

## Media Ethics and Law for Magazine and Enterprise Journalism

**Overview:** This class will survey the unique issues in media law and ethical challenges reporters face, exploring tools and techniques central to producing top-quality work. We will delve into legal restrictions and ethical restrictions: how they often overlap – and sometimes conflict. Using case law and current issues in the media landscape, this workshop will also focus on the unique challenges that face magazine reporters and editors, who often run the risk of the “first-mover” by relying on their own enterprise. Magazine reporters often do not have a library of clips or previous publications to rely upon, which puts a premium on accuracy, fairness and completeness.

**Topics include:** Free Press Theory; Defamatory Meaning; Accuracy, Implications and the Law; Attribution and Plagiarism; the Public Interest; Issues in Sourcing, Golden Bullets and The First Mover Risk; Conflicts of Interest; Current Issues in Ethics; Fairness; Newsgathering Issues and the Law; Legal/Crime Reporting; Internet-related issues and Social Media; and International Perspectives on Media Law.

### **Reading:**

The basic assigned texts are “The International Libel and Privacy Handbook” by Charles Glasser (4<sup>th</sup> ed., LEXIS, 2017); “*Make No Law: The Sullivan Case and the First Amendment*”, by Anthony Lewis, Vintage Books (1992); and “The Smear” by Sharyl Attkisson (Harper Collins, 2017). You have been sent a list of here to buy these online. I will provide free copies of “*The SPJ Code of Ethics*” at <http://www.spj.org/pdf/spj-code-of-ethics.pdf>; and “*On Liberty*” (Chapter II: Of the Liberty of Thought and Discussion) by John Stuart Mill <http://www.bartleby.com/130/2.html>.

Various stories and articles will be assigned throughout the semester. Articles and examples will be uploaded to a Dropbox file and students are expected to read the assigned stories prior to the class in which those stories will be discussed.

### **Grading:**

**Classroom participation:** Students are expected to read assigned material and to arrive in class on time. Unexcused absences may result in up to a full grade deduction in my discretion. Effective classroom participation will not only be judged on familiarity with the readings, but also the ability to engage in concise and thoughtful analysis. The volume of commentary alone will not automatically be awarded with high marks in this area. Effective participation may, for example, draw upon real world examples or experiences, the readings, and philosophical and legal references. (20% of grade)

**Exams:** Mid-term exam (30% of grade); final exam (50% of grade)

## Syllabus

Media Ethics and Law for  
Magazine and Investigative Journalism  
Fall 2017  
Mondays – 5:00 PM to 7:00 P<  
Location TBA  
Adjunct Professor: Charles J. Glasser, Jr., Esq.

Students are expected to have read the SPJ Code of Ethics and Chapter II of “On Liberty” *prior to the first class*, and start reading “Make No Law” before Week One. Individual articles will be assigned via email a week prior to their discussion in class, and you are expected to read the material *before* that class.

- Week 1 (9/11)            Introduction to the Course, Free Press Theory
- Human Rights Model/Democratic Principle Model
  - Principles of Ethics: The Five Pillars (Accuracy; Transparency; Ethical Behavior; Fairness; Public Interest)
- Week 2 (9/18)            Libel/Defamation (Pt. I)
- Overview of Law: Elements, the Fault Standards and Common Defenses
  - Defamatory Meaning and Proving the Truth
- Week 3 (9/25)            Libel/Defamation (Pt. II)
- Accuracy, Implication and Clarity
  - Privacy
  - Fairness, Completeness and The Rush to Publish
- Week 4 (10/2)            The Public Interest vs Reputational Harm
- The Journalist’s Mission
  - The Ethical Duty of Corrections and Clarifications
- NO CLASS ON 10/9 COLUMBUS DAY, MAKE UP CLASS TBA
- Week 5 (10/16)            Issues in Sourcing, Using “Golden Bullets” and the First Mover Risk
- Show, Don’t Tell
  - Ethical and Legal Problems with Hearsay
  - Authenticity and Confidentiality
  - Fair Report Privilege

Week 6 (10/23)	<u>Conflicts of Interest</u> <ul style="list-style-type: none"> <li>● Financial, familial, personal and political conflicts</li> <li>● Is Bias a Conflict?</li> <li>● Forms of bias</li> <li>● “Freebies” and Quid Pro Quos</li> </ul>
Week 7 (10/30)	<u>Newsgathering Issues, Ethics and the Law</u> <ul style="list-style-type: none"> <li>● Public interest vs. privacy rights</li> <li>● Children</li> <li>● Recordings, notes, outtakes, secret tapes</li> <li>● Trespass, Impersonation, Hacking/Cracking</li> <li>● Paying Sources/Promises to sources</li> </ul>
Week 8 (11/6)	<u>Mid-term exam</u>
Week 9 (11/13)	<u>Attribution and Plagiarism</u> <ul style="list-style-type: none"> <li>● Fair Use vs. “The Tennessee Rewrite”</li> <li>● The Neutral Reportage Defense</li> <li>● Linking and liability</li> </ul>
Week 10 (11/20)	<u>Legal/Crime Reporting in Magazine and Long-form Writing</u> <ul style="list-style-type: none"> <li>● Reading/getting court papers</li> <li>● Special Libel Problems</li> <li>● FOIA/Court Access</li> </ul>
Week 11 (11/27)	<u>Social Media/ Internet as a Source</u> <ul style="list-style-type: none"> <li>● Confidentiality Issues</li> <li>● Reliability of Sourcing and “Fake News</li> <li>● Tips and techniques: How to avoid getting “pwned”</li> <li>● Vetting your sources</li> </ul>
Week 12 (12/4)	<u>Ethics and Social Media</u> <ul style="list-style-type: none"> <li>● Public Persona on Social Media</li> <li>● Avoiding Becoming the Story</li> <li>● Twitterstorms and Flamewars</li> <li>● Advocacy, Personality and Ethics</li> </ul>
Week 13 (12/11)	<u>International Perspectives and Class Review</u>
Week 14 (12/14)	<u>Final Exam</u>