



**Western  
FIMS**

Faculty of Information & Media Studies

## **Faculty of Information and Media Studies** **Media Law & Ethics: MIT 2156**

Course outline for January 2023



Although this academic year might be different, Western University is committed to a **thriving campus**. We encourage you to check out the [Digital Student Experience](https://www.uwo.ca/dse/) website to manage your academics and well-being. Additionally, the following link provides available resources to support students on and off campus: <https://www.uwo.ca/health/>.

### **1. Technical Requirements:**



Stable internet connection



Laptop or computer



Working microphone



Working webcam- suggested – not required

### **2. Course Overview and Important Dates:**



<b>Delivery Mode</b>	<b>Dates</b>	<b>Time</b>
In-person Lecture	Thursdays	<b>6:30 to 9:30 PM</b>

\*Details about design and delivery of the course are listed below in Section 4

<b>Classes Start</b>	<b>Reading Week</b>	<b>Classes End</b>	<b>Study day(s)</b>	<b>Exam Period</b>
January 9	February 18-26	April 10 / 2023	April 11,12/ 2023	April 13-30/2023

### **3. Contact Information**

<b>Course Instructor</b>	<b>Contact Information</b>
<b>James Hildebrand</b>	<a href="mailto:jfhildeb@uwo.ca">jfhildeb@uwo.ca</a>

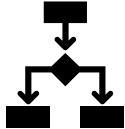


### **4. Course Description and Design**

**Antirequisite:** n/a

**Required Text:** *Cases and Materials on the Legal Foundations of Media and Information*, J. Hildebrand., [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.



Mode	Dates	Time	Frequency
In-Person	Thursday	6:30 – 9:30	weekly

Some course material will be posted to OWL: <http://owl.uwo.ca>. Any changes will be indicated on the OWL site and discussed with the class.

If students need assistance, they can seek support on the [OWL Help page](#). Alternatively, they can contact the [Western Technology Services Helpdesk](#). They can be contacted by phone at 519-661-3800 or ext. 83800.

[Google Chrome](#) or [Mozilla Firefox](#) are the preferred browsers to optimally use OWL; update your your browsers frequently. Students interested in evaluating their internet speed, please click [here](#).

## 5. Learning Outcomes

Upon successful completion of this course, students will be able to:

- Understand the nature of law and the structure of the court and legal system in Canada
- Understand the basics of contract law in the context of digital and other transactions
- gain a basic understanding of media-related tort liability, i.e. defamation, invasion of privacy, etc.
- understand copyright law and its underlying justification
- understand the basics of criminal law
- understand the nature of the Constitution of Canada and related Charter case law



## 6. Course Content and Schedule



Week	Dates	Topic	Readings
1	Jan 12	Course Overview	Course outline
2	Jan 19	Intro to Law	What is Law? Divisions of Law Sources of Law
3	Jan 26	Intro to Law continued	The Principles of <i>Stare Decisis</i> and Precedent Statutory Interpretation The Language of the Law Analyzing Legal Problems
4	Feb 2	Contract Law  Offer/Invitation to Treat  Offer & Acceptance	<i>Carlill v. The Carbolic Smoke Ball Co.</i> <i>Pharmaceutical Soc. Of Great Britain v. Boots Cash Chemists</i> <i>Dickinson v. Dodds</i> <i>Brinkibon Ltd. v. Stahag Stahl</i>
5	Feb 9	Reasonable Notice of Terms, Standard Form Contracts	<i>Tilden Rent-A-Car Co. v. Clendenning</i> <i>Rudder v Microsoft</i> <i>Kanitz v Rogers</i>  End-User License Agreement for Microsoft Software; Cell Phone Contract
6	Feb 16	<b>First Assignment Due</b>  Negligence & Duty of Care Standard of Care Negligent Misrepresentation Invasion of Privacy	<i>Donoghue v. Stevenson</i> ; <i>Palsgraf v. Long Island Ry. Co.</i>  <i>Bolton v. Stone</i>  <i>Hedley Byrne &amp; Co. v. Heller &amp; Partners Ltd</i>  <i>Jones v Tsige</i>
7	Feb 23	Reading Week	
8	Mar 2	Defamation	<i>Hill v. Scientology</i> <i>Vander Zalm v. Times Publishers et al.</i> <i>Cubby v Compuserve</i> <i>Stratton- Oakmont v Prodigy</i>
9	Mar 9	Introduction to Copyright	<i>Damiano v. Dylan et al.</i> <i>Fantasy Inc. v. Fogerty</i> <i>A&amp;M Records Inc. et al. v Napster Inc.</i>
10	Mar 16	<b>Assignment # 2 Due</b> Copyright cont'd	<i>Bridgeport v Dimension et al</i> <i>Voltage v Jane and John Doe</i> <i>Ain't Nothin Like The Real Thing</i>

11	Mar 23	Introduction to Criminal Law  Publication bans	<i>Criminal Code of Canada</i> , sections 297-317, 319, 163, 163.1 <i>R. v. Sayegh</i> (No. 1 & 2)  <i>R. v Weir</i> <i>U.S. v Thomas</i>
12	Mar 30	Constitutional Law Hate Speech  Freedom of expression	<i>Charter</i> <i>Oakes test</i> <i>R. v Keegstra</i>  <i>R. v Butler</i>
13	April 6	Catch up and Review	

## 7. Evaluation

Below is the evaluation breakdown for the course. Any deviations will be communicated.

Assessment	Format	Weighting	Due Date
Assignment 1	Written- op ed	20%	Feb 16
Assignment 2	written	30%	Mar 17
Final Exam	MC. short Ans, essay	50%	TBA

- ☒ All assignments are due at 11:55 pm EST unless otherwise specified
- ☒ After an assessment is returned, students should wait 24 hours to digest feedback before contacting their evaluator; to ensure a timely response, reach out within 7 days

Click [here](#) for a detailed and comprehensive set of policies and regulations concerning examinations and grading. The table below outlines the University-wide grade descriptors.



A+	90-100	One could scarcely expect better from a student at this level
A	80-89	Superior work which is clearly above average
B	70-79	Good work, meeting all requirements, and eminently satisfactory
C	60-69	Competent work, meeting requirements
D	50-59	Fair work, minimally acceptable
F	below 50	Fail

### Information about late or missed evaluations:

- ☒ Late assessments without appropriate academic consideration will be subject to a late penalty \_\_5\_ %/day

## 8. Communication:



- ☒ Students should check the OWL site every 24 – 48 hours
- ☒ A weekly update will be provided on the OWL announcements
- ☒ Students should email their instructor(s) and teaching assistant(s)
- ☒ Emails will be monitored daily; students will receive a response in 24 – 48 hours

## 9. Office Hours:



- ☒ Office hours will be held by appointment and on Thursdays from 5:30 to 6:30
- ☒ Students will be able to sign up for an appointment by emailing the instructor

## 10. Resources



- ☒ Any resources will be posted in OWL

## 11. Professionalism & Privacy:



Western students are expected to follow the [Student Code of Conduct](#). Additionally, the following expectations and professional conduct apply to this course:

- ☒ Students are expected to follow online etiquette expectations provided on OWL
- ☒ All course materials created by the instructor(s) are copyrighted and cannot be sold/shared
- ☒ Recordings are not permitted (audio or video) without explicit permission
- ☒ Permitted recordings are not to be distributed

## 12. How to Be Successful in this Class:



Students enrolled in this class should understand the level of autonomy and self-discipline required to be successful.

1. Take notes as you go through the lesson material. Keeping handwritten notes or even notes on a regular Word document will help you learn more effectively than just reading.
2. Connect with others. Try forming an online study group and try meeting on a weekly basis for study and peer support.
3. Do not be afraid to ask questions. If you are struggling with a topic, check the online discussion boards or contact your instructor(s).
4. Reward yourself for successes. It seems easier to motivate ourselves knowing that there is something waiting for us at the end of the task.

# NOTES FROM THE FIMS DEAN'S OFFICE

Winter 2023

## 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](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](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

### Academic Accommodation

Students with disabilities work with [Accessible Education \(AE\)](#) which provides recommendations for accommodation based on medical documentation or psychological and cognitive testing.

### Medical Consideration

Students who have medical grounds for academic consideration 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 (for FIMS students this is [Undergraduate Student Services](#)).

Students are required to provided

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 during 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.**

## 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 Advisor. Additional information is given in the [Western Academic Calendar](#).

## Gender-Based and Sexual Violence

Western [is committed to reducing incidents of gender-based and sexual violence](#) and providing compassionate support to anyone who has gone through these traumatic events. If you have experienced sexual or gender-based violence, you will find information about support services for survivors, including emergency contacts, [here](#). The gender-based violence and survivor support case managers are located in Thames Hall (3114-3127 office suite.) To connect with a case manager or set up an appointment, please contact [support@uwo.ca](mailto:support@uwo.ca).

## Support Services

Students who are in emotional/mental distress should refer to [Health and Wellness](#) for a complete list of supports.

## SUPPORT SERVICES - LINKS

[FIMS UGSS](#): academic advising; career services

[Psychological Services](#): Information about accessing mental health supports

[Medical Services](#): Student health related services

[Office of the Registrar](#): Financial Information, Timetable, Exam Schedules, Academic Calendar Information

[Academic Support and Engagement](#): Central Academic Supports, including [Writing Centre](#), [Learning Development](#), [Transition and Leadership Supports](#), and [Careers and Experience](#)

[Accessible Education](#): Assessment and recommendations for students with disabilities

[Accessibility Information](#): Information to help support barrier free access, including floor plans, accessible washroom locations, service disruptions etc.

[Indigenous Student Services](#): Includes information about financial support, indigenous self-identification, orientation, and tutor support

[Western International](#): Information and support for international students and students seeking to go on exchange

## FIMS Grading Policy

FIMS Undergraduate programs now have the following class average policy:

*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%.*

*Second year required courses (MIT 2000, 2025, 2100, 2200, 2500) are expected to have a course average between 70 and 75%. The third year required (MIT 3100) is expected to have a course average between 72 and 77%.*

*Elective courses and 4<sup>th</sup> year seminars have no recommended course averages.*

## 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

### 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.