

MCOM 4643 – Mass Communication Law

Fall 2009 – 3 credits
Tuesday, Thursday – 9:30 a.m.
Dr. Jim Sernoe
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Office Hours: Monday – 9-10 a.m., 3-5 p.m.;
Tuesday – 11 a.m.-12:30 p.m.; Wednesday – 9-10 a.m., 2-4 p.m.;
Thursday – 11 a.m. -12:30 p.m.; Friday – 9-10 a.m.
Also by appointment

Prerequisites

- Completion of MCOM 1233 – Introduction to Mass Communication
- Junior standing

Course Objectives/Description

- This course is designed to give students an overview of how mass communication law works in this country.
- In addition to learning the actual laws, students will evaluate how well those laws work.
- Students will gain a better understanding of the types of behavior that will lead to trouble during their mass communication careers.
- Students will become familiar and comfortable with legal jargon and gain a better understanding of how the justice system works.

As this is a survey course, emphasis will be placed on gaining a broad, general understanding, and it will be difficult to study specific topics in depth. However, I encourage students to approach me about suggestions for more in-depth readings and/or projects on various topics.

Reading

Required: Don R. Pember and Clay Calvert – Mass Media Law, 2009/2010 edition

This book will be supplemented by **numerous** handouts over the course of the semester. Note that there will be a lot of reading in this course and that reading loads vary considerably from week to week.

Listserv: In light of the fact that I cannot cover all of the important material during class time, I will be setting up an electronic listserv to e-mail cases and other information that we don't cover in class. You will be expected to read this information and incorporate it into assignments.

Grading

Final grades will be based on assignments and in-class quizzes; a project related to the First Amendment; and a final exam. Students should take note that they will be required to do a lot of writing over the course of the semester, and the quality of their writing will be a factor in their final grades. In addition, you may find yourself in one or more public-speaking situations. It should also be noted that studying the law requires an eye for detail as well as the ability to organize your thoughts. In all formats and situations, students will be required not only to read the textbook thoroughly and gain complete comprehension, but also to think critically about the topics being discussed and form coherent, defensible positions. Details on all assignments will be given as the semester progresses.

Assignments and Quizzes - 40%: This component of the grade will have two sub-components.

- 1) Students will complete brief assignments that relate to the material being discussed. Further instructions will be given as the semester progresses.
- 2) Regularly scheduled quizzes will also be given to make sure students are keeping up with the reading, attending class regularly, and comprehending the material. These quizzes will be announced in advance.

Please note that the number of quizzes and assignments is not set in stone. This means that it is impossible at the outset of the semester to determine how much each individual quiz or assignment will be worth.

If I sense that you are not keeping up with the readings or attending class regularly, unannounced quizzes will also be given, and they WILL count toward your final grade. This tends to happen when I can not generate a decent class discussion due to the fact that few or no students are prepared.

Quizzes will be given at the beginning of class, and late students will receive scores of zero unless the late arrival is excused.

First Amendment Project – 35%: Students will be required to create and implement a project that tests the public's understanding of our First Amendment rights and responsibilities. Further instructions will be given as the semester progresses.

Final Exam - 25%: The final exam will be a take-home essay that asks you to tie together aspects of the course and evaluate various issues. You will have several days to work on your answers, which will be due at the beginning of the last day of class, **Friday, Dec. 4, 2009, at 9:30 a.m.** **Plan ahead. There will be no extensions!** In lieu of an in-class exam, we will spend the final exam session discussing your responses.

Attendance: Attendance does not constitute a specific part of your grade, but **perfect** attendance is required. Past students have told me the reading is difficult and that they understood the material only after listening in class. In addition, there will be in-class work that may be collected. Thus, in order to do well, you will need to attend regularly and keep up with the reading. I will go to great lengths to attain full attendance (see note above re. quizzes, for example). If you have to miss a class or a deadline for any reason, please contact me IN ADVANCE to let me know. **CONTACTING ME IN ADVANCE DOES NOT AUTOMATICALLY EXCUSE AN ABSENCE**, but it is a lot better than calling after the fact. If you fail to contact me before the next class period to explain an absence, it will be very difficult for me to excuse the absence. Please note that work, non-emergency medical and dental appointments, hangovers, intramural games, visitors from out of town, fixing your roommate's computer, fraternity/sorority events, arguments with boyfriends/girlfriends and studying for other classes do **NOT** constitute excused absences. See also the Missed Assignments Policy.

If you need to miss class due to a religious holiday, please see me as far in advance as possible.

If you need to miss class due to university-sponsored events such as field trips and sports, please see me as far in advance as possible. You will be required to complete the assigned work on or before the due date, and you will be required to submit an official form from the university before your absence.

As one of my former colleagues says, in the "real world," you can not do your job if you are not present to do it. Employers do not generally tolerate such behavior, and employees who offer weak, irritating excuses frequently find themselves unemployed and unemployable. The same rules apply in this course. I don't judge anyone who chooses to make attending classes a secondary (or lower) priority. However, this choice is not without consequences.

If you cannot make it a priority to attend every class session, please drop now so another student, who is more serious, can have your spot.

IT IS YOUR RESPONSIBILITY TO SEE ME IF YOU MISS CLASS. I will not chase students around the city.

A related note: You are required to be on time and I have little tolerance for those who are continually late. Constant tardiness will be noted and could lower your final grade. I am not above embarrassing students who walk in late.

Missed Assignments Policy: **If you miss any assignments or quizzes without being excused, you will fail the course.** I reserve the right to determine whether an absence will be excused. In-class assignments may be excused at my discretion; however, all outside assignments must be completed within a reasonable time frame after your absence — no exceptions. In addition, I reserve the right to determine what, exactly, is a “reasonable time frame.” **In sum: This is a zero-tolerance policy. I have no time or patience for those who are not going to take this class seriously; thus, “three strikes and you’re out” does not apply. “ONE strike and you’re out” is more applicable.** Some past students have flunked the course for this reason. In any case, I tend to be cynical about making up missed assignments, but if you have a legitimate problem, alternate arrangements can be made at my discretion.

If you cannot make it a priority to complete every assignment, on time, please drop now so another student, who is more serious, can have your spot.

By accepting this syllabus and remaining enrolled in this course, you are indicating that you understand the Missed Assignments Policy.

Attitude/Class Participation: The success of this course will depend on students keeping up with the reading and discussing the topics at hand. As noted above, this isn’t the type of course in which you memorize cases and precedents, spit them back to me on an exam, and forget what you’ve learned as you walk out of the exam room. I find that students get a lot more out of a course when they are forced to think critically and to present their conclusions. Because this is an upper-level course, corresponding attitudes and work ethics are required. If you’re planning a semester filled with multiple choice and true-false exams, please drop now. Although there is no set percentage for this component, it will play a big role if you are on the “borderline” at the end of the semester.

I realize this class is among the more demanding in this major and that this course requires a lot for the three credits you earn. But given the legal

minefield you will all face when you enter the mass communication world, your knowledge of this material is crucial.

If you cannot make it a priority to have a good attitude, please drop now so another student, who is more serious, can have your spot. See also the Missed Assignments Policy.

A related note: Cellular phones, pagers and other similar devices will not be tolerated. In my mind, they are a sign of a bad attitude. I will not tolerate annoying jingles and beeps. If you own such a device, turn it off, put it on vibrate or somehow make sure it doesn't make any noise while I am trying to conduct class – better yet, leave it at home or in your car. If your other commitments are so pressing that they can not wait until the end of the class session, it may be in your best interests to reconsider the priority you place on being here. In any case, I reserve the right to ask you to leave immediately or to embarrass you mercilessly if your beepers/phones/pagers/etc. make noise during class.

Unfortunately, laptop computers, iPhones and other similar equipment will not be allowed in class for note-taking. Although I realize this is a convenient way to take notes, past students have abused the privilege by using the equipment to surf the Internet, send e-mail, and troll Facebook. I will not tolerate this kind of distraction.

Sending and receiving text messages during class will not be tolerated.

I reserve the right to drop any student with an F if he/she has excessive absences or missed assignments, engages in disruptive behavior, has a poor attitude, or in any other way is clearly not taking the class seriously.

By accepting this syllabus and remaining enrolled in this course, you are indicating that you understand my expectations for students concerning attendance, attitude and work ethic.

Two final notes on grading: Critics from both within and outside of higher education have accused faculty of engaging in "grade inflation," the idea that grades don't truly reflect quality and instead have been devalued to the point that an A means very good, a B means average, and anything less than a B is failing. I'm not sure whether those people would include me in their criticisms, but I do know I try my best to adhere to the system as I understand it: an A means outstanding, a B means above average, and a C means average. Please remember these interpretations as the semester progresses.

Please remember also that attending every class and completing every assignment do not constitute outstanding quality or guarantee an A for the course. Attending every class and completing every assignment are only prerequisites for achieving a desired grade in the class. Too many students have argued that these are the reasons they deserved an A in the class, and I do not buy into this way of thinking.

By accepting this syllabus and remaining enrolled in this course, you are indicating that you understand the grading policies for the course. If you have questions, you should see me as soon as possible.

Ethics

The MSU Student Honor Creed, written and adopted by the 2002-2003 MSU Student Senate, covers expectations related to cheating and other forms of academic dishonesty. The main statement from this document is:

“As an MSU student, I pledge not to lie, cheat, steal, or help anyone else to do so.”

All students in my courses are expected to abide by this student-produced document, as well as all other related university policies. I will provide copies of the MSU Student Honor Creed to any student who requests one. It is also on page 4 of the 2009-2010 MSU Student Handbook (the handbook is also available online at <http://forms.mwsu.edu/uploaded-forms/Student-Handbook-2009-10-20090810-080535.pdf>).

In addition, the university requires faculty to provide this statement to all students:

By enrolling in this course, the student expressly grants MSU a “limited right” in all intellectual property created by the student for the purpose of this course. The “limited right” shall include but shall not be limited to the right to reproduce the student’s work product in order to verify originality and authenticity, and educational purposes.

By accepting this syllabus and remaining enrolled in this course, you are indicating that you understand the statement provided above and agree to comply with it.

I require **COMPLETE** honesty in producing your work. Working professionals are often encouraged to confer with their colleagues on

strategies and wordings, but there is a difference between advice and blatant plagiarism.

I also realize it will be very easy to confer with colleagues on take-home assignments, but you should realize that instructors can usually identify when students have worked together. I also realize the Internet provides a convenient source of information, but students need to be aware that proper citation will be required.

Past students will tell you I take this issue very seriously and have not hesitated to confront them. A slightly higher grade on an assignment is not worth the extremely unpleasant experience of taking an accusation of academic dishonesty through the university hierarchy. Please don't force me to do it.

I reserve the right to drop any student with an F if he/she engages in any form of academic dishonesty. I further reserve the right to recommend other sanctions as may be appropriate. Students are also encouraged to consult the following sources for additional discussion of students' rights and responsibilities regarding cheating, attendance and general conduct:

- **The MSU Student Honor Creed**
- **Pages 22-24, 84-89, 90 and 94-97 of the 2008-2010 MSU Undergraduate Catalog**
- **Pages 4, 35-46, 55-80 of the 2009-2010 MSU Student Handbook (the handbook is also available online at <http://forms.mwsu.edu/uploaded-forms/Student-Handbook-2009-10-20090810-080535.pdf>).**

By accepting this syllabus and remaining enrolled in this course, you are indicating that you understand the seriousness of academic dishonesty and realize I will impose the harshest sanctions possible if I can prove you have engaged in academic dishonesty. You are also indicating that you understand what constitutes academic dishonesty; I will not tolerate the excuse that the student did not know he/she was engaging in academic dishonesty.

Privacy

Federal privacy law prohibits me from releasing information about students to certain parties outside of the university without the signed consent of the student. Thus, in almost all cases I will not discuss your academic progress or other matters with your parents. Please do not have them call me. Regardless of these important legal considerations, it is my general policy to communicate with the students, not their

parents, even when a student has signed a consent form. College students are adults and are expected to behave accordingly.

Special Accommodations

Students with disabilities or who are in need of special arrangements should see me as early as possible in the semester. I will do what I can within reason to accommodate your needs. Please note that in order to qualify for consideration of special accommodations, you must be registered with the MSU Office of Disability Support Services, and I must have a memo on file from that office, along with the Special Accommodations Request form.

Some Advice

1. Attend regularly. This point cannot be stressed enough.
2. Thoroughly understand all grading policies.
3. Note the Missed Assignments Policy and know that it is enforced.
4. Note the Academic Dishonesty Policy and know that it is enforced.
5. Note the Privacy Policy and know that it is followed.
6. If anything in this syllabus is unclear or if you have questions as the course progresses, ask!

Course Organization and Schedule

Because abundant lecturing tends to be counterproductive for both the students and the instructor, I try to include activities that are more interesting than straight lecture, such as discussions, group projects, presentations, etc. Some straight lecture will be necessary, but I don't want the course to proceed solely on my lectures. The success of this format depends on your willingness to **actively participate** in class discussions and other activities. If this approach doesn't work, I will be forced to lecture for the entire time.

This is the **TENTATIVE** course schedule. Due to storms, last-minute changes, extended class discussions and my frequent inability to stick to the agenda I set at the beginning of the course, this schedule is likely to change. **I reserve the right to change the class schedule if circumstances make it necessary.** Chances are good that you will receive at least one revised schedule before the semester is over. If reading assignments or deadlines change, I will tell you well in advance. Please note that the reading and general workloads vary considerably from week to week.

It is imperative that you complete the readings before we begin discussing each unit.

<u>Date(s)</u>	<u>Topic(s)</u>	<u>Reading(s)</u>
8/25 – 9/1	Introduction; the Court System; Legal Concepts; Legal vs. Ethical	Ch. 1, Handouts
9/3 – 9/15	Free Speech, Free Press and the First Amendment	pp. 33-47, Handouts
9/17 – 10/8	Censorship and Prior Restraint	pp. 48-63, pp. 65-72, pp. 75-123, Handouts
10/13 – 10/27	Defamation and Libel	Ch. 4, 6; pp. 163-100; Handouts
10/29 – 11/5	Emotional and Physical Harm	pp. 199-202, Handouts
11/10 – 11/19	Access to Information	Ch. 9, Handouts
11/24	Obscenity	Ch. 13, Handouts
11/24	Final Exam Instructions	
11/26	THANKSGIVING BREAK – CLASSES CANCELED	
12/1, 12/3	More Obscenity	Handouts
12/3	Final Exam Due, 9:30 a.m.	

**Tuesday, December 8, 8 a.m. –
FINAL EXAM SESSION**