



EAST TENNESSEE STATE
UNIVERSITY

College of Arts and Sciences

Department of Media and Communication

MCOM 4037- Communication Law

8:15-9:35 a.m. Tuesdays and Thursdays, Room 513 Warf-Pickel Hall
Instructor – Don Dale | daledw@etsu.edu |
(423) 612-0593 (cell)

I do not have a campus office. I can meet with you after class as needed.

Communication Law explores the many legal and ethical issues faced by media professionals. We will discuss laws and legal cases affecting journalism and the ever-changing commercial and electronic media.

Required Textbook:

Clay Calvert, Dan V. Kozlowski, and Derrigan Silver Mass Media Law, 21st ed. McGraw-Hill, 2019. **This is the latest, updated edition of the text.** Ebook edition also available. Check the ETSU Bookstore or McGraw Hill website to choose the best personal alternative.

Course size:

This course is traditionally a large class with an average of 30-40 students. For this reason, exams are typically a combination of multiple choice, true-false, fill-in-the-blank questions, with some exceptions, to allow ample time for grading. I usually offer several extra-credit questions on each exam.

Major course topics:

The U.S. legal system, the First Amendment and its application, libel, privacy, meetings, records, courts, obscenity, copyright/trademark, advertising, and telecommunications law.

Course Goals:

Communication Law will help you become better citizens and media practitioners as you understand laws that affect your rights to free speech and a free press, including electronic media. If we are to understand today's political and media climate, we must know how a free exchange of ideas and opinions is essential to democracy. With updated case law, this course will familiarize you with the limits of your freedom and help you navigate conversations you will surely have about First Amendment rights in the years to come.

This course will give you information to help you:

- understand and apply the principles and laws of freedom of speech and

- press, including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances;
- demonstrate an understanding of how professionals and institutions shaped communications through history;
 - demonstrate an understanding of select media issues involving gender, race, ethnicity, sexual orientation and other forms of diversity;
 - demonstrate an understanding of how media communication functions in a global society;
 - understand concepts and apply theories in the use and presentation of images and information;
 - demonstrate an understanding of professional ethical principles, and how media practitioners work ethically to pursue truth, accuracy, fairness and diversity;
 - think critically, creatively and independently, and respect the rights of others to do so.

Learning Outcomes:

By the end of this course, students should be able to:

- Name important court cases that have shaped communication law
- Identify the implications of those court cases on communication law
- List the freedoms protected by the First Amendment
- Distinguish the laws pertaining to libel from those pertaining to privacy
- Identify documents and meetings that should be available to the public
- Recognize the rights of reporters in protecting sources and covering trials
- Identify media content that could be considered obscene
- List the protections of copyright and trademark
- Recognize appropriate regulation for advertisements
- Identify issues in regulation of broadcasting in a digital world

Teaching philosophy

I am a journalist, broadcaster, and attorney by training. I earned undergraduate and graduate degrees in English from ETSU and a doctor of jurisprudence degree from The University of Memphis law school. I spent 24 years in radio broadcasting – as an air personality, program director, and news director; five years as a practicing attorney; and 20 years as a print journalist serving as copy desk supervisor for the local Johnson City Press. In my “retirement,” I advocate for abused and neglected children through CASA of Northeast Tennessee, spending significant time in juvenile courts. This background has led me to appreciate the role of the courts and governmental bodies in maintaining a just and orderly society. I have had firsthand experience with the court system, libel and privacy issues, broadcasting, and agencies such as the FCC, which oversees many media operations.

This course is only partially about news media, of course, and I look forward to exploring other aspects of media law with you. The topics we cover will impact your life, one way or another, as we navigate a fast-changing media world.

Caveat: To excel in this course you must do **regular and careful reading**. Reviewing the notes on D2L (Power Point presentations for each chapter) will not solely suffice. The successful student will reinforce readings by reviewing online

flash cards and quizlets for each chapter on the McGraw Hill website. **Some, but not all, of this material may appear in exams.** Your best bet for maintaining your bearings in the class is showing up, completing assigned chapters prior to class and taking part in discussions, which I strongly encourage. I also exhort you to follow D2L closely to keep abreast of class information.

**Attendance and Punctuality Policy:
THESE TERMS ARE NON-NEGOTIABLE:**

Attendance and punctuality are expected, just as in the professional world. Tardiness = five minutes late OR leaving class early without prior notice. **THREE UNEXCUSED TARDIES = ONE ABSENCE.** Attendance is taken at the start of class. *It is published on D2L.*

If you **MISS EIGHT OR MORE CLASSES**, you automatically fail this course. This does not include university-approved absences (see [Attendance Policy](#)). Please note:

- An absence is not excused if a student merely notifies me that he or she will miss, or has missed, class. That is common courtesy. **An absence becomes excused when I receive your documentation and confirm the excused absence.**
- If a student wishes an absence to be excused, it is up to her or him to supply documented evidence in printed form at the **class following the absence.**
- Misrepresenting documentation or falsifying reasons for an absence are considered academic misconduct. In addition to reporting the case to the chair, I assign a zero for work missed during the absence.

Portable technology use:

I will refrain from using my cell phone in class and expect that you do the same. No headphones during exams. You will be asked to place your phones and other personal items at the front of the room during exams. I discourage bringing food and distracting food wrappings to class, although you are welcome to bring any permissible beverage.

Exams:

There will be five examinations covering material discussed in class as well as required readings (textbook and other materials, at my discretion). Exams must be taken on the day and at the time scheduled, unless you can document a serious illness or emergency, per university guidelines. **Prior arrangement** is requested except for emergencies. Grades for missed exams will be recorded as 0/F.

Extra credit: The reading for this class will keep you busy, but for those who want or need extra credit I will advise you early in the course of opportunities to earn additional points. These will be in addition to the extra-credit questions and points offered on each exam.

Getting help

I do my best to present the material so that you understand it. If you are unsure

about a concept, please ask for clarification and I will try to explain it differently. If you are not comfortable asking in class, please email me or talk to me after class.

Americans with Disabilities Act Compliance

If you have a need to do so, please contact Disability Services, 326 D.P. Culp Center for special accommodation or adaptations, and I will respond accordingly. To receive a faculty accommodation letter, visit <http://www.etsu.edu/students/disable/> .

Inclusion

The university promotes an environment in which people “honor one another as individuals, value differences and the special gifts each of us bring to the community, and respect the rights of others as human beings inclusive of race, gender, ethnicity, cultural background, sexual orientation/gender identity, class, age, disability, religion and national origin.” (Office of Equity and Diversity, 2013).

Mental Health:

Students often have questions about mental health resources, whether for themselves or a friend or family member. There are many resources available on the ETSU Campus, including: ETSU Counseling Center (423) 439-4841; ETSU Behavioral Health & Wellness Clinic (423) 439-7777; ETSU Community Counseling Clinic: (423) 439-4187. If you or a friend are in immediate crisis, call 911. Available 24 hours per day is the National Suicide Prevention Lifeline: 1-800-273-TALK (8255).

Academic Misconduct:

Academic misconduct is subject to disciplinary action. Any act of dishonesty in academic work is academic misconduct. This includes changing or falsifying of any academic documents or materials, cheating, misrepresenting reasons for absences and giving or receiving unauthorized aid in tests. Penalties vary with the seriousness of the offense and may include, but are not limited to: a grade of “F” on the work in question, a grade of “F” for the course, reprimand, probation, suspension or expulsion from the course. For a second academic offense the penalty is permanent expulsion from the university. See [university policy](#).

Major Assignments/Method of Assigning Grades:

Five exams at 20% each, plus extra-credit assignment points.

Grading Scale:

Grades are posted on our course toolbar. I round final grades when they end in .99. A=94-100; A- = 90-93.9; B+=87-89.9; B=84-86.9; B- = 80-83.9; C+=77-79.9; C=74-76.9; C- = 70-73.9; D+ = 67-69.9; D=60-66.9; F= below 60.

How much time does this class take?

That varies, depending on your speed at reading and comprehension. I encourage you to keep a web dictionary open as you read, to clarify unfamiliar terms. Also,

please note if you use the hard-copy textbook, bolded legal terms and concepts are **alphabetically listed and defined** in a glossary at the back of the book. The class typically averages several hours of outside work a week. Because of the reading requirements, you cannot overcome an overall weak performance by a strong effort at the end.

Readings:

As mentioned, online quizlets and flash cards from McGraw Hill reinforce what you read and contain some material (but not all) that you'll see on exams. I find these resources a tremendous help in mastering terms, cases, and concepts. I will post an outline after each class immediately prior to the scheduled exams to emphasize the most important elements to know.

Exam #1: American Legal System, 1st Amendment
Chapters 1-3

Exam #2: Libel
Chapters 4-6

Exam #3: Invasion of Privacy
Chapters 7-8

Exam #4: Records, meetings, trials
Chapters 9-12

Exam #5: Obscenity, Copyright, Advertising, Telecommunications
Chapters 13-16

Schedule

The instructor reserves the right to make adjustments to the schedule as necessary. Changes will be announced in class, by email or on D2L. In case of weather cancellation, the schedule will resume as indicated by the instructor. **Readings should be completed by class time.** A full class and exam schedule will be posted either prior to or at the first class meeting. The first assignment is below.