



Creative Industries
Faculty of Communication
& Design

CRI 720
Media Regulation and Communication Policy
(Winter 2017)

Instructor Name: Bram Abramson
Phone: +1 647 479-8093
Email address: babramson@ryerson.ca.
Faculty and students may exchange e-mails only using @ryerson.ca addresses.

Where: VIC 300
(Victoria Building, 285 Victoria St., Toronto ON, M5B 2L1)

When: 12 Mondays, from 6:10 pm to 9 pm:
January 16, 23, 30; February 6, 13, 27; March 6, 13, 20, 27; April 3, 10.

Outside Class: Office hours by appointment (phone, email, or ask in class). Tweet: #cri720.

Calendar Description: This course looks at the institutional and legal structures of media and communication in Canada and internationally. Drawing on texts and perspectives from important thinkers and analysts such as Lawrence Lessig, Marc Raboy, Peter Grant, and Robert McChesney, we will examine the policy frameworks that shape broadcasting, print, digital and internet, music and more. We will also consider various crosscutting communication policy issues such as copyright, production quotas and subsidies and human rights. Recommended only for students in third or fourth year..

Course Objectives: This course will teach the analytical skills, substantive background, and professional competencies required to review detailed communications policy and regulatory initiatives against a broad industry backdrop, integrate this review into a strategic perspective, and undertake communication and advocacy based on that perspective.

Required Materials: You'll need a Web browser, and you'll need a Twitter account (whose usernames you'll want to identify to me). There is only one reading per class, and all readings are available online. So you won't have to spend any money on a textbook, and you should be able to cover the readings. But this approach also means you'll be working more with primary materials, and less with a cohesive narrative that tries to tie it all together; and that you'll be expected to actually do the readings. The classroom, and interactive lectures (see teaching methods), is where we will begin to do that. Please come prepared.

Teaching Methods: The course will proceed by way of interactive lecture, questions, and classroom discussions. Laboratory learning (through a mock hearing exercise), and some contact with industry professionals (who will be invited to class), are important features of the course. Readings have been selected to help prepare you for class, provide hands-on experience with documentation used in the industry, participate more fully in discussions, and earn more participation marks. If you do not understand what I am saying, I expect you to interrupt me—politely, at an appropriate juncture, and after having given it a chance to sink in—and ask. If you have questions about the course content, or about current events that relate to the course, I encourage you to raise them in class: some of your fellow students may be wondering or interested, too.

Assignments and Evaluation: Grades will be communicated within two weeks. Until your final course grade is awarded, retain a personal copy of all work turned in—and all rough materials, references, sources, and working notes. Late assignments will be docked 5 percent per weekday absent permission.

Assignment	Length	Due	Weight
Participation. “Showing up is 80 percent of life,” as Woody Allen apparently said: but it’s eight percent of this course—attendance will be taken. Active participation, especially of readings, gets the other two points.	11 classes (i.e. all but the first)	all term	10%
Introduction assignment. This course will run most smoothly if I understand your background, interests, and expectations. Explain concisely: a) why you’re taking this class—anticipated highlights, why you think it might be interesting, and what you’d like to take away from it; b) what courses you’ve taken that appear to relate to, overlap with, or be relevant to the content of this course outline (if any); c) what most interested in you in the video and follow-up discussion in the first class—or anything else we discussed; d) what you anticipate doing five years out of school—what you’re orienting yourself towards, professionally.	email, or email attachment	Jan. 23 by 6 pm (email)	10%
News briefing. Things are constantly happening. Find one that relates to the topic of one of our classes, and do the following: a) Tweet about it ahead of class in a pretty factual way, using the hashtag #cri720. If your Twitter handle is non-obvious, tell me what it is. b) Write a briefing note about it, relating it to the class reading. Submit it by 6 pm the day of class. Discuss it in class. c) After class, follow up by tweeting some thoughts about it. This assignment is worth 10 percent. You must do it at least once. You may do it up to 10 times, if you’re eager. Your best mark will count.	Two tweets; 2500 words.	Any 1+ of class 2-11.	10% (best)
Mock CRTC proceeding. On February 6, a Notice of Consultation will be distributed that will initiate a mock regulatory proceeding. On February 13, you’ll have the chance to sign up to be one of three team members to represent one of 10-11 clients. That will drive three assignments worth 35, 15, and 20 percent of your final grade.		Feb 6 (Notice) Feb 13 (client)	
Written submission. You must advance your client’s position in a written CRTC submission that addresses all three of the aspects set out in the notice of consultation. Groups will assign one member to each aspect, identifying these assignments to the course instructor: – individual grades for each student’s portion of the brief (30 points); – overall presentation & coherence on a group basis (5 points).		Mar 20	35%
Client briefing. You will need to keep your client up-to-date on what’s been said and where you are positioned. This briefing document will do that. It is a group mark (15 percent).	Up to 10 pages.	Apr 3	15%
Oral argument. In the final class, you will have 10 minutes to present your client’s case to CRTC commissioners, who will then proceed to ask you questions. Not every group member is required to speak at the oral hearing: some groups may prefer to assign certain members to preparing materials to be used at the hearing—other members to delivering it or to handling questions and answers. This is a group mark (20 percent).	10-minute presentation, following by Q&A. Prepare in order to anticipate the Qs with As!	Apr 10	20%

Course schedule and readings: The following sets out weekly topics, themes to be discussed, and readings that you are expected to undertake—and will be the basis for much of your learning.

Monday	Topic	Due (6 pm)
Jan 16 (01.)	<p>Introduction</p> <p>“Media regulation and public policy in Canada” (video, from 40-minute mark: http://discoverability.ca/videos/government-regulation-of-the-media/), followed by questions and discussion. What sounds familiar from other courses? What’s new? What’s interesting—and what makes you roll your eyes?</p> <p>Introductions. Review of course outline, contents, and assignments.</p>	
Jan 23 (02.)	<p>Political Economic Context</p> <ul style="list-style-type: none"> – What is public policy? What’s regulation? Institutional configuration, legislature’s and executive’s administrative delegation, independence and fairness, co-regulation and industry involvement. – What communications and media industries are regulated, and why—what kinds of scarcity are assumed, observed, and ignored? Cross-cutting trends (digitization, convergence, multimedia, multiplatform) and themes (public interest, citizen and consumer roles, diversity and monopoly, copyright, access, accessibility). <p>Read: Robin Mansell and Marc Raboy, “Introduction: Foundations of the Theory and Practice of Global Media and Communication Policy”, chapter 1 in <i>The Handbook of Global Media and Communication Policy</i> (Blackwell, 2011). Online: http://media.wiley.com/product_data/excerpt/10/14051987/1405198710-13.pdf.</p> <p>or: Paul Audley, “Cultural Industries Policy: Objectives, Formulation, and Evaluation”, <i>Canadian Journal of Communications</i> 19(3), 1994. Online: http://cjc-online.ca/index.php/journal/article/view/823/729.</p>	<p>Introduction assignment (10%).</p> <p>News briefing (10%--at least once.)</p>
Jan 30 (03.)	<p>Freedom of Expression & Print Media</p> <ul style="list-style-type: none"> – Speech laws: constitutional protections, libel and defamation, national security and public order, hate speech, obscenity and false news, political communications. Jurisdiction and conflicts of laws. – Targets of speech laws and freedoms: freedom of the press from government interference, for ... who? – How “journalism” receives different treatment in the courts, and how the courts understand and define journalism. The debate over news and journalism as a regulated profession; ombuds officers and press councils. – Magazines, trade wars, and an introduction to the “cultural toolkit”. <p>Read: Standing Senate Committee on Transport & Communications (L. Bacon & D. Tkachuk, chairs), <i>Final Report on the Canadian News Media</i>, Volume 1 (June 2006). Online: http://www.parl.gc.ca/content/sen/committee/391/tran/rep/repfinjun06vol1-e.pdf.</p>	<p>News briefing (10%--at least once.)</p>
Feb 6 (04.)	<p>Film Policy and Beyond</p> <ul style="list-style-type: none"> – The “cultural toolkit” (Peter Grant), how it has been implemented in Canadian feature film policy, and how that compares to the recorded music and video game (entertainment software) sectors. – Film institutions and policies (Telefilm, NFB, provincial film commissions, classification roles). – Relationship between film distribution and other platforms (television, VOD, OTT) from a policy standpoint and what we have (or haven’t) done about it. <p>Read: John Grierson, “A Film Policy for Canada” (1944). Online: http://wartimecanada.ca/sites/default/files/documents/Film%20Policy%20for%20Canada.pdf</p>	<p>News briefing (10%--at least once.)</p> <p>Notice of Consultation out.</p>

Monday	Topic	Due (6 pm)
	<p>and: Standing Committee on Canadian Heritage (G. Brown, chair), <i>Review of the Feature Film Industry in Canada</i>, (June 2015). Online: http://cmpa.ca/sites/default/files/documents/gr-and-regulatory/Review-of-the-feature-film-industry-in-Canada-2015-06-10.pdf.</p>	
<p>Feb 13 (05.)</p>	<p>Broadcasting I: Evolution and Framework; Radio</p> <ul style="list-style-type: none"> – History of the Canadian broadcasting system from a policy standpoint. Institutional and statutory history, from the Aird Commission (“the State or the United States”) onward. – Institutional configurations: Cabinet powers and appeals, court appeals, CRTC broadcasting policy and powers. – The three-part system: public, private, community. – Radio: entry regulation, including how to get on the air and promises (genre, content, etc.) one makes to get there: commercial, ethnic, community, and satellite radio, and their interplay. Behavioural regulation, like Canadian content (exhibition and expenditures) and working with funds (FACTOR, etc). <p>Read: Standing Committee on Cultural Heritage (C. Lincoln, chair), <i>Our Cultural Sovereignty: The Second Century of Canadian Broadcasting</i> (June 2003), chapters 1 and 2. Online: http://www.parl.gc.ca/content/hoc/Committee/372/HERI/Reports/RP1032284/herirp02/herirp02-e.pdf</p> <p>and, if you can: Robert W. McChesney, “Graham Spry and the Future of Public Broadcasting: the 1997 Spry Memorial Lecture”, <i>Canadian Journal of Communications</i> 24(1), 1999. Online: http://www.cjc-online.ca/index.php/journal/article/view/1081/987.</p>	<p>News briefing (10%--at least once.)</p> <p>Client selection and groups formed.</p>
<p>[Feb 20</p>	<p>Study Week.]</p> <p style="text-align: center;">-</p>	
<p>Feb 27 (06.)</p>	<p>Broadcasting II: Television Programming & Distribution</p> <ul style="list-style-type: none"> – Programming services—entry regulation: over-the-air, basic, discretionary, and exempt services; genres and genre exclusivity; public service, private, and community channels; “ethnic” and “Native” designations; linear and non-linear services. – Programming services—behavioural regulation: exhibition and expenditure requirements; group-based licensing; applicable regulations; etc. – Distribution—analogue-to-digital conversion, digital-to-OTT migration, basic and skinny basic, TV Code. – Exemptions—what doesn’t need to be regulated? How does a regulator make the call? What are the repercussions? The Digital Media Broadcasting Undertaking exemption in broader context. <p>Read: <i>A World of Choice - A roadmap to maximize choice for TV viewers and to foster a healthy, dynamic TV market</i>, Broadcasting Regulatory Policy CRTC 2015-96, 19 March 2015. Online: http://www.crtc.gc.ca/eng/archive/2015/2015-96.htm.</p>	<p>News briefing (10%--at least once.)</p>
<p>Mar 6 (07.)</p>	<p>Broadcasting III: Ownership, Diversity, and International Media</p> <ul style="list-style-type: none"> – Bringing non-Canadian services into the BDU world: when it’s permitted and why. – Foreign ownership restrictions: what and wherefore. – Regulatory frameworks for horizontal concentration (tangible benefits payments) and vertical integration (wholesale code). <p>Read: <i>Regulatory framework relating to vertical integration</i>, Broadcasting Regulatory Policy CRTC 2011-601, 21 September 2011. Online: http://www.crtc.gc.ca/eng/archive/2011/2011-601.htm</p>	<p>News briefing (10%--at least once.)</p>

Monday	Topic	Due (6 pm)
Mar 13 (08.)	<p>Telecom I: Evolution and Framework, Monopoly to Competition, Voice to Broadband</p> <ul style="list-style-type: none"> – Incumbency and industry structure. Institutional structure: relationship with Canadian Transportation Commission, Competition Bureau, CCTS, etc. – Monopoly to competition (and voice to broadband): international context (International Simple Resale and dial-around), forbearance (framework, long-distance, local voice), number portability, price caps, and convergence. – Wholesale regulation: essential facilities; facilities-based versus structural separation (and competition). – “Forbearance” under the <i>Telecom Act</i>, and how it relates to “exemption” under the <i>Broadcasting Act</i>. <p>Read: CRTC, <i>Communications Monitoring Report 2016</i>, sections 5.0 (Telecom sector overview), A.7 (market sector description), A.8 (classification of Canadian TSPs). Online: http://www.crtc.gc.ca/eng/publications/reports/PolicyMonitoring/2016/cmr.pdf.</p>	News briefing (10%--at least once.)
Mar 20 (09.)	<p>Telecom II: Spectrum, Mobility, and Universal Service</p> <ul style="list-style-type: none"> – Spectrum and mobility: institutional roles and statutes, first-come-first-serve to “beauty contests” to comparative auctions. Mandated roaming and tower-sharing. – Universal service: voice (obligation to serve and 9-1-1, portable contribution, deferral accounts) to broadband (task force, basic services decisions). – Consumer protection: consumer bill of rights, Wireless Code, CCTS revisited. <p>Read: <i>Modern telecommunications services – The path forward for Canada’s digital economy</i>, Telecom Regulatory Policy CRTC 2016-496, 21 December 2016. Online: http://www.crtc.gc.ca/eng/archive/2016/2016-496.htm.</p>	<p>Written submission to mock CRTC proceeding (35%).</p> <p>News briefing (10%--at least once.)</p>
Mar 27 (10.)	<p>Telecom III: Net Neutrality</p> <ul style="list-style-type: none"> – Internet Traffic Management Practices (ITMPs). Differential Pricing Practices (DPPs). – Wholesale and retail: relationships and distinctions. – Beyond zero-rating: gambling, juvenile pornography, notice-and-notice, and the intermediary role. <p>Read: Bram Abramson, “Net Neutrality in Canada”, New Developments in Communications Law & Policy conference. Online: https://www.yumpu.com/en/document/view/55602809/and-policy/4</p>	News briefing (10%--at least once.)
Apr 3 (11.)	<p>Privacy</p> <ul style="list-style-type: none"> – Privacy rights: Charter, PIPEDA, CRTC (confidentiality), selected court decisions. – Lawful access: Solicitor General rules, <i>R. v. Spencer</i>, transparency reporting, proposed legislation – Right to be left alone (UTRs, CASL) ... and forgotten (<i>Equustek</i>)? <p>Read: <i>Results of Commissioner Initiated Investigation into Bell’s Relevant Ads Program</i>, PIPEDA Report of Findings 2015-001, 7 April 2015. Online: https://www.priv.gc.ca/en/opc-actions-and-decisions/investigations/investigations-into-businesses/2015/pipeda-2015-001/.</p>	<p>Client briefing (15%).</p> <p>News briefing (10%--at least once.)</p>
Apr 10 (12.)	Mock CRTC Hearing	Oral argument (20%).

Course Policies: Please take note of the following.

- *Electronics in the classroom:* You're expected to conduct yourself professionally and with courtesy. Turn off cell phones during all classes. Avoid the use of laptops for notetaking. They have a tendency to cause students to act as transcribers instead of thoughtful note-takers, because they let you avoid having to summarize on the fly.
- *Changes to the course:* Material changes to course assignments, due dates, or grading will be notified in advance and discussed in class. If you think there should be such changes, identify what and why—either in class, or offline with the instructor, based on your comfort level.
- *Guest speakers:* Guest speakers will attend our class. They are taking time away from families, friends, or jobs to do so. Please treat them with respect. And please refrain from contacting them outside class unless invited to do so.
- *Group work:* Policy work is always group work—your job is to work with some to influence others. Group work, oriented around a mock CRTC proceeding, is therefore a significant element to this practical course. All members should therefore expect, and demand, that you work collaboratively and contribute equally to the research and preparation. Exchange contact points, respond to one another promptly, and put yourselves in one another's shoes.
- *Special circumstances:* Medical or compassionate accommodations, or any other considerations sought, should be requested as soon as possible. If there is a situation that may adversely impact your performance, inform the instructor promptly as soon as you are aware of it.

Ryerson Policies: This course is conducted in accordance with all relevant University academic policies and procedures. You are expected to familiarize themselves with them, adhere to them and, if you think some aspect of the course is failing to adhere to them, notify the instructor immediately. Refer, in particular, to the *Creative Industries Student Handbook* (ryersoncreative.ca) for specific information about:

- Policy #60: Student Code of Academic Conduct
- Policy #61: Student Code of Non-Academic Conduct
- Policy #134: Undergraduate Academic Consideration and Appeals
- Policy #157: Ryerson's E-mail Accounts for Official Communication
- Policy #159: Academic Accommodation of Students with Disabilities