ABOUT THIS COURSE:
This course examines the application of ethical and legal principles to journalistic decision-making: in print, broadcast and online. Unlike other professionals, journalists must often make ethical decisions rapidly, on their own, frequently without clear guidelines; the results of their decisions are open to public view and evaluation. Also unlike other professionals, journalists who violate ethical precepts are not punished by professional discipline or revocation of a license. This makes it vital that journalists weigh the value of how and what they choose to report against the potential harm to subjects, sources and society as a whole.

Goal: To be able to examine the media critically and apply ethical models of analysis and decision-making to journalism. To gain a basic understanding of the legal framework that governs the media.

Objective: The objective of this course is to develop a strategy to make legal and ethical decisions as a professional and to suggest some criteria against which those decisions may be measured.

Required Texts:
A Practical Guide to Media Law, Ashley Messenger, Pearson Education, 2015 (ISBN 10: 0-205-91189-7) ["Messenger text"] This text is available as a paperback, Kindle edition, or rental at various price points, and was used by those students who were in my section last year. I will circulate several updates to the text.
"New York Times Confidential News Sources Policy" (This is available at http://www.nytco.com/wp-content/uploads/Guidelines-on-Integrity.pdf)
Supplemental readings and case decisions to be assigned. Many will be assigned by e-mail, so make sure to provide an accurate e-mail address and check it and the course site regularly.
You are urged to read a New York daily newspaper every day and watch or listen to a broadcast news report. This will provide you with examples for use in class discussion.

Other recommended sources:
Web sites:
The Poynter Institute (http://www.poynter.org/);
Columbia Journalism Review (www.cjr.org);
American Journalism Review (www.ajr.org).

TV and radio: "On the Media," broadcast on WNYC-FM and available on podcast; "Reliable Sources," CNN, Sundays at 11:30 a.m. If you are particularly interested in ethics, I also recommend "The Ethicists" column in the Sunday New York Times Magazine.
Requirements:
1. Attend all classes on time and prepared. More than one unexcused absence will affect your final grade; more than two may result in failure.
2. Participate in class discussion. Ethical and legal decisions are often made collaboratively among reporters, editors, publishers, photographers, designers, artists and attorneys in newsrooms. It is helpful to hear a wide variety of viewpoints and weigh the different interests before settling on a course of action. Likewise in the classroom. There is no "right answer" to a lot of the dilemmas we will examine and it will be helpful to have a respectful and reasoned discussion to frame the issues. Your opinion should be backed up with reference to a legal, ethical or philosophical principle and with examples.
3. Class Presentations: Each student will be asked to research and deliver brief oral reports ("mini-research reports") in class on one or two significant media litigations, case decisions or ethical issues. You can be creative in use of audiovisual material. Don't just read the Wikipedia entry.
4. Mid-term examination. Thursday, Oct. 26
5. Four written responses to ethical case studies

Grading:
Your grade will be based on the following:
- Attendance and class participation 25%
- Midterm Exam 15%
- Class presentation(s) 10%
- Written work 20%
- Final exam 30%

There will be no Incompletes submitted for this course. Late submissions of written work will that portion of your grade one entire grade (i.e., A- to B-).

Extra Credit
Keep your eyes open for articles, photos, graphics, advertisements, radio or TV broadcasts, Web posts, or page designs that illustrate journalistic ethical or legal issues. Put them in my faculty mailbox, e-mail them to me, or bring to class with a paragraph describing the issue. This will entitle you to extra credit and we will use some of these for class discussion.

Also, feel free to bring up legal and ethical issues you encounter in your own reporting for discussion in class.

BEFORE the first class:
- Bring your laptop and make sure you are operational and have a log-on so that we can do a short writing exercise during class. (If you are unsure, please see Mike Napolitano BEFORE CLASS – office on the 6th floor -- to get set up.)
- Think about and list ways in which journalism has been changed by the candidacy and presidency of Donald Trump.
- Read “Ask These 10 Questions to Make Good Ethical Decisions” by Bob Steele: http://www.poynter.org/latest-news/everyday-ethics/talk-about-ethics/1750/ask-these-10-questions-to-make-good-ethical-decisions/
  Read Chapter 1 in the Messenger text.

Thurs., Sept. 7: Introduction to the course, Explanation of syllabus and assignments, ethical dilemma writing exercise. Introduction to the legal system and how to read and brief a case decision. Difference between legal constraints and ethical ones.
  Assignment for Next Class: Read Near v. Minnesota (1931) and New York Times v. United States (1971). Be prepared to discuss the fact patterns and legal reasoning involved in these cases. Try and think of a fact situation where prior restraint would be warranted.
  Read Chapter 2 in Messenger text and pp. 211-218

  Assignment for Sept. 28: pp. 104-106, Messenger text
Thurs., Sept. 21: No class. This will be made up later in the semester.

Thurs., Sept. 28: Plagiarism and Fabrication: The Trust Relationship Between a Journalist and the Reader or Viewer.

Assignment for Next Class: Poynter NewsU Media Law Course, the Copyright module in “Online Media Law: The Basics for Bloggers and Other Publishers,” (you will have to register, but Course is free). Copyright: www.newsu.org

Pay particular attention to the section on the Digital Millennium Copyright Act and the case study on Harper & Row v Nation Enterprises

Chapter 6, Messenger text, up to p. 104. Also, Chapter 9, and pp. 126-131

Thurs., Oct. 5: Copyright: Who Owns the Work?


Radio-Television News Directors Association Code of Ethics and Professional Conduct (http://www.rtdna.org/content/rtdna_code_of_ethics#.UgEfgxx3wVc) and Social Media and Blogging Guidelines (http://www.rtdna.org/article/social_media_blogging_guidelines#.UgEf6xx3wVc)

“Ethics Codes: The Lawyers’ Take,” Bob Steele (http://www.poynter.org/2003/ethics-codes-the-lawyers-take/6326/)

Focus on the difference in approaches and coverage of these codes and consider how easy it would be to follow their rules as a working journalist. As you read the various codes, think of what rule or policy you might want to include in a code for your final project.

Messenger text, pp. 292-300

“The Trouble With Corey Lewandowski on CNN,” The New Yorker, Aug. 6, 2016


and write no more than 2 pages on how you would decide and if you would publicly explain your decision. Print and hand in before the beginning of class.

Thurs., Oct. 12: Codes of Ethics and Conflicts of Interest


Write no more than two pages on what you would do

Thurs., Oct. 19: Sources and Confidentiality: Conflicting Loyalties, Trust and Legal and Ethical Principles

Assignment for Next Class: Prepare for midterm


Chapter 13, Messenger text

“The Miller Case: A Notebook, a Cause, a Jail Cell and a Deal,” New York Times, Oct. 16, 2005 (There is also an accompanying timeline on the Times website)

New York’s Shield Law: Section 79-h of the state Civil Rights Law (http://www.cit mediatedlaw.org/new-york-civil-rights-law-article-7-section-79-h)


Prepare to discuss the arguments in favor and against adoption of a federal shield law.

Thurs. Nov. 2: Reporter’s Privilege; State Shield Laws and Subpoenas; Federal Shield Law

Assignment for Next Classes: Messenger text, Chapter 3

And think about how you would have edited this piece prior to publication.

Also, “Rolling Stone’s Investigation: A Failure That Was Avoidable,” [https://www.cjr.org/investigation/rolling_stone_investigation.php](https://www.cjr.org/investigation/rolling_stone_investigation.php)

**Thurs., Nov. 9 and Nov. 16: Libel and Defamation: Elements, Defenses, Private Individual v. Public Figure, Avoiding Risk in Reporting and Editing**

**Assignment for Next Class:**
Chapter 12, Messenger text

“Banana Peel,” *Columbia Journalism Review*, September/October 1998 (I will provide)

“Just How Far Is Too Far?” *Columbia Journalism Review*, September/October 1998 (I will provide)

“Truth, Lies and Videotape,” *Columbia Journalism Review*, July/August 1993 (I will provide)


([http://www.poynter.org/content/content_view.asp?id=866](http://www.poynter.org/content/content_view.asp?id=866))


and write no more than two pages on what you would do.

**Thurs., Nov. 23: Thanksgiving. No class.**

**Thurs., Nov. 30: Newsgathering Issues: Deception, Trespass, Hidden Cameras, Misrepresentation, Harassment**

**Assignment for Next Class:** Chapters 4 and 5, Messenger text


([http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr2.html](http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr2.html))

Bartnicki v. Vopper (2001)

“Name the Accuser and the Accused,” Geneva Overholser, July 23, 2003


Read “Words of the Dying: CHCH-TV and Constable Garrett Styles,”


and write no more than two pages as to what your decision would have been and why.

**Thurs., Dec. 7:**


**Assignment for Makeup Class:** Finish *The Journalist and the Murderer*.


**Thurs., Dec. 14:** Final exam