

Class Time: Wednesday 1:30 - 3pm  
Classroom: 14 E. Jackson, Room 507  
Office Hours: (email to schedule) on Zoom Wednesday 10:30am-11:15am  
Email will be answered within 24 hours, Saturday emails by Monday

**Add/Drop Dates:** <https://academics.depaul.edu/calendar/Pages/default.aspx>

### **Description**

Students will explore the legal and ethical issues that can arise in the course of documentary and non-fiction media production. The course will cover legal standards around contracting, obtaining permission to film people and locations, acquiring and using archival footage, music licensing and negotiating rights/use in distribution. Discussions of ethics will include power-dynamics in the role of filmmaker; the question of informed consent and paying subjects; creative decision through an ethics lens including: staging and reenactments and use of AI. Case studies of selected documentary films will be presented and analyzed by the class.

**DOC 224 is a prerequisite for this class.**

There is no required text for this class. Instructor will provide essays, articles, and links relevant to the course on D2L.

**Learning Objectives** By the end of this course, students will be able to:

- Demonstrate a comprehensive knowledge of legal considerations for funding through production and distribution.
- Develop a capacity to recognize ethical issues and to address them with a deeper understanding in their filmmaking profession.

### **Class Format**

Class will meet via Zoom each week during the Spring Quarter. Meetings will involve discussions, screenings, guest speakers, and group work in breakout rooms. Students should expect to spend 1 to 2 hours per week outside of class time on course-related work.

### **Grading**

Grading is based on a foundation of aesthetic practices, both conventional and unconventional, and completing an assignment on time and as instructed. Instructor will grade projects based on the demonstration of mastery of project goals, clear communication of meaning as well as the creative unity of the work as a whole. Grades are non-negotiable. For every 24-hour period that

any assignment is late, the assignment WILL BE penalized one letter grade.

**Incomplete Grades:** An incomplete grade is given only for an exceptional reason. Any such reason must be documented. Any incomplete request must be made at least two weeks before the final, and approved by the Dean of the College of Computing and Digital Media. Any consequences resulting from a poor grade for the course will not be considered as valid reasons for such a request. Information about the Incomplete Grades policy can be found at <http://www.cdm.depaul.edu/Current%20Students/Pages/Grading-Policies.aspx>

**Grading:** Assignment Guidelines and Evaluation Criteria will be posted in D2L

A = 100-93	A- = 92-90	B+ = 89-88	B = 87-83	B- = 82-80	
C+ = 79-78	C = 77-73	C- = 72-70	D+ = 69-68	D = 67-63	D- = 62-60
F = 59-0.					

A indicates excellence, B indicates good work, C indicates satisfactory work, D indicates unsatisfactory work, and F is a failure to demonstrate an understanding of course concepts.

**Grading for this class is based on:**

Attendance + Participation	= 20%
Assignment 1	= 15%
Assignment 2	= 25%
Assignment 3	= 40%

**Attendance and Participation - 20%**

Students are expected to participate in class discussions and Q&As with guest speakers, complete classwork, and engage in any other class activities. It is imperative that students come to class prepared, which means completing any readings, viewing/listening of material assigned before class begins. Each week students will read articles and/or view films and will be expected

to come to class prepared to discuss the assigned material. In-class virtual participation includes and is not limited to: responding to questions verbally or written in the chat.

During this quarter, any non-excused absence is considered excessive and your final grade will reflect this. The result will be your final attendance/participation grade being lowered one letter grade for each unexcused absence. If absent due to illness or family emergency, please email instructor ahead of time.

**Assignment 1 - 15%**

*Write: 1-2 paragraphs describing a hypothetical documentary film scenario in which informed consent may not be possible to obtain and why. The first paragraph should describe the film's topic and synopsis and the second paragraph should spell out issues with informed consent.*

**Post to D2L> DUE 4/17**

**Assignment 2 - 25%**

*Write a short, 1-2 page paper analyzing from a Fair Use perspective 5 clips from a documentary using archival footage and/or copyrighted music. Be sure to use the four classes of situations from the Documentary Filmmakers' Statement of Best Practices in Fair Use to describe why you believe the material qualifies for Fair Use. **Post to D2L> DUE 5/22***

**Assignment 3 - 40%**

*Write a 2-3 page paper analyzing a film of your choice describing any and all legal and ethical issues you think the filmmakers encountered in the making of the film. Do you think they practiced informed consent, considered harm mitigation for their film's participants and/or crew, what rights, licenses and permissions did they need to acquire? If they used sourced material, could they have made a fair-use claim? If so, please lay out why using the four principle arguments of Fair Use. Please feel free to source any ancillary material, articles, interviews, reviews or critiques of the film. **Post to D2L> DUE 6/12***

**Late Assignments**

Completing assignments on time and having them ready for discussions and classwork is essential for this class.

**\*\*Please note that late assignments will not receive credit unless acceptable reasons are documented and communicated to me at least 24 hours before the due date. You must submit on time, even if you are not able to come to class on that day.**

**\*\* Assignments that are more than 2 weeks late will not be graded.**

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**SCHEDULE\***

**4/3 Week 1: INTRO TO CLASS, ASSIGNMENTS, STRUCTURE**

Introductions, Class fundamentals, Assignments, Questions and Concerns

Watch in class: [Trailer for Subject](#)

HW assignments for next class:

Questionnaire: **Post to D2L> DUE: 4/10**

Read: Volunteer Lawyers and Accountants for the Arts [DOCUMENTARY FILMMAKING: Navigating the Ethical and Legal Landscape](#) and from Modern Times Review [Informed Consent: Must or Myth](#)

#### **4/10 Week 2: POWER AND POSITIONALITY**

Decisions documentary filmmakers make and who's affected by these decisions, introduction to Role Morality and a discussion around informed consent.

Watch in class: [CUSP trailer](#) and [The Genius of Marian trailer](#)

*HW assignments for next class:*

Read: [CUSP Review, Exploitation or Honesty](#) and from American Documentary [Honest Truths: Documentary Filmmaking Ethics](#)

*Write: 1-2 paragraphs describing a hypothetical documentary film scenario in which informed consent may not be possible to obtain and why. The first paragraph should describe the film's topic and synopsis and the second paragraph should spell out issues around what may inhibit informed consent. [Assignment #1 15% of overall grade] Post to D2L> DUE: 4/17*

#### **4/17 Week 3: AUTHORSHIP & ACCOUNTABILITY**

Discuss the role and responsibilities of the filmmaker in telling other people's stories.

Watch in Class: [Sabaya trailer](#)

*HW assignments for next class:*

Read: [Holding Ourselves Accountable - A Consent Calendar](#) and Documentary Accountability Working Group (DAWG) *From Reflection to Release* pp 11 - 31

#### **4/24 Week 4: WHEN ARTISTRY BUMPS UP AGAINST ETHICAL STORYTELLING**

Finding balance between creativity, the desire to effect change and the responsibilities of the filmmaker.

Watch in class: [Casting Jonbenet](#) trailer and 'lights out' scene from Hoop Dreams

*HW assignments for next class:*

Read: from *The Ringer* [The Double Edged Ethics of the Anthony Bourdain Documentary 'Roadrunner'](#) and [ChatGPT DALL-E2 and The Collapse of the Creative Process](#)

#### **5/1 Week 5: PROS AND CONS OF AI'S USE IN DOCUMENTARY**

Watch in class: The trailer for [Roadrunner: A Film About Anthony Bourdain](#)

*HW assignments for next class:*

Read: Center for Media and Social Impact [Documentary Filmmakers' Statement of Best Practices in Fair Use](#)

### **5/8 Week 6: ETHICAL & LEGAL CONSIDERATIONS IN POST**

Introduction to Fair Use in archival materials use.

Watch in class: *ABACUS: Small Enough to Jail*

HW assignments for next class:

Read: [Copyright Alliance Movie Copyright Cases - Part 2](#)

Watch: [Subject](#) (as part of DePaul's Verite Series) and prepare 1-2 questions for upcoming guest, Gordon Quinn

**ASSIGNMENT #2** Write a short, 1-2 page paper analyzing from a Fair Use perspective 5 clips from a documentary using archival footage and/or copyrighted music. Be sure to use the four classes of situations from the Documentary Filmmakers' Statement of Best Practices in Fair Use to describe why you believe the material qualifies for Fair Use.

**Post to D2L> DUE 5/22**

### **5/15 Week 7: ETHICAL & LEGAL CONSIDERATIONS IN POST con't**

Discussion of Fair Use con't + truth in editing

Case Study of Fair Use claim for *ABACUS: Small Enough to Jail*

HW assignments for next class:

Read: IDA's [Money Changes Everything, or Does it?](#)

Write: continue with ASSIGNMENT 2 **Post to D2L> DUE 5/22**

### **5/22 Week 8: THE QUESTION OF PAYING YOUR SUBJECTS**

Guest Speaker: [Gordon Quinn](#), Executive Producer HOOP DREAMS and producer/director of countless documentaries spanning a 50+ year career.

**ASSIGNMENT #2 DUE**

HW assignments for next class:

Read: from the IDA [Filmmakers Guide to Avoid Litigation](#)

### **5/29 Week 9: GOOD CONTRACTS MAKE GOOD RELATIONSHIPS**

Discuss the must-have legal documents for your documentary and how best to protect your intellectual and creative property throughout.

HW assignments:

**ASSIGNMENT #3** [40% of final grade] Write a 2-3 page paper analyzing a film of your choice describing any and all legal and ethical issues you think the filmmakers encountered in the making of the film. Do you think they practiced informed consent, considered harm mitigation for their film's participants and/or crew, what rights, licenses and permissions did they need to acquire? If they used sourced material, could they have made a fair-use claim? If so, please lay out why using the four principle arguments of Fair Use. Please feel free to source any ancillary material, articles, interviews, reviews or critiques of the film. **Post to D2L> DUE 6/12**

**6/5 Week 10: LAST CLASS:** RECAP MATERIAL COVERED IN CLASS / QUESTIONS ON FINAL ASSIGNMENT

**CHANGES TO SYLLABUS**

This syllabus is subject to change as necessary during the quarter. Depending on the many variables outside of our control, the assignments projected for the term may require alteration or rescheduling. If a change occurs, it will be posted under Announcements in D2L. Please ensure that campus connect and D2L have your correct email address. Also, make sure you are receiving all notifications via D2L.

**TECHNICAL ISSUES:** If you're having any tech issues this quarter, please email [scaavsupport@depaul.edu](mailto:scaavsupport@depaul.edu).

This new resource is for general tech support and will serve as a unified point of contact for various issues. This email address will be monitored during the following hours:

Monday - Friday: 8:30am - 8:30pm

Saturday: 10am - 6pm

Sunday: 12pm - 6pm

**Resources for students with disabilities:** Students who feel they may need accommodation based on the impact of a disability should contact the instructor privately to discuss their specific needs. All discussions will remain confidential. To ensure that you receive the most appropriate accommodation based on your needs, contact the instructor as early as possible in the quarter (preferably within the first week of class), and make sure that you have contacted the Center for Students with Disabilities (CSD) by emailing [csd@depaul.edu](mailto:csd@depaul.edu) and/or visiting one of the locations below.

Loop Campus  
Lewis Center Suite 1420  
Lincoln Park Campus

Student Center, Suite #370  
25 East Jackson Blvd  
phone: (312) 362-8002  
fax: (312) 362-6544  
tty: (773) 325-7296  
2250 N Sheffield Ave  
phone: (773) 325-1677

fax: (773) 325-3720

tty: (773) 325-7296

Students who register with the Center for Students with Disabilities are also invited to contact Dr. Gregory Moorhead, Director of the Center, privately to discuss how he may assist in facilitating the accommodations to be used in a course. This is best done early in the term. The conversation will remain confidential to the extent possible. Please see <https://offices.depaul.edu/student-affairs/about/departments/Pages/csd.aspx> for Services and Contact Information.

**Visit the Writing Center:** Consider visiting the Writing Center to discuss your written assignments for this course. Writing Center Tutors are specially trained undergraduate and graduate students who can help you at any stage of your writing project. They can help you focus and develop your ideas, review your drafts, and polish your writing, as well as answer questions about grammar, mechanics, style, and citation.

You may schedule appointments on an as-needed or weekly basis. In addition to Face-to-Face appointments, the Writing Center also provides written feedback by email and online appointments. Be sure to schedule your appointment with enough time to think about and incorporate the feedback you'll receive. To schedule a Written Feedback by Email, or Online Appointment, visit [www.depaul.edu/writing](http://www.depaul.edu/writing). You can also call the offices: (312) 362-6726 (Loop Office, 1600 Lewis Center) or (773) 325-4272 (LPC Office, 250 McGaw Hall).

When possible, the Writing Center accepts walk-in requests, but it's always a good idea to schedule your appointment ahead of time. You may schedule tutorials on an as-needed basis or as weekly standing appointments up to 3 hours per week. All Writing Center services are free to the DePaul community. Academic Integrity & Plagiarism This course will be subject to the academic integrity policy passed by faculty. More information can be found at <http://academicintegrity.depaul.edu/>.

### **Course Policies**

**In addition to DePaul University course policies (see student handbook), the following special policies will apply to this course.**

**Attendance** – Classes will consist of lecture, screenings, and discussion. Attendance is mandatory unless otherwise stated.

### **Respect for Diversity and Inclusion at DePaul University as aligned with our Vincentian Values**

At DePaul, our mission calls us to explore “what must be done” in order to respect the inherent dignity and identity of each human person. We value diversity because it is part of our history, our traditions, and our future. We see diversity as an asset and a strength that adds to the richness of classroom learning. In my course, I strive to include diverse authors, perspectives, and teaching pedagogies. I also encourage open dialogue and spaces for students to express their unique identities and perspectives. I am open to having difficult conversations and I will strive to create an inclusive classroom that values all perspectives. If at any time, the classroom experience does not live up to this expectation, please feel free to contact me via email or during office hours.

**Your Name & Gender Pronouns.** Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender, gender variance, and nationalities. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the quarter so that I may make appropriate changes to my records. Please also note that students may choose to identify within the University community with a preferred first name that differs from their legal name and may also update their gender. The preferred first name will appear in University related systems and documents except where the use of the legal name is necessitated or required by University business or legal need. For more information and instructions on how to do so, please see the Student Preferred Name and Gender Policy at <http://policies.depaul.edu/policy/policy.aspx?pid=332>.

**Screenings** – Film screening discussions are an integral part of the course participation grade. Selected films, trailers and clips will be analyzed for specific legal and ethical choices. Be open to be challenged and honest as there will be differing ideas and points of view expressed. These discussions are important in the development of your ability to collaborate and think critically.

**Trigger Warnings** The films, lectures, and discussion in this course may engage with potentially sensitive or traumatizing material, such as:

- violence
- sexism
- sexual assault, rape
- racism
- police brutality
- transphobia



- homophobia
- abuse
- suicide
- blood
- and body-shaming

I will note especially graphic/intense content and will do my best to foster a classroom in which we can relate courageously, compassionately, and contemplatively with difficult and important content each week. If you would like more specific or personalized triggers identified throughout the course (especially ones that are not named above), please e-mail and I will do my level best to flag them.

**Plagiarism** – Plagiarism on assignments or cheating on exams are serious offenses and earn the student a failing grade for the class. This course will be subject to the academic integrity policy passed by faculty. More information can be found at <http://academicintegrity.depaul.edu/π>

**Online Course Evaluations** are a way for students to provide valuable feedback regarding their instructor and the course. Detailed feedback will enable the instructor to continuously tailor teaching methods and course content to meet the learning goals of the course and the academic needs of the students. They are a requirement of the course and are key to continue to provide you with the highest quality of teaching. The evaluations are anonymous; the instructor and administration do not track who entered what responses. A program is used to check if the student completed the evaluations, but the evaluation is completely separate from the student's identity. Since 100% participation is our goal, students are sent periodic reminders over three weeks. Students do not receive reminders once they complete the evaluation. Please see <https://resources.depaul.edu/teaching-commons/teaching/Pages/online-teaching-evaluations.aspx> for additional information.

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DePaul University will continue to update their [COVID-19 Updates and Guidance page](#). Please visit that page for the most current information and a list of [university FAQ](#).

### **COVID-19 Health and Safety Precautions**

The health and safety of everyone at DePaul depend on the cooperation of all who come to campus. By taking care of yourself, you protect the entire community. DePaul's COVID-19 response plans are based on the latest guidance from the Centers for Disease Control and Prevention, the Chicago Department of Public Health and the university's medical advisor from AMITA Health.

Mandatory protocols must be followed by DePaul students, faculty, and staff at all times on both campuses <https://resources.depaul.edu/coronavirus/guidance/health-safety-practices/Pages/default.aspx>.