INFO 4200 / STS 4200 / COMM 4201:
Information Policy: Research, Analysis, and Design

Department of Information Science
Cornell University

Tues-Thurs 2:55-4:10
Olin Bldg, Rm 165

Instructor: Steven Jackson
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office hours: Tues and Thurs, 1:30-2:30 pm
(or by appointment)

[ver 23apr12]

OVERVIEW:

This course provides an intensive introduction to the conceptual, historical, institutional, and legal foundations of contemporary information and communication policy. We focus on five key info policy domains: telecommunications and network development; competition, concentration, and freedom of expression; intellectual property in the information industries; privacy, security, and freedom of information; and collaboration and innovation policy. Through a combination of primary and secondary readings, lectures, assignments, and class and small group discussions, students will learn to engage key regulatory histories, processes and actors shaping the ongoing development of the information field. By the end of the class, all students are expected to understand the key institutional, regulatory, and legal forces shaping current and future information policy in the U.S. and internationally; identify and analyze the key policy positions, interests, and strategies of major stakeholders; analyze, argue, and contribute to current debates in information policy; conduct effective information policy research; and write concise, informed and effective policy briefs and analyses.

ASSIGNED TEXTS:

Jonathan Nuechterlein and Philip Weiser, *Digital Crossroads: American Telecommunications Policy in the Internet Age* (MIT Press: 2007). ($27.00)

Dan Burk and Mark Lemley, *The Patent Crisis (and How the Courts Can Solve It)* (University of Chicago Press: 2009). ($27.50)

Daniel Solove, Marc Rotenberg, and Paul Schwartz, *Privacy, Information, and Technology* (Aspen Publishers: 2006). ($61)

Helen Nissenbaum, *Privacy in Context: Technology, Policy and the Integrity of Social Life* (Stanford University Press: 2010). ($24.95)

All additional assigned readings will be made available in PDF form via the course blackboard site.

PREREQUISITES:
Undergraduate third-year standing or above plus one of the following: INFO 2040; STS/INFO 2921; COMM/INFO 3200; *or*
Graduate standing at Cornell.

LEARNING OBJECTIVES:

By the end of Information Policy: Research, Analysis, and Design all students are expected to be able to:

- *Understand* the key institutional, regulatory, and legal processes shaping current and future information policy in the U.S. (and to lesser extent internationally);
- *Identify* and *analyze* the key policy positions, interests, and strategies of major stakeholders in the information policy field;
- *Analyze*, *argue*, and *contribute* to current debates in information policy;
- *Write* concise, informed, and effective policy briefs and analyses appropriate to work in the policy field;
- *Conduct effective information policy research*, including knowledge of key techniques, resources, etc.
- *Compare and contrast* domestic information policy processes and frameworks with those of other countries and international bodies.

These learning objectives will be met through a combination of readings, lectures, discussion, and individual and small group assignments, as described below.

GRADING AND ASSIGNMENTS:

Short assignments 4 x 10 pts	-- 40%
Midterm and final exams 2 x 15 pts each	-- 30%
Tech news update and discussion ('weekend update')	-- 10%
Class attendance and participation	-- 20%

SHORT ASSIGNMENTS:

Students will be expected to complete a minimum of 4 out of 5 short (approximately 3-4 single-spaced pages) assignments, each closely tied to one of the individual course topic areas and mapping one of the major information policy sub-fields. The precise form and expectations of these will vary according to the issue / policy area at hand; directions and resources for each assignment will be circulated in class and posted to the class blackboard site at least one week prior to their due date. Each assignment will be graded on a scale of 0-5, corresponding to the following rough standards:

0 = F (usually indicates did not complete)
2 = D (assignment is missing significant parts, seriously mistakes core ideas or concepts, demonstrates serious writing or presentation failures, or is otherwise deeply inadequate)
3 = C (assignment is substantially complete, but may miss or mistake important points; writing and argumentation may be unclear)
4 = B (assignment is complete and solid in all respects; covers major relevant points; writing and argumentation are sound; demonstrates good understanding of core concepts)
5 = A (assignment is outstanding in all respects; covers the material thoroughly and effectively; demonstrates significant mastery of core concepts; advances a clear and convincing line of argument)

In addition to brief individual comments on assignments, I will post to the class blackboard site or share in class a rough grading guide for each assignment charting common strengths and weaknesses showing up across several of the assignments. I'll also post 2-3 anonymized exemplars from each assignment set, i.e. examples of assignments that I regard as particularly strong or effective. I would strongly prefer *not* to argue about specific assignment grades, but am happy to discuss strategies for improvement. If you feel you are consistently falling short of expectations, and can't understand how your assignments differ from the posted examples, please set up an appointment to speak with me. Students unhappy about or concerned with grades on earlier assignments may also opt to complete all 5 short assignments, in which case I'll count the grades for your top 4 (I don't allow retrospective make-ups however; if you choose not to submit one of the early assignments in the term, your grade will be based on the 4 you have submitted).

WEEKEND UPDATE:

Once during the semester, I will ask students (working in groups of 2-3) to review and report to the class information policy relevant news and events happening in the past week. There are two parts to this: by Monday night (let's say 9 pm), you will be expected to circulate (via the class email list) links to 2 information policy relevant events or news pieces that have come out in the last week (i.e., since the last Tuesday). All students are expected to read these in advance of Tuesday's class (and welcome to respond with any comments via the class discussion section). Then, at the start of the Tuesday class, discussion leaders will be expected to prepare a 10 minute presentation (no more!) explaining the significance of the news items you've circulated, their connection to relevant class concepts and discussions, and possible import or lessons for information policy more generally. THESE NEEDN'T BE IMMEDIATELY CONNECTED TO THE WEEKLY TOPIC AT HAND. As part of this and your training more generally, students are strongly encouraged to track and read information policy-relevant new sources, blogs, analysis sites, etc. on an ongoing basis throughout the term. I'll share a list of some of the sources I follow early in the term, and will provide a possible example by going first in the Tuesday, Jan 31st class.

MID-TERM AND FINAL EXAMS:

Two short-answer exams reviewing key cases, materials, and concepts will be conducted during the course of the semester, one in class at the mid-point of the semester, and the other during the course's formally assigned final exam slot. These exams will address materials covered in the first and second half of the course respectively (i.e., final exam is NOT cumulative and will not include materials covered in the first part of semester). The exams are designed to test your knowledge of key concepts, principles and terms from across the field of information policy, and will draw strongly on readings, lectures, and class discussions. More details of the exams will be circulated closer to the time.

CLASS PREPARATION AND PARTICIPATION:

This is intended as an advanced and demanding high undergraduate to early graduate class, with high expectations around preparation, participation, and quality of work. We'll cover a lot of complex ground in a fairly intensive way, and you should be prepared for the workload (and know what you're getting yourself into). To make it work, all students are expected to arrive on time, prepared, and ready to engage in both full-class and small-group discussions. Routine absence, lateness, or lack of preparation will negatively impact your grade and seriously compromise your understanding of course materials. That said, I'm here to help you succeed: if you're struggling with course materials, please avail yourself of office hours to talk through any difficulties you're having – I might be able to help. I'd also welcome and encourage forms of collaboration and mutual support among students (reading or discussion groups, note pools, etc.), and am happy to offer support to such activities as you think helpful. All work submitted in the form of assignments and exams must still be your own. If serious problems arise during the semester (medical or family issues; falling seriously behind; other conditions or stresses

that compromise your ability to succeed in the course and your wider program of studies) please let me know as soon as possible. Please also let me know at the outset of the course any special accommodations you may require, as arranged with the office for student disabilities.

GRADUATE-LEVEL REQUIREMENTS:

Graduate-level students enrolling in the course (Masters or Ph.D.) will follow the same reading and meeting schedule as noted above, but will follow a different schedule of assignments.

Seminar participation	20%
Weekly reading notes	30%
Research paper	50%

Graduate students enrolled in the class will be expected to complete all regularly assigned readings and participate actively in all class meetings. Graduate students are also strongly encouraged to complete all readings listed as optional. Additional readings and/or meetings to address topics of individual student interest may be assigned, in consultation with the instructor and possibly other graduate students in the class. Graduate-level students will also be required to post approximately 2-3 single-spaced pages of reading notes to the discussion section of the class blackboard site each Tuesday, covering that week's readings. These notes should summarize and reflect on key arguments, contributions, and questions raised by the weekly reading set. The precise form and style of these may vary, and will be negotiated on an individual basis between student and instructor. I will not grade each of these on an individual basis, but will touch base periodically throughout the term with feedback, comments and ideas (and will certainly let you know if I think you're going off-track). Graduate students may also be asked to lead or co-lead discussion for one or more of the class meetings.

Finally, graduate students will be required to submit a substantial research paper (20-30 pages double-spaced) in the area of information policy, to be chosen and developed in consultation with the instructor. The rough standard here should be journal or conference quality; indeed, students will be encouraged to think early on about potential journal/conference venues, and to pursue publication following revisions in response to comments after the end of the term. During the last class of term, graduate students will also be asked to provide a 15-20 minute conference-quality presentation of the work to the wider class. Graduate students will *not* be required to complete the short assignments, weekend updates, or the mid-term or final exams.

NB: Students enrolled in the Information Science MPS program will have the option of pursuing *either* of the general (small assignments plus exams) or the research-intensive (reading notes + major paper) assignment tracks for the course. This choice should be made in consultation with the instructor by no later than the third week of the semester.

WEEKLY SCHEDULE
NB: Most sources other than required texts are available for download through the class blackboard site. Sources listed with web addresses may be accessed directly online. Additional media and online sources will be circulated periodically via email and/or posted in the class blackboard site.

Tues, Jan 24th: Course Introduction and Overview
(course introduction; overview: cross-cutting themes and principles)
No assigned readings or assignments due.

Thurs, Jan 26th: Telecommunications and Network Policy
* Jonathan Nuechterlein and Philip Weiser, *Digital Crossroads: American Telecommunications Policy in the Internet Age* (MIT Press: Cambridge MA, 2007), pp 1-30.
(big picture, telecoms history and economic principles)

Tues, Jan 31st: Telecommunications and Network Policy
* Jonathan Nuechterlein and Philip Weiser, *Digital Crossroads: American Telecommunications Policy in the Internet Age* (MIT Press: Cambridge MA, 2007), 31-114.
(telephony and wireline competition)

Thurs, Feb 2nd: Telecommunications and Network Policy
* Jonathan Nuechterlein and Phiip Weiser *Digital Crossroads: American Telecommunications Policy in the Internet Age* (MIT Press: Cambridge MA, 2007), 225-290.
(spectrum and wireless)

Tues, Feb 7th: Telecommunications and Network Policy
* Jonathan Nuechterlein and Philip Weiser, *Digital Crossroads: American Telecommunications Policy in the Internet Age* (MIT Press: Cambridge MA, 2007), pp 149-190, 333-355, 385-406.
(Internet, standards, and universal service)

** no class Thursday, Feb 9th – Steve is traveling **

Tues, Feb 14th: Telecommunications and Network Policy
** guest lecture, Dmitry Epstein. "Transnational Internet Governance"
* Jovan Kurbalija, "Introduction," in *Introduction to Internet Governance* (United Nations, 2010), pp 1-35.
*** Assignment one due: network neutrality analysis (details TBA) ***

Thurs, Feb 16th: Concentration, Diversity and Freedom of Expression
* Hal Varian, "Competition and Market Power," in Hal Varian, Joseph Farrell, and Carl Shapiro, *The Economics of Information Technology: An Introduction* (Cambridge University Press: Cambridge, 2004), pp 1-47.
* John Kwoka and Lawrence White, "Introduction," and "The Economic and Legal Context," in *The Antitrust Revolution: Economics, Competition, and Policy (5th ed.)* (Oxford University

Press: Oxford, 2009), pp 1-29.
* Massimo Motta, "Objectives of Competition Policy and Other Public Policies," in
Competition Policy: Theory and Practice (Cambridge University Press: Cambridge, 2004), pp
17-30.

Tues, Feb 21st: Concentration, Diversity and Freedom of Expression
* Daniel Rubinfeld, "Maintenance of Monopoly: U.S. v. Microsoft (2001)," in John Kwoka and
Lawrence White, eds. *The Antitrust Revolution: Economics, Competition, and Policy (5th ed.)*
(Oxford University Press: Oxford, 2009), pp 530-557.
* Dennis W. Carlton and Hal Sider, "Regulation, Antitrust, and *Trinko* (2004)," in John Kwoka
and Lawrence White, eds. *The Antitrust Revolution: Economics, Competition, and Policy (5th
ed.)* (Oxford University Press: Oxford, 2009), pp 487-506.

Thurs, Feb 23rd: Concentration, Diversity and Freedom of Expression
* Robert Horwitz, "On Media Concentration and the Diversity Question," *The Information
Society* 21 (2005), pp 181-204.
Plus *one* of:
   • Carl Shapiro, "Technology Cross-Licensing Practices: FTC v. Intel," in John Kwoka
     and Lawrence White, eds. *The Antitrust Revolution: Economics, Competition, and
     Policy (4th ed.)* (Oxford University Press: Oxford, 2004), pp 350-372.
   • Gerald Faulhaber, "Access and Network Effects in the 'New Economy': AOL-Time
     Warner," in John Kwoka and Lawrence White, eds. *The Antitrust Revolution:
     Economics, Competition, and Policy (4th ed.)* (Oxford University Press: Oxford, 2004),
     pp 453-475.
(please come prepared to discuss key points of case in class!)

Tues, Feb 28th: Concentration, Diversity and Freedom of Expression
* Jack Balkin, "Digital Speech and Democratic Culture: A Theory of Freedom of Expression
for the Information Society," *New York University Law Review* 79 (2004), pp 1-55.
** Assignment two due: Merger analysis (details TBA) **

Thurs, Mar 1st: Midterm Exam
(No assigned readings).

Tues, Mar 6th: Intellectual Property
* Jessica Litman, *Digital Copyright: Protecting Intellectual Property on the Internet*, pp 15-34
and 171-195.

Thurs, Mar 8th: Intellectual Property
* Patricia Aufderheide and Peter Jaszi, *Reclaiming Fair Use: How to Put Balance Back in
Copyright* (University of Chicago Press, 2011), 16-69.

Tues, Mar 13th: Intellectual Property
* Dan Burk and Mark Lemley, *The Patent Crisis (and How the Courts Can Solve It)*
(University of Chicago Press: Chicago, 2009), pp 3-94.

Thurs, Mar 15th: Intellectual Property
* Dan Burk and Mark Lemley, *The Patent Crisis (and How the Courts Can Solve It)*
(University of Chicago Press: Chicago, 2009), pp 109-141.

** NO CLASS Tuesday March 20th and Thursday March 22nd (Cornell spring break) **

Tues, Mar 27th: Privacy, Security, and Freedom of Information
* Deirdre Mulligan and Fred Schneider, "Doctrine for Cybersecurity."

Thurs, Mar 29nd: Privacy, Security, and Freedom of Information
* Daniel Solove, Marc Rotenberg, and Paul Schwartz, *Privacy, Information, and Technology* (Aspen Publishers, 2006), pp 10-77.
** *Assignment three due: Intellectual property analysis* **

Tues, Apr 3rd: Privacy, Security, and Freedom of Information
* Helen Nissenbaum, *Privacy in Context: Technology, Policy and the Integrity of Social Life* (Stanford University Press, 2010), pp 129-157.

Thurs, Apr 5th: Privacy, Security, and Freedom of Information
* Daniel Solove, Marc Rotenberg, and Paul Schwartz, *Privacy, Information, and Technology* (Aspen Publishers, 2006), pp 79-145 and 165-209.

Tues, Apr 10th: Privacy, Security, and Freedom of Information
* Daniel Solove, Marc Rotenberg, and Paul Schwartz, *Privacy, Information, and Technology* (Aspen Publishers, 2006), pp 267-277 and 324-375.

Thurs, Apr 12th: Privacy, Security, and Freedom of Information
* Daniel Solove, Marc Rotenberg, and Paul Schwartz, *Privacy, Information, and Technology* (Aspen Publishers, 2006), 425-505.
** *Assignment four due: Privacy analysis* **

Tues, Apr 17th: Collaboration and Innovation
* Yochai Benkler, *The Wealth of Networks: How Social Production Transforms Markets and Freedom* (Yale University Press: 2006), pp 35-127.

Thurs, Apr 19th: Collaboration and Innovation
http://www.ted.com/talks/clay_shirky_on_institutions_versus_collaboration.html
http://www.ted.com/talks/howard_rheingold_on_collaboration.html
http://www.ted.com/talks/charles_leadbeater_on_innovation.html

Tues, Apr 24th: Collaboration and Innovation
* Jonathan Zittrain, "Tethered Appliances, Software as Service, and Perfect Enforcement," and "Strategies for a Generative Future," in *The Future of the Internet: And How to Stop It* (New Haven: Yale University Press, 2008), pp 101-126 and 175-199.

Thurs, Apr 26th: Collaboration and Innovation

* Tarleton Gillespie, "The Politics of Platforms," *New Media and Society*
** *Assignment five due: Collaboration and innovation analysis* **

Tues, May 1st: Transnational Information Policy: IT and Development Policy
* Kerry McNamara, "Information and Communication Technologies, Poverty and Development: Learning from Experience," World Bank (2003).

Thur, May 3rd: Transnational Information Policy: Governance and Institutions
No assigned readings.