jane and John Doe* *Ain't Nothin Like The Real Thing*
Nov 13 * ASSIGNMENT # 2 DUE AT THE BEGINNING OF CLASS***		
Nov 20	Introduction to Criminal Law Publication bans	*Criminal Code of Canada*, sections 297-317, 319, 163, 163.1 *R. v. Sayegh* (No. 1 & 2)
Nov 27	Criminal Law cont'd	*R. v Weir* *U.S. v Thomas*

Dec 4	Constitutional Law Hate Speech Freedom of expression	*Charter* *Oakes test* *R. v Keegstra* *R. v Butler*
Classes end		

NOTES FROM THE FIMS DEAN'S OFFICE

Rights and Responsibilities

The conditions governing a student's ability to pursue their undergraduate education at Western are ratified by Senate and can be found on the Academic Policies section of the University Secretariat: http://www.uwo.ca/univsec/academic_policies/rights_responsibilities.html

Statement on Academic Offences

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Plagiarism

Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence.

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software Turnitin under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system.

Accommodation Policies

Students with disabilities work with Services for Students with Disabilities (SSD) which provides recommendations for accommodation based on medical documentation or psychological and cognitive testing. The accommodation policy can be found here: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_disabilities.pdf

Medical Consideration

Students seeking academic consideration on medical grounds for any missed tests, exams, participation components and/or assignments worth **10% or more of their final grade** must apply to the Academic Counselling office of their home Faculty and provide documentation in the form of a Student Medical Certificate. It will be the Dean's Office that will determine if consideration is warranted.

For work worth **less than 10% of the final grade**, the instructor will consider requests for academic consideration on medical grounds made in a timely manner in writing or by appointment in office hours. Such requests need not be accompanied by documentation. The instructor may decide to require documentation be submitted to the appropriate Academic Counselling office.

Students should also note that individual instructors are not permitted to receive documentation directly from a student, whether in support of an application for consideration on medical grounds, or for other reasons. **All documentation must be submitted to the Academic Counselling office of a student's home Faculty.**

For Western University policy on consideration for medical illness, see: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_illness.pdf and for the Student Medical Certificate (SMC), see: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf

Compassionate Accommodation

Academic accommodation (extensions, makeup tests and exams, additional assignments etc.) may be given to students on compassionate grounds. The situations for which compassionate accommodation can be given must be serious, including significant events such as death in the immediate family, trauma (fire, robbery, harassment, muggings, car accidents, etc.) or emergency situations. Documentation is required.

If a member of your immediate family is seriously ill, obtain a medical certificate from the family member's physician and submit the documentation to your Academic Counsellor. If you have been involved in a severe accident, fire or some other exceptional crisis, obtain a copy of the police report or be prepared to provide the necessary documentation upon request. Generally, for deaths within a student's immediate family (parents, guardians, caregivers, siblings, spouses), bereavement leave is granted, upon provision of documentation. For deaths within a student's extended family, academic accommodation is given for one to three days, upon provision of documentation. Students seeking additional bereavement leave should contact their Academic Counsellors with valid documentation.

Religious Accommodation

Students should consult the University's list of recognized religious holidays, and should give reasonable notice in writing, prior to the holiday, to the Instructor and an Academic Counsellor if their course requirements will be affected by a religious observance. Additional information is given in the Western Academic Calendar.

FIMS Undergraduate Grading Policy

The MIT, MPI and MTP programs now have the following class average policy:

- Normally, first year courses required for entry into an MIT or MPI module (MIT 1020E and MIT 1025F/G) are expected to have a course average between 68-72%.
- Normally, second year required courses (MIT 2000, 2100, 2200, 2500) are expected to have a course average between 70 and 75%.
- Normally, third year required courses (MIT 3000, 3100) are expected to have a course average between 72 and 77%.

Elective courses and 4th year seminars have no recommended course averages.

Support Services

Students who are in emotional/mental distress should refer to Mental Health@Western for a complete list of options about how to obtain help. http://www.uwo.ca/uwocom/mentalhealth/

SUPPORT SERVICES – LINKS

Office of the Registrar: www.registrar.uwo.ca
Student Development Centre: www.sdc.uwo.ca
Psychological Services: www.sdc.uwo.ca/psych
Services for Students with Disabilities: www.sdc.uwo.ca/ssd
Accessibility Information: www.accessibility.uwo.ca/
Writing Support Centre: www.sdc.uwo.ca/writing
Learning Skills Services: www.sdc.uwo.ca/learning
Indigenous Services: http://indigenous.uwo.ca/
International and Exchange Student Centre: www.sdc.uwo.ca/int
Career Centre at Western: www.success.uwo.ca/careers/

Appendix A: Suggested Grade Ranges in MIT, MPI and MTP

Guidelines to the MIT Grade Range

These guidelines are benchmarks, and are not to be followed as rigid regulations. They will be adjusted as appropriate to take into account the level of the course and any specific instructions given by a professor. As well, competency in English language usage (including spelling and grammar) may be taken into account in the assignment of grades by individual instructors. Note that the 70-79 grade range is broken into two divisions, as this is the grade range into which a large number of students fall.

90-100 (Outstanding, A+)
The report shows sparkling originality and exhibits a high degree of critical analysis of the topic. Sophisticated synthesis and analysis of the theoretical and conceptual dimensions of the topic are demonstrated. Mastery of complex material and ideas is immediately evident. The topic is treated with sensitivity and subtlety of thought. The quality of the writing and background research is exemplary.

80-89 (Excellent, A)
The report shows originality and exhibits a high degree of critical analysis of the topic; it gets to the heart of the matter with comments and/or questions. It is clearly focused and logically organized. The quality of writing makes the report immediately understandable. Mastery of complex material and ideas is demonstrated. The report is of appropriate length, while preserving the priorities and emphasis of the material, so that the result is meaningful, not simplistic.

75-79 (Very Good, B+)
The report shows above average analysis, critical thinking and independent thought. Claims are supported by ample evidence and the components of the topic are well-researched and presented. The topic is addressed in reasonable depth and/or breadth and covers material appropriate to the course. The analysis is organized around focal points and the argument is easily followed. The report demonstrates an above average ability to write in an intelligible style and to condense material meaningfully and with a concern for priorities of that material.

70-74 (Good, B)
The report shows an attempt at analysis and critical thinking. Claims are supported by reasonable evidence. The topic is addressed in some depth and/or breadth, with references to the appropriate literature and course material. The analysis is organized around focal points. The report is generally well written and well argued.

60-69 (Competent, C)
The report demonstrates adequate comprehension of the topic. The report is on topic and is a reasonable summary of material covered in the course, but goes no further. Facts are stated accurately; the quality of writing is sufficiently intelligible with enough elaboration and enough connections made between ideas to permit a reader to understand the point of the report.

50-59 (Marginal, D)
The report shows less than adequate comprehension of the topic and of the material covered by the course. The report is a less than adequate summary of sources and/or is considerably off-topic. Facts are stated inaccurately or ambiguously; the writing style is difficult to follow; there is insufficient elaboration to permit reader's comprehension of relations among ideas; little judgment is shown in selecting detail for inclusion in the report.

Below 50 (Unacceptable, F)
The report demonstrates a failure to comprehend the topic. The material is disorganized and unintelligible. The report clearly does not meet the minimal requirements of the assignment.

Appendix B: Guidelines of Academic Appeals for FIMS Students

(http://www.fims.uwo.ca/current/counselling/undergrad-counselling/appeals.htm)

Grounds for Appeal:

The Faculty of Information and Media Studies does not view the appeals process as an opportunity for students to solicit a second opinion on a grade assigned to a particular piece of work. Appeals must pertain to the final grade in a course, and will only be entertained if sufficient grounds for appeal can be met, including: medical or compassionate circumstances, a defect in the evaluation process, bias, inaccuracy or unfairness.

Stages in the Appeals Process:

The first stage of the process is a discussion of the disputed grade with the appropriate Teaching Assistant (if applicable), and subsequently, the course Instructor. For grades assigned to individual assignments, essays, lab reports, projects and tests completed throughout the term, the student first must appeal to the Teaching Assistant or Instructor of the course, within three weeks of the date on which the Instructor or Teaching Assistant returned the assignments to the class. The Appeals Committee will not hear any further appeals about the final grade in any course unless this first step has been taken.

If completion of the first stage has not resolved the matter, the student may appeal the final grade in the course to the FIMS Appeals Committee. Appeals of final grades must be **within the time frame indicated in the Undergraduate Calendar.** It is the student's responsibility to ensure that the appeal is submitted within the deadline. The student shall submit a formal letter to the FIMS Appeals Committee outlining the grounds for the appeal, the remedy sought and relevant materials including the information about when and with whom (Teaching Assistant and/or Instructor) the student met, as described in Stage 1. If the appeal involves a request for work to be regraded, the original marked work and a clean copy (if possible) must be included. If the appeal is commenced once the deadline has passed, it will not be considered either by the Appeals Committee or by the Associate Dean.

The FIMS Appeals Committee has the discretion to determine whether the grounds for appeal have been met.
If the Committee deems that the reasons for the appeal are not legitimate, the Associate Dean will be informed. The appeal will be terminated and the student will be informed.

If the Committee decides that the grounds for appeal have been met, the following steps will be taken:
1. the course Instructor will be shown the appeal letter and offered an opportunity to make a written response;
2..if work is to be regraded, a reader will be appointed who is competent in the area in question and was not involved in the assignment of the original mark. The reader will consider the work in question and will arrive at an independent evaluation. If there is a large discrepancy between the original mark and the regraded mark, a second reader may be appointed by the Committee. **If the appointed reader(s) arrive at a grade within five marks of the original, the original grade will stand.**

The FIMS Appeals Committee will review the evidence and will make a recommendation on the case to the Associate Dean Undergraduate.
The Associate Dean Undergraduate will consider the recommendation from the Appeals Committee, and will make a decision. The student and the instructor will be notified promptly and in writing by the Associate Dean of the decision and of the change in grade, if any. Within the Faculty of Information and Media Studies, the Associate Dean's decision on the matter is final.
Further appeals are possible under certain circumstances to the Senate Review Board Academic (for Undergraduate students) or to the Faculty of Graduate Studies (for Graduate students) but the student should carefully consult the guidelines regarding such Appeals.