

**University of Western Ontario**  
**Faculty of Information & Media Studies**  
**Winter 2022 --MMJC 9105**  
**Information & Media Law**

**Instructor:** Lisa Macklem  
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**Class Meets:** Monday 1:30pm-4:20pm FNB 3050  
**Office Hours:** Mondays 12pm – 1pm or by appointment  
online or FNB 4044 (masks mandatory)

**Description:** This course introduces students to the legal and policy environment affecting the fields of journalism, communications and the media with an emphasis on the legal rights and obligations of journalists and others engaged in the information/ communications fields. After a general introduction to the Canadian legal system; selected legal topics will be examined including freedom of expression, defamation, privacy, copyright, broadcasting & telecommunications regulation, and other emerging issues.

**Learning Outcomes:** By the end of this course, students will:

1. Understand the fundamental components of the Canadian legal system including the Charter of Rights and Freedoms, federal and provincial legislation and case law;
2. Become familiar with the vocabulary, structure and logic of judicial decisions, statutes and other legal documents;
3. Develop an understanding of selected areas of the law that are relevant to the field of journalism and communications, including copyright, privacy, defamation, freedom of expression, and broadcasting & telecommunication regulation;
4. Be prepared to write critically and with authority about emerging legal issues and information/communication policy developments;
5. Understand the relationship between technological developments and changes in the legal/regulatory environment;
6. Understand the legal rights and obligations of journalists, media organizations, consumers and other stakeholders.

**Assessment/Grading:**

**Case Review (10%)** (due February tbd)). Further details and specifications will be provided.

**Analytical Essays (50%)**

Two formal essays (approx 10-12 pages each) on questions/topics to be circulated. The

first essay (20%) is due **March (tbd)** The second (30%) will be due **April 16<sup>th</sup>**. Further details and specifications will be provided.

**Quizzes (3 @ 10%)** 4 quizzes will be scheduled during the term (the lowest grade will be dropped) Make-ups will not be held, if you miss a quiz it will count as your lowest grade that will be dropped. Quizzes will be available online via Owl.

**Class Participation 10%** Attendance at all scheduled sessions is mandatory and the active participation of every student is critical. Please note that the recording of class sessions is not permitted. Half of this mark will be for students bringing a current news item to class to further discussion.

<b>MMJC 9105 – Winter 2022</b> <b><u>Tentative</u> Schedule of Topics and Assignments</b>	
This outline is subject to change as the course progresses. Specific suggestions for cases, statutes and other readings will be made in class	
<b>Date</b>	<b>Topic</b>
January 9	Course Introduction Overview of the Canadian Legal System Division of Powers / Separation of Powers Finding Primary Legal Materials Using CanLII.org Reading and understanding cases and statutes browse <i>Grant v Torstar</i> , 2009 SCC 61 (CanLII), Legal Terminology
January 16 & 23	Overview of Charter Overview of Freedom of Expression and Section 1 analysis Applying the Oakes Test to Charter violations under section 1
January 30	Criminal and Civil Proceedings Overview of Contracts and Torts Overview of Defamation <i>Giustra v. Twitter, Inc.</i> , 2021 BCCA 466 (CanLII), < <a href="https://canlii.ca/t/jl71p">https://canlii.ca/t/jl71p</a> >
	<b>Case Analysis Due <u>Jan 30</u></b>
February 6	<b>Quiz #1 (tentative)</b> Defenses to Defamation Other torts and liability issues
Feb 13	Privacy, Surveillance and Access to Information
February 20	No Class Reading Week
February 27	Regulation under the Broadcasting Act & Telecommunications Act Role of the CRTC ( <u>Revised Broadcasting Act if tabled</u> )
	<b>Essay 1 Due <u>March (tbd)</u></b>
March 6	<b>Quiz #2 (tentative)</b> Scope of Copyright,

	Owners' Exclusive Rights, Authors' Moral Rights Determining Ownership
March 13, 20, 27	Fair Dealing & other Users' Rights / Defenses to Copyright Infringement Copyright in Photographs & Films, Websites, Digital Locks, Discussion of final assignment <b>Quiz # 3 (date tbd)</b>
April 3	Court Proceedings, Publication Bans, Protecting Sources Discussion of final assignment
April 10	Emerging issues <b>Quiz #4</b> Course Wrap-up
<b>FINAL Assignment due April 14, 5pm</b>	

**Readings:** There is no set textbook for this course. The main readings will be cases and statutes (online at <http://canlii.org>). Other readings will be on reserve at the GRC, available online, posted on OWL, or distributed in class. *Canadian Copyright: A Citizen's Guide* (2<sup>nd</sup> ed, 2013 by Laura Murray & Samuel Trosow, selected chapters on OWL) is recommended for the Copyright segment.

Overview readings about the Canadian legal system:

- Department of Justice: Canada's System of Justice: <https://www.justice.gc.ca/eng/csjsjc/just/img/courten.pdf>
- Canada Guide: The Canadian Legal System (Chapter 5) <http://www.thecanadaguide.com/basics/legal-system/>
- Parliament of Canada: Canada's System of Government [https://lop.parl.ca/About/Parliament/Education/OurCountryOurParliament/html\\_booklet/canada-s-system-government-e.html](https://lop.parl.ca/About/Parliament/Education/OurCountryOurParliament/html_booklet/canada-s-system-government-e.html)
- Supreme Court of Canada: <http://www.scc-csc.ca/court-cour/role-eng.aspx> and <https://www.scc-csc.ca/court-cour/sys-eng.aspx>

Overview readings about the Charter of Rights and Freedoms:

- Text of the Charter of Rights and Freedoms (PDF) [https://www.mcgill.ca/dise/files/dise/cdn\\_rights.pdf](https://www.mcgill.ca/dise/files/dise/cdn_rights.pdf)
- Learn about the Charter (Department of Justice) <https://www.justice.gc.ca/eng/csjsjc/rfc-dlc/ccrf-ccdl/learn-apprend.html>
- Guide to the Canadian Charter of Rights and Freedoms (Government of Canada) <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>
- Charterpedia (Department of Justice) <https://www.justice.gc.ca/eng/csjsjc/rfc-dlc/ccrf-ccdl/check/index.html>

- Examples of Charter-related Cases (Department of Justice)  
<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/cases.html>

Overview Readings on Copyright (these are based on US law but are specific to documentary filmmaking and the music industry). Both are available free to download as PDFs:

- Keith Aoki, James Boyle and Jennifer Jenkins. *Bound by Law: Tales From the Public Domain* <https://www.thepublicdomain.org/comic/>
- Keith Aoki, James Boyle and Jennifer Jenkins. *Theft: A History of Music: Tales From the Public Domain*. <https://www.thepublicdomain.org/2017/02/16/theft-a-history-of-music/>

### Other Course Policies:

**Recording of class sessions:** Recording of class sessions is not permitted.

**Late assignments and extensions:** Due dates for all assignments will be strictly enforced. Any extension must be authorized by the instructor in writing PRIOR to the due date, assignments will be subject to a penalty of 5 points for each day (or portion of a day). Any extensions granted are for specific periods, they are not open-ended. Students who have obtained academic accommodation must still inform the instructor of the need for any extension.

### MMJC Grading Scale

[http://intranet.fims.uwo.ca/graduate/academic\\_programs/mmjc/grading\\_scale.html](http://intranet.fims.uwo.ca/graduate/academic_programs/mmjc/grading_scale.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:

[http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_grad.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_grad.pdf)

### FIMS Code of Conduct

[http://intranet.fims.uwo.ca/graduate/policiesprocedures/code\\_of\\_conduct.html](http://intranet.fims.uwo.ca/graduate/policiesprocedures/code_of_conduct.html)

### Academic Appeals

[http://intranet.fims.uwo.ca/graduate/policiesprocedures/academic\\_appeals.html](http://intranet.fims.uwo.ca/graduate/policiesprocedures/academic_appeals.html)

**Class Attendance:** The FIMS class attendance policy will be strictly enforced for all sessions.

[http://intranet.fims.uwo.ca/graduate/academic\\_programs/mmjc/attendance\\_requirements.html](http://intranet.fims.uwo.ca/graduate/academic_programs/mmjc/attendance_requirements.html)

**Course Incompletes:** See

[http://intranet.fims.uwo.ca/graduate/academic\\_programs/mmjc/incompletes.html](http://intranet.fims.uwo.ca/graduate/academic_programs/mmjc/incompletes.html)

**Support Services:** Please refer to Mental Health@Western

<http://www.uwo.ca/uwocom/mentalhealth/> for options about how to obtain help.

**Religious Accommodation:** See the University's list of recognized religious holidays, and give reasonable notice in writing, prior to the holiday, to the Instructor and an Academic Counsellor <http://multiculturalcalendar.com/ecal/index.php?s=c-univwo> See Academic Calendar.

**Medical Accommodation** For University policy on accommodation for medical illness, see: [www.uwo.ca/univsec/handbook/appeals/accommodation\\_medical.pdf](http://www.uwo.ca/univsec/handbook/appeals/accommodation_medical.pdf) Student Medical Certificate (SMC): [studentservices.uwo.ca](http://studentservices.uwo.ca) under the Medical Documentation heading Students seeking academic accommodation 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. It will be the Dean's Office that will determine if accommodation is warranted. For work worth less than 10% of the final grade, the instructor will consider requests for academic accommodation 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, however, decide to require documentation be submitted to the appropriate Academic Counselling office. Please also note that instructors are not permitted to receive documentation directly from a student. All documentation must be submitted to the Academic Counselling office. *Do not send confidential medical information to the Instructor.*

**Compassionate Accommodation** Academic accommodation 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 crises, obtain a copy of the police report or be prepared to provide the necessary documentation upon request.

**Bereavement** Generally, for deaths in 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 for other reasons should contact their Academic Counsellors, and provide valid documentation.