Exploring Communication Law - A Socratic Approach 2nd edition Bobbitt Test Bank

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Instructor's Manual and Test Bank

for

Exploring Communication Law
A Socratic Approach

second edition

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PREFACE

Thank you for selecting the second edition of *Exploring Communication Law* as the primary text for your communication law or media law class.

Here are some thoughts about the book and the course you may find useful:

Student Attitude toward Class Discussion. Unless they are shy by nature, most successful students tend to enjoy the class discussion approach to teaching as compared to a more traditional lecture/note-taking approach. Early in the semester, instructors should explain the process and rationale of the method: by reading the material before coming to class rather than having it read to them in the form of a lecture, class time can be better spent on clarification, discussion, debate, additional examples, and guest speakers.

Shy students may need some coaxing (any many visits to your office during office hours) as will students lacking in motivation. When introducing students to the teaching method, it is important to point out that there are no "right" or "wrong" answers, but in some cases there are answers that are easy to defend and others that are less so. The

Discussion Questions section of this instructors' manual will include some ideas on dealing with some of the specific answers that students may offer or problem-solving approaches they may take.

The Connection between Class Discussion and Testing. Early in the semester, some students may notice an inconsistency between teaching method (class discussion) and testing method (true-false and multiple-choice questions). A typical question following the first test might be "why did we spend the first four weeks of the semester talking about cases and expressing opinions about the law, then come to class on test day and face a multiple-choice/true-false test?" That's a valid question. But the majority of students will realize that reading and analyzing the cases ahead of time in preparation for class discussion make studying for the tests much similar. In my experience, students who take part in the class discussions generally score much higher than those who don't, and most catch on after the first test (or certainly after the second).

Developing Tests. A test bank consisting of both true/false and multiple choice questions is provided separately and also at the end of this manual. If the instructor elects to add essay questions, he or she may choose to use case problems from the end of each chapter (although I prefer to save these for an open-book final exam). There are four possible ways to organize tests based on this textbook (you may think of more):

- Mid-term/final. Even though it means breaking the second part of the book in half, it is possible to group together chapters 1 through 5 for the mid-term and chapters 6 through 10 for the final.

- Three tests and open-book final. In my experience, the best way to test is to have three regular tests – one for each one-third of the book (chapters 1-4, chapters 5-7, and chapter 8-10). That means the first test will be a bit longer than the first two, but late in the semester students will appreciate the lighter load. Instead of a cumulative final, I recommend an open-book/open note final. Instead of writing essay questions from scratch, I typically pick out five of the case

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problems—two or three that we did discuss in class and two or three that we did not discuss. Students then choose four out of the five, and for each one prepare a 300-500 word analysis in which they argue one side or another, using legal principles from the appropriate chapter as well as the early chapters of the book, with an emphasis on the basics of the First Amendment. To prevent students from receiving assistance in preparing their answers, I do not reveal the case problems in advance and rotate the ones I choose every semester.

- Four tests and open-book final. For shorter tests, chapters can be grouped as such:

  Test 1: Chapters 1, 2, and 3
  Test 2: Chapters 4 and 5
  Test 3: Chapters 6 and 7
  Test 4: Chapters 8, 9, and 10

  An open-book final would serve as a fifth test, and instructors might want to consider allowing students to drop the lowest score (including the option to skip the final exam if they're happy with the average score from tests 1-4).

- Individual chapter tests or quizzes. Use the test bank to generate individual quizzes on each chapter. Since most include 20 questions or fewer, they could be given at the beginning of the class with a 15-minute time limit. This would motivate students to read the chapters ahead of time. With 10 chapter quizzes, the lowest two or three could be dropped, thus eliminating the need for make-up tests.

Keeping Up with Changes in the Law. Part of the difficulty in producing a textbook on this subject is knowing that by the time it is published, parts of it may be outdated. Communication law is a rapidly changing field, but instructors can keep up with those changes by subscribing to hard-copy and online newsletters that are either free or very inexpensive. These newsletters include:

- The First Amendment News published by the Freedom Forum First Amendment Center
- The SPLC Report issued by the Student Press Law Center, and
- Numerous publications of the Association for Education in Journalism and Mass Communication.
- In addition, the AEJMC sponsors a number of national and regional conferences each year, many of which include considerable discussion of legal topics.

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SAMPLE SYLLABUS

Basic Information

Course number
Course title
Semester and year

Instructor

Name (degree optional)
Contact information: office location, phone number, email address
Office hours

(plus other information required by institutions or departments)

Course Description

OVERVIEW: This is an introductory course in communication law that examines the legal limitations on communication as well as the rights and responsibilities of professional communicators.

This is a descriptive course rather than a how-to course. Taking this course will not qualify you to provide legal advice to a current or future employer (or anyone else). It will, however, provide you with a basic understanding of the law and in some cases may provide you with enough information to know when you or your employer should contact an attorney for legal assistance. **Note: this is important because some students leave this course believing that they have sufficient knowledge to give legal advice to friends, family members, and employers.**

TEXTBOOK: *Exploring Communication Law: A Socratic Approach,* second edition.

STUDENT LEARNING OBJECTIVES: As a result of taking this course, students should: (1) learn the basic principles of communication law in areas such as freedom of expression, journalism, broadcasting, and business communication; and (2) develop, articulate, and defend opinions on controversial issues in communication law.

EVALUATION: Students will be evaluated in the following areas:

Test 1 (chapters 1-4)	20 points
Test 2 (chapters 5-7)	20 points
Test 3 (chapters 8-10)	20 points
Final exam	20 points
Attendance and discussion	20 points
TOTAL	100 points

Note: An optional assignment is to have students develop opinion essays arguing one side or the other of a controversial issue. A list of suggested topics is included elsewhere in this instructors' manual.

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At the end of the semester, overall course grades will be determined by the following scale:

94.0+	A	74.0-77.9	C+
90.0-93.9	A-	70.0-73.9	C
86.0-89.9	B+	65.0-69.9	C-
82.0-85.9	B	60.0-64.9	D
78.0-81.9	B-	0-59.9	F

Course Components

See alternative testing ideas earlier in this manual.

TESTS (60 points total): There will be three tests—one for each part of the class. Test material will come from assigned readings in the textbook and additional material presented in class. If time permits, a brief review will be provided during the previous class meeting.

FINAL EXAM (20 points): The final exam will consist of five fictional legal scenarios that are similar to the case problems you will find at the end of each chapter of the book. Students will choose four of the scenarios and write a brief analysis of each, citing appropriate legal principles and case law. Open-book, open-note. A more detailed review will be provided later in the semester. **Note: Rather than generate new questions for the final exam, it is often simpler to use those from the book, either using those that were not used during class discussion or a combination of used and unused.**

ATTENDANCE AND DISCUSSION (20 points): Throughout the semester students can earn up to 20 points based on attendance and participation in class discussion. This score is based on attendance, punctuality, quality of contributions to class discussion, and ability to articulate opinions, as determined by the following table:

number of absences	**number of attendance/ discussion points available**
0-2	15 to 20 points, depending on participation in class discussion.
3	10 to 15 points, depending on participation in class discussion.
4	5 to 10 points, depending on participation in class discussion.
5	0 to 5 points, depending on participation in class discussion. You'll probably earn a final course grade that is one letter below your average test score.
6	No points, meaning that you will probably earn a final course grade that is two letters below your average test score.

Note: Setting the attendance and discussion percentage at 20 percent is just one suggestion. A lower percentage may not be sufficient to motivate students to participate, and a higher percentage may raise eyebrows among administrators who object to that much instructor subjectivity; it may lead to accusations of an

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instructor showing favoritism toward or prejudice against students based on their political philosophies. But the 20 percent figure is usually defensible in a grade appeal.

The keys to earning attendance and discussion points are consistent attendance, thorough completion of reading assignments (including discussion questions) and assertiveness in contributing to class discussion. **Quality** is much more important than **quantity**, so don't just talk to be talking. Examples of appropriate contributions in this category include expressing well-thought-out opinions on topics discussed in class and asking challenging questions of the professor, classmates, and guest speakers. Simply nodding your head, agreeing or disagreeing with the opinions of others, or stating the obvious does not count as class discussion. Do not wait to be called on—volunteer.

Simply performing well on tests is not sufficient to earn a high grade in this class. As the chart above indicates, problems with attendance or reluctance to participate in class discussion may result in a final course grade one or two letters below your test average. Success in this class will require advanced preparation for each class meeting, consistent attendance, and full participation in class discussions.

Course Policies and Procedures

ATTENDANCE: The attendance policy for this class is designed to reward students for consistent attendance rather than penalize them for absences. As the chart on the previous page indicates, more than two absences hinders your ability to earn attendance and discussion points, which in turn affects your overall course grade. In addition, keep in mind that on close calls—those cases in which students' final point totals place them on the borderline between two letter grades—students with few absences (or none) and consistent contributions to class discussion will **always** get the higher grade, while students with poor attendance habits will **always** receive the lower grade.

TEACHING METHOD: This class is not taught using the traditional lecture/note-taking model. Instead, the primary teaching method used is class discussion. That means that in order to encourage advance reading of the material and to stimulate discussion, students will be called upon to answer questions and offer opinions.

Depending on the size of the class, you may or may not get called upon each class meeting, but you should be prepared to be called upon whether your hand is raised or not. During most class meetings, the first students to be called upon are those who were absent at the previous class meeting. You will also be called on early and often if you appear to be asleep, uninterested, or reading a book from another class. Lack of preparation for such discussions and/or reluctance to participate will affect your grade in the attendance and discussion category. Shyness is not an excuse for lack of class participation.

Due to the length of some class discussions, we may not get to every learning objective or discussion question during class time. However, unless otherwise announced, assume that all material is fair game for testing purposes. The best starting point for preparing for tests (and in-class review sessions) is the learning objectives listed in the workbook.

Class time will **NOT** be used to cover basic information that you can read in the workbook and textbook. Instead, class time will be spent for clarification, expansion,

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additional examples, and discussion.

POLICY REGARDING ADADEMIC MISCONDUCT: Note: Most institutions have standardized statements that faculty are encouraged to include on syllabi.

Calendar

This is an approximate outline for the course. It is subject to change due to school closings, the availability of guest speakers, or other unforeseen events.

Some of the shorter chapters can be covered in one 75-minute class discussion, but some of the longer ones may stretch over two or three. For a class that meets twice a week for a 14-week semester, the likely timetable looks like this. Instructors are likely to find there are more Socratic Dialogue questions in each chapter than time will allow. Therefore, it may be a good idea to select and list specific ones on the syllabus.

Class meeting	Topic
1	Course overview
2	Chapter 1
3	Chapter 2
4	Chapter 3
5	Chapter 3 (con't)
6	Chapter 4
7	Chapter 4 (con't)
8	Catch-up day / test review
9	Test 1
10	Chapter 5
11	Chapter 5 (con't)
12	Chapter 6
13	Chapter 6 (con't)
14	Chapter 7
15	Chapter 7 (con't)
16	Catch-up day / test review
17	Test 2
18	Chapter 8
19	Chapter 8 (con't)
20	Chapter 9
21	Chapter 9 (con't)
22	Chapter 10
23	Chapter 10 (con't)
24	Catch-up day / test review
25	Test 3
26	Catch-up day / guest speaker
27	Catch up day / guest speaker
28	Catch up day / review for final exam

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A typical course calendar may look something like this:

Day and date	Topic	Assigned reading	Case problems and discussion questions
Thursday, Feb. 4	Political speech	Chapter 3	Case problem: Roadside Memorials Socratic dialogue questions: 1, 2, 3, 5, 7, 9, 10, 12
Tuesday, Feb. 9	Sexual expression	Chapter 4	Case problem: A Miller Test for the 20th Century Socratic dialogue questions 1, 2, 4

SUGGESTED CLASS ACTIVITIES

In addition to class discussion, other possible class activities include:

1. Assign students to make briefings on specific cases. If your campus library has adequate resources, students can be assigned to research individual cases (going beyond the summary in the book) and make brief (3-5 minute) presentations that would include the background facts of the case, what the courts decided, and why the case is significant today. Especially appropriate for graduate students.

2. Assign students to choose a controversial topic in communication law (see suggested list later in this manual) and write an opinion paper that argues one side or the other. Especially appropriate for graduate students. Potential topics are listed on pp. 23-24.

3. Debates between teams of students on controversial issues (the Point-Counterpoint features at the end of chapters are potential starting points).

4. Bring guest speakers into the class, including local newspaper editors, television news directors, or media attorneys.

5. Videos, including those available at your local video store. The People v. Larry Flynt is one possibility, although the language and partial nudity may be offensive to some students. The film deals not only with the pornography industry, but also the broader issue of free speech.

6. A "Quiz Show" that serves as a test review offered the class meeting immediately before a test. Choose a representative sample of the questions from the upcoming test (questions based on definitions are the easiest to use). Of all the questions chosen, use approximately half verbatim as they are presented on the test. For the other half, re-write the questions to ask for the same information in a different way—i.e., if the test provides a term and asks the students to choose from a list of possible definitions, provide the definition and then ask the students for the term (without providing choices). Print the questions on 3x5 or

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4x6 cards.

On the day of the test review, ask students to organize themselves into teams of three or four students each. It is better to allow the students to choose their own teams rather than to assign them randomly—once students understand the process, they will organize themselves and study together prior to the competition. By allowing students to choose their own teams, unprepared students will be less likely to "luck out" by being randomly assigned to a team on which they can benefit from working with better-prepared students. After the same team wins two or more times, students on other teams will likely say that's unfair, but simply tell them their remedy is for their team to study harder for the next competition.

Keep track of the scores on the blackboard or marker board. The competition is closed book and closed note, however, allow students blank paper in order to take notes.

A suggested rule sheet (for distribution prior to the competition) is found on page 25.

Author's note: The recommended number of points to award the winning team is equivalent to 10 percent of the total value of the test. I have been doing this in both my public relations and communication law classes for more than 20 years and found that students respond to it positively. Students like it because it gives them a sample of the test questions (but not so much that it substitutes for reading the book) and forces them to study two class meetings ahead of time instead of waiting until the night before the test. Here are some other helpful hints:

- Keep the pace of the game going quickly. Some questions take more time than others, so setting a time limit for each question is impractical. Instead, I give them what I believe is a reasonable amount of time given the complexity of the question, then issue a "5-second"warning. My typical tests are between 60 and 70 questions, and I will choose about 30-35 questions for the competition. That typically takes about 45 minutes.

- For questions that are missed or passed, DO NOT provide the correct answer, even though students will ask. That drags out the game unnecessarily and eliminates the incentive for students to look up the correct answer in the book.

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