

# MCOM 4643 – Mass Communication Law

Fall 2023 – 3 credits  
Tuesday, Thursday – 9:30 a.m.  
Dr. Jim Sernoe  
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## Office Hours:

Monday – 9-11 a.m., 2-4 p.m.; Tuesday – 11 a.m.-12:30 p.m.;  
Wednesday – 9-11 a.m., 2-3 p.m.; Thursday – 11 a.m.-12:30 p.m.;  
Also by appointment – In-Person or Zoom

## Prerequisites

- Completion of MCOM 1233 – Mass Media and Society
- Junior standing

## Course Objectives/Description

- This course is designed to give students an overview of how mass communication law works in this country, with special emphasis on how the First Amendment has been interpreted.
- 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

I have decided not to use a formal textbook for this course this semester. Required reading will consist of numerous handouts over the course of the semester and will be supplemented by considerable outside assignments/research. Note that there will be a lot of reading in this course and that reading loads vary considerably from week to week.

## Grading

Final grades will be based on assignments and in-class quizzes; a Moot Court project related to media law; and a final project. You should take note that you will be required to do a lot of writing over the course of the semester, and the quality of your writing will be a factor in your final grades.

In addition, you will 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, you will be required not only to read/listen to the material thoroughly and gain complete comprehension, but also to think critically about the topics being discussed and form coherent, defensible positions. As a result, I'm not interested in true-false or multiple choices tests, nor am I interested in having you quote back the literature to me — I've read it. Details on all assignments will be given as the semester progresses.

Assignments and Quizzes - 45%: This component of the grade will have two sub-components:

- Students will complete brief assignments that relate to the material being discussed. Further instructions will be given as the semester progresses.
- Regularly scheduled quizzes will 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.

All quizzes will be given at the beginning of class, and late students will receive scores of zero unless the late arrival is excused. See also the **Missed Assignments Policy**, which includes zeroes on quizzes.

If in-person instruction at MSU ends due to covid-19, quizzes will not be given online, but assignments will continue. Discussion posts may be required as well.

Moot Court – 30%: Students working in groups will participate in moot court trials as attorneys and jurors. Further instructions will be given as the semester progresses.

If in-person instruction at MSU ends due to covid-19, Moot Court may or may not be possible. We will have to determine whether it is a good idea to pursue it in a remote format. Each group may instead give a presentation on an aspect of media law. We will decide as a class which option to pursue.

Final Project - 25%: Students will have the choice of two formats for the final project. Further instructions will be given as the semester progresses. Due dates will be determined later. In lieu of an in-class exam, we will spend the final exam session discussing your projects.

If in-person instruction at MSU ends due to covid-19, the final project may be altered according to circumstance.

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.

Proper Communication with Me: Unlike some faculty, I do not generally give my cell. phone number to students. However, I am in my office far more than just during office hours, and I have an open-door policy (if I am in the office, the door is almost always open, unless I am discussing something of a private nature). If someone is already in my office when you arrive, please wait in the hall or work-café (i.e., don’t hover in the doorway and don’t interrupt unless it is truly an emergency). I try to return phone calls and respond to e-mails quickly. Please observe proper grammar and other rules of etiquette in your e-mails (e.g., “Hello Dr. Sernoe” is a far more professional greeting than “Hey!” or, worse, no greeting at all) (in fact, greeting me as “Sernoe” is also inappropriate). Please remember this not a DM 2 ur friends 😊 – you are sending a professor an e-mail. There’s a difference. Please note also that I am not attached to devices 24/7. I generally do not look at e-mail after 6 p.m. or before 7 a.m. If you e-mail me at 1 a.m. or on the weekend with a question, do not expect an immediate answer.

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.

Please note that there is no provision for late work. If you have a legitimate excuse for missing deadline, please contact me. I reserve the right to determine whether a late assignment or project will be accepted.

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

Grade Calculations: Almost all assignments will be graded on a 0-100 scale unless otherwise announced. Final grades will be determined on the traditional 90/80/70/60 scale.

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 (not 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.

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

Unfortunately, laptop computers, iPhones, tablets 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. I will, however, allow the use of technology for legitimate class reasons only with my express permission.

These policies apply to all devices, including smartwatches.

Related: Recording any part of the class is prohibited, unless it is part of a reasonable accommodation under ADA or the student obtains proper written consent from the instructor. As noted below, if you do have an accommodation under ADA, I must be informed as soon during the semester as possible. If I do grant permission, please note:

- I will inform the entire class, as a courtesy, that our discussions are being recorded. The person recording will not be identified.
- Any personal information offered by another student, any guests or the professor are not to be used for purposes outside the normal realm of the education process. The person recording is not allowed to share such information with outsiders.
- I reserve the right to revoke permission if the process becomes too disruptive.

Why am I so adamant about technology? As a colleague once said, "Learning requires attention and focus." Despite the current generation's approaches to multi-tasking, my experience has been that the brain cannot perform two high-level functions at once, and multi-tasking is a myth. We can't learn, pay attention to class material, and monitor our text-messages all at once. In addition, a student using/misusing a device can distract other students

and even the entire the class. While some students are willing to sacrifice their own opportunities to learn, and they often argue that their actions affect no one else, this simply is not true. You do not have the right to distract the class.

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 or if I see you using a device when it has nothing to do with the in-class topic at hand. If cell. phones become more than a one-time problem, I reserve the right to lower your final semester grade and/or take further disciplinary actions.

Appropriate conduct – in the classroom, with the instructor and in any other class-related situations – is required at all times. The instructor has the right to remove disruptive, disrespectful students (or students creating any other kinds of problems) from the classroom and take other disciplinary actions as necessary. In addition, students are expressly prohibited from attending class or class-related activities, including visits to the professor's office, while under the influence of alcohol or illegal drugs. Please see information under Alcohol and Drugs below.

No food and beverages are allowed beyond water, or if allowed in the specific classroom, other non-alcoholic drinks. Past students have brought fast food, breakfast and salads to class, and this is not appropriate.

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.

In order to help students keep track of their progress toward course objectives, the instructor will, if necessary, provide a Midterm Progress Report through each student's WebWorld account. Any student who is in danger of earning a D or F in this course will receive notification. Midterm grades will not be reported on the student's transcript, nor will they be calculated in the cumulative GPA. They do, however, give students an idea of where they stand at the midpoint of the semester. Students earning

below a C at the midway point should contact me as soon as possible to discuss future actions.

Related: If you are unsure of where you stand in this course, you are welcome to – encouraged to – contact me. I am more than willing to go over your grades with you.

Also related: MSU faculty also have the option of filing an Academic Referral and/or a Conduct Referral with appropriate offices, both of which will follow-up with students. I reserve the right to file such referrals when needed. I will always try to contact the student first to request a meeting, but if the student does not respond appropriately, I will file the relevant referral(s).

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.

Statements Related to the Current Health Situation: During the height of the covid pandemic, I developed several paragraphs of information concerning what could happen if the disease were to once again disrupt the world. I have retained a copy and will provide this information to any student who requests it.

## Ethics

Don't cheat.

"Not everyone cheats. Not everyone cuts corners. There isn't a diploma in the world that's more valuable than your integrity. And you can't buy your integrity back." –

Jason Gay, commenting in *The Wall Street Journal* on the recent admissions scandals involving celebrities and the wealthy, March 14, 2019, p. A16.

The MSU Student Honor Creed, written and adopted by the 2002-2003 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 available online at [MSU Honor Creed](#).

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.

The use of generative artificial intelligence (AI) tools, such as, but not limited to, ChatGPT, Google Bard and Bing, is not permitted in this course; therefore, any use of AI tools for work in this class may be considered a violation of MSU and/or course policy as the work is not your own. The use of unauthorized AI tools is considered academic dishonesty and will result in referral to the Office of Student Conduct. Exceptions may be made for specific assignments/projects, but in general, students are required to proceed as if AI does not exist.

The learning outcomes for this course, listed above, make it clear that the goals revolve around you, the student, in partnership with me, the professor, taking the initiative to learn. Technology can't do that for you.

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, available online at [MSU Honor Creed](#).
- The 2023-2024 MSU Undergraduate Catalog, available online at [MSU Undergraduate Catalog](#).
- The 2023-2024 MSU Student Handbook (the handbook is also available online at [MSU Student Handbook](#)).

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.

One possible exception is information for parents or emergency contacts that is determined on a need-to-know basis.

Related: Due to security and confidentiality concerns, I generally do not discuss grades and other sensitive information over e-mail.

## Campus Carry

Effective August 1, 2016, the Campus Carry law (Senate Bill 11) allows those licensed individuals to carry a concealed handgun in buildings on public university campuses, except in locations the University establishes as prohibited. The new Constitutional Carry law does not change this process. Concealed carry still requires a License to Carry permit, and openly carrying handguns is not allowed on college campuses. For more information, visit [Campus Carry](#).

Please be advised that any violations of the law will be reported immediately.

## Active Shooter

The safety and security of our campus is the responsibility of everyone in our community. Each of us has an obligation to be prepared to appropriately respond to threats to our campus, such as an active aggressor. Please review the information provided by MSU Police Department regarding the options and strategies we can all use to stay safe during difficult situations. For more information, visit [Safety / Emergency Procedures](#). Students are encouraged to watch the video "Run. Hide. Fight." which may be accessed via the MSU Police Department's webpage at "[Run. Hide. Fight.](#)"

Please be advised that I make it a point to review safety procedures during the first week of class, to include active shooter and weather-related situations.

### Alcohol and Drugs

Midwestern State University has developed a drug and alcohol prevention program in accordance with the Drug-Free Schools and Communities Act of 1989. As stated above, students are expressly prohibited from attending class or class-related activities, including visits to the professor's office, while under the influence of alcohol or illegal drugs.

Please be advised that any violations of the law, of MSU policy or class policy will be reported immediately.

Further information is available through the following links:

<https://public.powerdms.com/MidwesternState/tree/documents/2223833>

[https://msutexas.edu/student-life/\\_assets/files/handbook.pdf](https://msutexas.edu/student-life/_assets/files/handbook.pdf)

### **Special Accommodations/Emergencies/Outside Difficulties**

Students with disabilities or who are in need of special arrangements should see me as early as possible in the semester. I cannot help you if you come to me at the last minute. I will do what I can within reason to accommodate your needs, but federal law requires me to remain fair to all students.

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.

If you have specific medical information that needs sharing or you need specific accommodations in case of emergencies or emergency evacuations, please see me as soon as possible.

If you have outside circumstances that may affect your performance in this class – including but not limited to food insecurity, inadequate housing, family issues – please contact me if you are comfortable in doing so. I may be able to refer you to on-campus resources that will help you address the situation.

Please note that all information provided to me remains confidential.

## Some Advice

- Attend regularly. This point cannot be stressed enough.
- Thoroughly understand all grading policies.
- Attend regularly. This point cannot be stressed enough.
- Note the Missed Assignments Policy and know that it is enforced.
- Attend regularly. This point cannot be stressed enough.
- Note the Academic Dishonesty Policy and know that it is enforced.
- Attend regularly. This point cannot be stressed enough.
- Note the Privacy Policy and know that it is followed.
- Attend regularly. This point cannot be stressed enough.
- If anything in this syllabus is unclear or if you have questions as the course progresses, ask!
- Some of my colleagues believe that students don't read their syllabi. To test whether this is true, I am offering a prize. If you would like to be entered in a drawing for a \$20 gift card to the local restaurant of your choice, please send me an e-mail with the words "I read the syllabus" in the subject line. I will draw one winner from among those who enter.
- Attend regularly. This point cannot be stressed enough.

## A Reminder Regarding The Portfolio Requirement

Please note that all mass communication majors are required to submit a portfolio during their Internship course (please note that Internship is a prerequisite to Senior Production). This requirement is a part of MSU's reaccreditation with the Southern Association of Colleges and Schools and is non-negotiable. Students are required to demonstrate communication competence through the written word and visual communication; two examples of each competency are required for the portfolio.

As you go through this and other classes, you are responsible for saving course work that could be included in your portfolio.

Please see me, your adviser or any mass communication faculty member for handouts with more information ("Mass Communication Portfolio Competencies" and "Mass Communication Portfolio FAQ").

## 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. You will receive a detailed schedule after teams and dates for Moot Court have been determined. Chances are good that you will receive at least one more 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.

Date(s)	Topic(s)	Reading
8/29 – 9/5	Section 1: Introduction; the Court System; Legal Concepts; Legal vs. Ethical	Handouts
9/7 – 9/14	Section 2: Free Expression, Free Speech, Free Press and the First Amendment	Handouts
9/19 – 9/28	Section 3: Censorship and Prior Restraint National Security and Political Ideas Order In The Streets/Safety/ Time-Place-Manner Restrictions Schools	Handouts
10/3	Moot Court Instructions	
10/3 – 11/14	More on Section 3 Please note Moot Court during this time as well	Handouts
10/12	Moot Court Group 1: Case Distribution	

Date(s)	Topic(s)	Reading
10/19	Moot Court Group 2: Case Distribution	
10/26	Moot Court Group 3: Case Distribution	
10/26	Moot Court Group 1: Hearing	
10/30, 4 p.m.	Last Day To Drop With A W	
11/2	Moot Court Group 2: Hearing	
11/9	Moot Court Group 3: Hearing	
11/16	More on Section 3	Handouts
11/16	Final Project Options	
11/21	Final Project Choice Due, 9:30 a.m.	
11/21	More on Section 3	Handouts
11/22-24	Thanksgiving Break – Class Canceled	
11/28	Final Project Instructions	
11/28 – 12/7	Finish Section 3	Handouts
12/7	Final Projects Due, 9:30 a.m.	
Tuesday, 12/12	Final Exam Session, 8-10 a.m.	