

# **NYU JOURNALISM HANDBOOK FOR STUDENTS**

## ETHICS, LAW AND GOOD PRACTICE

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## **OVERVIEW**

As a journalism student enrolled at New York University, you are part of a community of scholars at an institution recognized for its research. A scholar's mission is to push forward the boundaries of knowledge; a journalist's mission is to serve the public by seeking and reporting the facts as accurately as possible. Good journalists and scholars share a commitment to the same principle: integrity in their work. A doctor's ethos is, "do no harm." Ours is, "tell the truth."

The Journalism Faculty created this handbook to address issues that might arise during the course of a semester. The aim is for this handbook to be descriptive, prescriptive and pedagogical. In journalism, ethical problems—with some obvious exceptions such as plagiarism and fabricating sources and material—can rarely be solved with yes or no, do or don't answers. Whenever an ethical or legal issue arises, students should review this handbook, consult with a professor or both. The best defense against crossing ethical or legal lines is openness and honesty.

By its very nature this handbook cannot go into great depth on any one subject. The Institute offers semester-long courses in ethics and communications law, in which these subjects are explored in detail.

## **INTRODUCTION**

America’s founders saw the press as an indispensable part of the democratic republic they created. The protections of the First Amendment for speaking and publishing would produce a vigorous marketplace of ideas and enable citizens to hold public officials and public figures accountable for their actions. James Madison saw press freedom as critical to upholding all individual rights in the Constitution. In one of the most [powerful defenses](#) ever of a free press, Madison wrote in 1800 that the First Amendment protected the “right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right.”

While the First Amendment protects the rights of the press, it does not automatically confer credibility on journalists themselves. That has to be earned every day in the hard work of covering news and public affairs—especially in a time of [sharp attacks](#) by politicians, cries of “fake news,” and widespread public doubt about the fairness of press coverage.

The credibility of individual journalists and the press itself depends in large part on a rigorous adherence to ethical practices. That starts with dedication to the pursuit of truth and integrity in everyday reporting and writing. Plagiarism, fabrication, deliberate misrepresentation of facts, and conflicts of interest violate the most basic commitment to discover and publish the truth. There are many additional ethical considerations that journalists must consider, some requiring close analysis that does not always yield easy answers. How does one deal with confidential sources and with various forms of background and off-the-record information? Under what circumstances, if any, should a journalist work undercover to collect information? How does a journalist balance newsworthiness against a person’s legitimate right to privacy? We cover these and many other issues in the guide that follows.

## **INTEGRITY**

Reporters critique the activities of other people and institutions, and what they publish can have a profound impact on the people, businesses and institutions they cover, as well as society at large. Journalists must live up to the highest standards of integrity, and by integrity we mean: truth, fairness, sincerity, and avoiding the appearance of a conflict of interest.

Since the Carter Institute of Journalism at NYU is an educational entity, rigorous honesty is required in research, analysis, and writing, as well as in discussion with professors and classmates. Lack of

honesty in scholarship undermines the very foundation of the learning process and can have grave consequences for the student, including failure in a course or expulsion from the university.

All work on all platforms—the page, the screen, the Web—must be original. A student may not engage in “double-dipping” by handing in an assignment for one class then submitting the same or similar material to another without the permission of the instructor. Of course, in classes engaged in long-form work, professors might actually encourage a longer and more elaborate treatment of a previously executed idea, or the project in question is so labor-intensive that two professors may agree that the student can work on the piece for both classes. In all instances, however, the prior approval of the professors involved is imperative.

A student may not conduct research for one class and then use that research in another class—again, unless they have received explicit permission from both professors. Students who work on joint projects should note that they are equally responsible for the veracity of the work. Finally, a student may not submit for an assignment material that has already been published or was contracted by a professional publisher and rejected. Of course, students are very much encouraged to submit for publication stories produced in class. Consult your professor if you have questions.

## **HUMAN SOURCES**

A human “source” is roughly defined as a person who contributes information to a piece of reportage, whether or not it is ultimately published or aired in any venue—print, the internet, radio (audio podcasts included), video on a news report on television, online, in a documentary film, or across a future medium we haven’t thought of yet.

Journalists should seek to be fair and truthful in reporting what their sources tell them. Factual accuracy entails checking, and double-checking, facts and fairness involves working diligently to get myriad sides of a story by speaking to multiple sources with different and often varying points of view. When appropriate, journalists should make a judicious attempt to balance “establishment” experts—spokespeople for think tanks, foundations, and the like—with knowledgeable sources from outside “official” culture. Fairness also means adhering to the “no surprises” rule when writing critically of someone: affording the source the opportunity to answer allegations or criticisms before publishing the work.

In addition, journalists should avoid engaging in stereotypes and, whenever possible and appropriate, make sure that people from different economic backgrounds, ethnic groups, religions and cultures are represented in the reporting. The NYU journalism faculty urges students to treat sources with respect. Never threaten punitive action against a source for a perceived lack of cooperation.

## **ON THE RECORD, ON BACKGROUND, NOT FOR ATTRIBUTION, OFF THE RECORD , AND ON GUIDANCE**

These are prearranged agreements between a reporter and a source, which govern how specific information can be used. These deals must be agreed to beforehand, never after. A source can't say something then claim it was "off the record." That's too late. When dealing with individuals who are not experienced in talking with reporters, journalists should make sure ground rules and potential consequences are clear, and then perhaps offer leeway. Of course, if the information isn't integral to the story, a reporter can agree not to use it. If you talk to five journalists, you'll likely get five different definitions for these terms. That's why it's important that a reporter clarify the use of these terms with a source before making any agreements.

In general:

"On the record" means anything the source says can be reported, published, or aired. All conversations are assumed to be on the record unless the source expressly requests—and the reporter explicitly agrees—to go off the record beforehand. If the reporter agrees to change "on the record" to something else, the reporter should be sure to mark notes clearly so that it's possible to see what's on the record and what is not at a later date. Never rely on memory and always try to get back "on the record" as quickly as possible.

"On background" is a kind of limited license to print what the source gives you without using the source's name. But most veteran reporters will not use "on background" information until they can verify it with other sources. People try to go "on background" when their information is very sensitive, which is to say, the information is likely to cause a stir. "On background" means the source's name does not appear in the story. In effect it confers anonymity on your source, but allows you to work with the information the source has provided. Again, it's best to consult your professor in these situations.

"Not for attribution" means that a reporter agrees not to identify a source by name. Identification is provided only by reference to the source's job or position. That identification must be agreed upon by the reporter and the source, and is almost always given in a way that prevents readers from discovering the source's specific identity. (There are rare exceptions—when dealing with diplomats and expressing a nation's official views, for instance.) The reporter should make sure the attribution is accurate and should press the source to allow the attribution to be as specific as possible. For example, a reporter would want to attribute information to "a high-ranking official in the Justice Department," rather than "a high-ranking law enforcement official," if the source agrees beforehand.

"Off the record" restricts the reporter from using the information the source is about to deliver. The information is offered to explain or further a reporter's understanding of a particular issue or event. (Various presidents have invited reporters to have dinner with the understanding that no information from this meeting can ever be published.) But if the reporter can confirm the

information with another source who doesn't insist on speaking off the record (whether that means the source agreed to talking on the record, on background, or not for attribution), the reporter can publish it.

The problem with the phrase "off the record" is that many people, reporters and the general public alike, misunderstand its precise meaning. These days many interviewees think "off the record" is largely synonymous with "on background" or "not for attribution." There is so much murkiness about what "off the record" means that it is essential that the reporter and source agree on a definition before beginning an "off the record" portion of an interview. At the Carter Institute of Journalism, "off the record" means the information should not be used in the story unless the reporter can confirm it through another source. In general, it is best to avoid off the record conversations; another option might be to converse off the record and then try to convince the source to agree to waive the agreement. If a source declares part or all of an interview off the record after the fact, and this indicates a clear violation of predetermined ground rules, then best practice still requires the journalist to inform the source that they are using the information and give source the opportunity to comment while moving forward with publication.

"On guidance" is a source willing to provide information with no attribution or acknowledgement of existence, simply an individual willing to provide a reporter a road map she must independently follow. This is a safer term to use with sources than an anonymous source. The faculty urges students to avoid using unidentified sources whenever possible. In recent years, *The New York Times*, to name one media outlet, has come under fire for reporting stories largely based on anonymous government sources promulgating a particular point of view, and this practice undermined the *Times'* goal of covering news impartially—"without fear or favor," in the words of its patriarch, Adolph Ochs. For instance, the paper's coverage of Los Alamos researcher Wen Ho Lee, who Clinton Administration officials pegged as a spy by using cover of anonymity to leak their suspicions to *Times* reporters, and its coverage of Saddam Hussein's alleged weapons of mass destruction leading up to the Iraq War, seriously tainted the paper's reputation. Recently, there has been a rise in the use of anonymous sourcing at CNN, Politico, and Business Insider, among other news outlets, which has frequently resulted in errors or other forms of blowback. One recent example would be BuzzFeed's use of anonymous sourcing in a story that claimed Michael Cohen was instructed by Trump to lie to Robert Mueller, which proved embarrassing to BuzzFeed and served to bolster the Trump administration's claims that the liberal media is biased often wrong.

There are moments, however, when the only way to get a story is to offer anonymity to a source; such offers should be a last resort after repeated attempts to go on the record have failed and the student has received permission from their instructor. Some notable examples: a source admits committing a crime, and publishing their name could land them in prison; a source begs anonymity because public exposure could embarrass the source or jeopardize the source's job; an illegal immigrant is afraid to speak out for fear of being deported. In these cases, the student should consult with their professor. If an anonymous source must be used, the student should attempt to offer as much detail as possible about who the source was and explain the reason anonymity was

given. For instance, identify a source as “a police detective close to the investigation who requested anonymity because their superiors had ordered them not to speak publicly on the matter.”

Except in rare instances, a reporter should not publish an anonymous quote or statement from a source that is critical of another person. Generally speaking, if someone is unwilling to put their name to a critical statement about another person, the reporter shouldn't use it. In all cases where a source requests anonymity, the reporter must get the source's name and address and contact numbers and that information must be made available to the professor, who, in effect, serves as the student's editor.

### **IN-PERSON, PHONE, EMAIL, TEXT AND SOCIAL MEDIA DIRECT MESSAGE INTERVIEWS**

It is best to speak to sources in person. In-person interviews allow for colorful, descriptive reporting. Sources also tend to be much more relaxed—and perhaps more truthful—when interviewed in person. It's also much easier for a reporter to gauge the credibility of a source when meeting face to face. But an in-person interview is not always practicable, and in those cases the telephone is the next best mode of communication. Be sure to check the veracity of a source's identity by calling through corporate or government switchboards, and be suspicious if a source will only call you and will not provide either a phone number or an affiliation.

Email interviews can have their place. In certain circles—technology or in the world of online forums, for instance—many sources insist on email interviews so they have a written record of what is discussed. In addition, email interviews can serve as an effective way to further clarify information from a prior in-person or phone interview, especially if data and highly technical information is being conveyed. But email interviews can create problems, too. How does a reporter know the person replying is who they say they are? All too often, company publicists answer email questions on behalf of their bosses or clients. Email answers often tend to be carefully scripted and thus not truly representative of what the source truly thinks. Spontaneous answers in conversation are often more truthful. Follow-up questions—usually the most productive questions in a probing interview—are also very difficult and time-consuming to ask via email. Likewise, instant message interviews should not be used to replace in-person or telephone interviews, but at times can be useful in clarifying responses after an interview.

NYU Journalism faculty strongly urge student reporters to meet sources in person whenever possible. It makes for richer, better stories; the writer can describe physical settings—what a source's office looks like, for example.

### **PERSON-ON-THE-STREET INTERVIEWS**

When interviewing people on the street—tourists, passersby, voters exiting a polling precinct—be sure to get proper contact information (telephone number is best; email less so) in the event an editor needs to confirm quotes or facts, check a source's identity, or simply wants the reporter to ask follow up questions. Often the purpose of on-the-street interviews is to try to capture the

diversity of opinion in a particular population, not just to get a few lively quotes to brighten a story. In this case, a reporter should make an effort to interview enough people so that they can feel reasonably confident the story holds a fair cross-section of opinion. Better still, a reporter should back up their interviews with statistically legitimate polling data if available. And reporters should always be honest with their readers about the number of sources interviewed. Don't leave readers with the impression that your story accurately reflects campus opinion if you have only interviewed half-a-dozen people. Instead, tell readers how many people you interviewed, and attempt to quantify their views.

## **IMMERSION**

Immersion involves spending long periods of time with sources and sometimes in intimate settings--at home, with children, in hospitals or in times of crisis, to name several--as is often referred to as "fly on the wall." As such, it involves a series of ethical considerations that are best negotiated explicitly with sources. As with every other form of journalism, we do not share written work with our sources on the page. We do not pay our sources, nor do we manipulate stories by creating scenarios or situations that we think will serve our work. By definition, our presence changes the course of events, however, and there are times when you as a journalist will face making tough ethical calls which may involve driving people places (especially to medical care), sleeping in their homes or eating meals with them. On a case by case basis, there will be times when contributing to the cost of your presence will be welcome and appropriate, but otherwise, the ethical principles related to immersion, despite the close and sustained contact, are consistent with all other forms of journalistic professionalism.

## **OBLIGATIONS TO SOURCES**

It is imperative that journalists honor their agreements with sources; some have taken great risks in providing information. If you agree to a source's request for anonymity be sure you don't inadvertently provide information in your story that could peg them as the source. Such deals should never be undertaken lightly. Reporters must carefully consider whether to guarantee anonymity to a source, especially involving a matter that could eventually go to court. Refusing to name a source in a legal proceeding could land a reporter in jail. (The legal ramifications raised by the need to protect sources is discussed in the section on law, below.)

## **SECURITY**

In the course of your reporting, it is critical that you protect your sources - especially if those sources are confidential. This is a principle that often comes under threat from governments, dictatorships, corporations or criminal actors.

People who want to get the information from a journalist or a source can access information via subpoena or legal warrant, interception of data via spy agencies, cyber attacks, surveillance of company-owned computers or phones and many other low-tech approaches. These threats vary between stories.

There is no single tool that will protect a reporter or source from all the threats they may face, and there's no one single that will make information totally secure. Many measures taken to achieve security mean causing inconvenience in other parts of your life or your source's life. You should be honest with your source that while you will do the best you can to protect them, there is no way to completely guarantee their safety or anonymity.

The following are some ways one can achieve digital security:

- Two-factor authentication: Always use this for email and social networks. Don't reuse passwords. Don't ignore notifications - keep your software up-to-date.
- Encryption: Encryption scrambles data from online traffic so it cannot be easily by those who want to intercept the data and information. Most internet traffic is protected with encryption (you can tell when you see the lock next to the web address in your browser). An extra-secure level of encryption when you're contacting a source via direct message is end-to-end encryption. This ensures that only the sender and the recipient of the message can read it - while the app that you're using cannot. End-to-end encrypted messaging apps include WhatsApp and Signal.
- Being aware of logging: A log is the digital record of old conversations or emails. Anything available to you via logging (e.g. old texts or emails) could be available to others by hacking, interception or legal avenues. It is important to be aware of what you keep logged and how often you delete your records. If you're part of a company, it's good to check your organization's policies about this as well. It's also important to be aware by other sites used by you or your source (e.g. Google doesn't delete emails until nine weeks after you hit delete).
- Being aware of metadata: Metadata doesn't expose the content of communications between you and a source, but it will expose the fact that you're in communication with that source. Methods of working around this include: reaching out to other people who may also have your source's information so that your source is hidden in a crowd; using throwaway phone or emails or communicating offline.
- VPN: VPNs send Internet data to and from your computer through a server elsewhere on the Internet, which means that you'll appear to be accessing the internet from your VPN server, which can be based anywhere in the world - not your actual location. A VPN will secure all your communications from local interception. VPNs are often used to circumvent Internet restrictions or government surveillance.
- Tor: Tor protects network traffic by encrypting and shuffling the data through several servers before entering the internet. Like VPNs, Tor also helps you avoid tracking or surveillance.
- Airgapping: For stories dealing with sophisticated actors (e.g. spy agencies, Russia, China) there is the chance that any computer that has been connected to the internet could be compromised by a hacking attack. To counter this, one can purchase an airgapped computer - one that has never been connected to the internet, that may have its network capabilities



disabled. You can view documents safely on an airgapped computer because someone trying to access this information would need physical access to the computer to get at it.

Even after you publish a story, it is still vital for you to protect the identity of your source and look out for threats that could lead to the disclosure of your source's identity. Factors that could lead to source identification include:

- Misuse and misunderstanding of technology
- Human nature
- Legal errors
- Leaked and reused passwords
- Malware, social engineering or large-scale cyber attacks
- Identifying the source from published documents
- Other people who knew the source had the information

Before you publish or engage with a source, it's important to threat model and analyze the risks of using a source - what they have done, how capable are they to protect themselves and how likely they are to face retaliation. It's important to consider the following questions:

- Who would be interested in finding the source or stopping the publication of a story?
- How sophisticated are those people and what materials do they have at their disposal to stop the publication of a story?
- How sophisticated is the source? Will they be able to protect themselves?
- How much danger is the source in?

Through considering these questions, you should be able to communicate with your source to come up with the best plan to protect them and effectively deliver their information to the public.

## **EMBARGOES**

Under the terms of a media embargo, companies, government agencies, and scientific journals, among other organizations, provide advance access to material that they consider newsworthy to journalists who agree not to publish anything about that material until a set date.

Proponents of embargoes say that they level the playing field, and allow reporters time to develop fuller stories, rather than rushing to beat the competition. Some reporters like them because they can have at least some control over their schedules.

However, [embargoes](#) have become [overused in some fields](#), and often seem designed to create buzz around an event that would not seem newsworthy were it not for journalists' addiction to news pegs. That is particularly true in science and medical journalism, in which prominent weekly journals attempt to use their publishing schedules to dictate what's "news," even though research findings do not happen on a weekly schedule.

It would be good for the unfettered flow of information if journalists eschewed embargoes. Unfortunately, in some fields, reporting on breaking news has become difficult without agreeing to them.

If you decide to agree to embargoes, it is important to keep in mind that they are agreements, and can't be imposed unilaterally. A press officer can't simply send material and call it embargoed; you would be in your rights to report on that immediately.

It is also best not to agree to any conditions on embargoes other than publication time. Recently, some government agencies and companies have used "[close-hold](#)" embargoes that require reporters not to discuss the embargoed material with any sources before the embargo lifts. That turns journalists who want to publish when the embargo lifts into stenographers.

Whenever agreeing to an embargo, it is good to think about who benefits and how. Even seemingly benign embargo agreements can be used by corporate, government, or other powerful interests to influence press coverage.

## **SEXUAL (AND NON-SEXUAL) HARASSMENT AND ABUSE**

In the course of your work, you may get harassed or abused by colleagues, sources, superiors or others both in the newsroom and far afield.. Harassment or abuse is often sexual - which includes unwelcome attention or sexual advances, requests for sexual favors and/or offensive remarks about a person's gender. Harassment can come from sources, coworkers or people adjacent to your work.

It's important to cover strategies to preemptively avoid harassment and abuse and how to deal with it once it has happened, but the responsibility always lies with the person perpetuating the harassment or abuse. It is never your fault if you are being harassed or abused. Don't harass or abuse other people. If you are in a position where you witness harassment or abuse happening to someone else and you feel like you can *safely* speak up about the problem, you need to do so - even if it is uncomfortable for you. This can be accomplished by talking with the perpetrator directly, talking to someone who has the power to make the perpetrator stop their behavior, or even providing a temporary distraction to end the perpetrator's behavior in that specific moment.

Some strategies to mitigate the risk of harassment include: meeting with sources in public places during times of day which fall inside professional boundaries (e.g. not meeting them at midnight for drinks.) Don't meet alone or in remote locations with people who you aren't familiar with - or if you have to, turn on a location-tracking app, alert your friends/colleagues, clearly keep in touch with other people and make sure the person you're meeting with knows that people would be concerned and proactive if you vanished off the grid. Choose clothing that befits the occasion. Set boundaries - clarify that your meeting with a person is strictly professional and if they cross the line, be

immediately clear that it is unacceptable behavior. Tap into the whisper network, if you can locate one, to find out which sources/colleagues/etc are predatory.

If you are being harassed by a colleague or source, document the instances of harassment and share them with people so there is a record of what has been happening. The [Dart Center](#) suggests some strategies for dealing with harassment, including: directly telling them to stop, indirectly telling them to stop, ignoring the behavior, using humor and cutting an interview short.

If you have been harassed by someone, some options you could pursue are: sending them an email telling them that you'd like to keep them as a source, but only if they stop their behavior. (This also creates a paper trail). You could use an intermediary to approach them and tell them to stop. You could drop the source or report them to the company they work for (if they are affiliated with one). This all comes down to what you are comfortable with.

While harassment and abuse are wrong in every context, the different places in which you report may have different cultural standards for this type of behavior. This applies internationally, but these cultural differences also occur on a national level and are important to be aware of.

Some of these options may seem incredibly limiting - and they are, especially for women journalists, who often downplay harassment or abuse they receive because it would further limit their access to the important stories they're reporting. Sometimes, to get the story, you may *have* to meet up with a source for drinks at midnight or in a remote location or you may not be wearing a full professional suit. Sometimes, you may decide that pursuing the story is more important than harassment you may be receiving. At the end of the day, you know your story and yourself better than your editors, and you need to make the call with them on whether something is safe for you or not. But remember, your safety is more important than any story.

## **WORKING INTERNATIONALLY**

Often the research required to be able to carry out reporting in an international location can exceed that needed to actually report the story. This is a key point to remember and take seriously throughout the entire process.

### **LAWS, VISAS, PERMITS, PASSPORTS**

First, it is essential to understand that laws that apply to journalistic activities within the United States do not extend outside its borders. Every country has its own rules and these must be understood to avoid difficult situations that might include arrest, detention or deportation. Generally, it can be observed that many countries have *more* restrictive laws than the US. In many nations, the mere act of reporting is something that is tightly controlled and cannot be conducted without permission from the government. While some cases are extreme, for example North Korea, where reporting is virtually impossible, many other countries including giants like China, Russia,

Indonesia and India require specific journalist visas or reporting permits for foreign nationals. Many of the applications involve explaining what your story is about, so this can be a delicate process for investigative pieces. Some countries, like Vietnam, may require foreign journalists be accompanied by state appointed "minders". Video and photography restrictions may exist in places where reporting alone might not be controlled (Morocco, Kenya). Prior research is essential in these matters to assure a successful and safe trip.

Reporters should be vigilant in keeping their passports up to date as many countries will not permit entry to anyone with a passport that expires within 6 months, something that can thwart an international assignment before it begins. Some entry stamps can cause issues when trying to enter other countries. For example, an Israel stamp will make it impossible to enter Pakistan, Saudi Arabia, Iran, Lebanon, Sudan and others. An eagle-eyed passport control officer might even deny entry to a traveller with a Jordanian entry stamp from the land crossing between Israel and Jordan. Non US citizens who benefit from the ESTA visa waiver program (many European and Northeast Asian citizens) will need an additional special waiver to enter the US if they have visited Iran, Iraq, Libya, North Korea, Somalia, Sudan, Syria or Yemen. For several countries, proof of a Yellow Fever vaccination is required for entry – the "yellow card" is handed over together with the passport.

## **RISKS**

Red tape aside, reporting outside the United States can be a dangerous venture. According to data from the Committee to Protect Journalists, in 2018 alone, 54 journalists were murdered because of their occupation. Many of these cases involve covering conflict, but a survey of the past decade reveals a few hotspots even in non war-zones: 33 cases in Mexico, 25 in Brazil, 46 in the Philippines, 24 in India, 9 in Russia. The great majority of those killed were reporters working in their home nations, as opposed to foreigners, but international journalists are sometimes targeted and attacked as well.

Another rare but significant risk is that of kidnapping, sometimes at the hands of terror groups, sometimes rebel factions, and sometimes criminal gangs (often a combination of these). For assignments where this might be a concern, reporters should explore kidnapping and ransom ("K&R") insurance, which can pay to free a covered person, depending on the level of the policy, and will usually provide high level intelligence, advice and negotiation services. Staff reporters should find out if their employer provides coverage and have all contact details handy and with their supervisor and family members. The costs of these policies can sometimes exceed the compensation of a foreign reporting assignment and therefore they are less often used by freelancers, though some commissioning media organizations do extend coverage to freelancers on assignment for them. Reporters from the US and UK (and possibly others) should be aware that their governments may offer only limited logistical support in cases of kidnap and will *never* make ransom payments, even in high profile cases.

Even statistically more dangerous for border-crossing reporters are hazards stemming from the lack of infrastructure in many places around the world. Road accidents represent a significant risk everywhere, but fatality rates are 2-3 times higher in Liberia, Thailand or the Dominican Republic than in the US (which is itself higher than Canada, Mexico and many European nations). Because of this, many foreign reporters employ local drivers who are more accustomed to road and traffic conditions. Many reporters working abroad also adopt a policy of avoiding all road travel after dark.

Some international destinations may expose reporters to diseases not present at home, and the lack of well-staffed and -supplied medical facilities in many locations can complicate treatment for these or in cases of other illness or injury. First, location-specific medical advice should be sought before each assignment. Vaccinations and/or prophylaxis are available for some of these risks: for example malaria, typhoid and meningococcal meningitis. Reporters should always be sure to carry an adequate supply of any required medicines (which may not be obtainable locally) as well as insect repellent, sunscreen, altitude pills or other location-specific needs. Very few US health insurance providers provide coverage outside of the US and so specific travel medical policies, including adequate medical evacuation coverage for many destinations, should be a prerequisite.

Because of these hazards, it is always a good idea to develop a system to keep in regular contact with home base, so that in the event help is needed it is not needlessly delayed. Research should be carried out to see if a reporter's mobile phone provider offers adequate coverage in the destination country. If not, or if the cost is prohibitive, reporters should ensure their mobile device is unlocked and they should acquire a local SIM card on arrival. For some assignments, reporters should consider bringing a satellite phone or a GPS transponder, which can be used to send out location information when other communications are offline or unavailable (although first make sure these devices are legal to import to the destination country. India, for example, strictly forbids satellite phones.). At a minimum, regularly scheduled "check ins" via phone, message or email should be arranged with a supervisor or even family member. These points of contacts should be furnished with emergency contact details for medical services, local embassies and crisis responders.

## **NYU RISK RESOURCES**

New York University has advanced and valuable resources available to mitigate some of these risks for enrolled students. International safety and security is handled by the Department of Public Safety's Global Security Operations Center, or GSOC. The Center has advanced intelligence and crisis response capabilities and should be a first call should a student reporter find themselves in trouble while abroad on a university-related assignment. Its analysts are available for pre-trip consults and specific country risk assessments. They also have a limited number of first aid kits and satellite communications devices to lend out.

NYU's Student Health Center maintains a travel health clinic which is available, by appointment, to do country specific health assessments and provide vaccinations and prescriptions for travel medications.

## **"FIXERS"**

Many journalists working outside of their home countries, whether on a short term assignment or on a more permanent basis, employ the services of local reporters, known as "fixers". A journalism fixer is someone who, first and foremost, arranges and schedules access and interviews and navigates the bureaucracy that's often a part of that. They may also work as translators when reporting is not conducted in a language the foreign reporter speaks well. Fixers can also be of tremendous benefit in assisting with logistics, from the visa and permit application process to finding hotels and drivers. Indeed, the fixer-foreign reporter relationship is the cornerstone of international reporting and establishing this association is often one of the first steps in

undertaking foreign reporting. Despite a recent proliferation of internet databases and Facebook groups, fixers are still usually referred by word of mouth by other reporters who have worked in a location.

Fixers are a reporter's first-line local expert and should be accorded respect for their understanding of local dynamics. But also be aware that sometimes fixers can bring with them local biases (or more often, the suspicion of bias). This can be especially acute in reporting on conflict where multiple sides need be explored but where a fixer has an identity tied to one side of the divide. Often the fixer is perfectly capable of remaining professional and neutral but will be rejected by a source because of fears of bias, or their presence will color the reporter's interaction with the source. Therefore there are occasions where it might be necessary to employ more than one fixer for an assignment. And, of course, foreign reporters should not make assumptions that a fixer will be safe in these situations simply because they are accompanying a neutral outsider.

Foreign reporters working in politically sensitive environments always need to be aware of and protect the safety and security of their fixers, as well as their sources. Retribution for a story that is considered by a party as negative to their position can be seen as easier to carry out against the fixer than the foreign journalist, who may appear to have greater protection. The foreign reporter may be safe outside the country when a sensitive investigative report is published but those who helped them compile the report are often not. The reporter must always make sure the fixer understands the nature of the reporting they are engaging in and what the outcome might be.

## **ELECTRONIC COMMUNICATION AND SOCIAL MEDIA**

Reporters must be especially careful with electronic correspondence and should explore whether use of advanced security and encryption is required to protect themselves, their fixers and their sources. Every country today uses some degree of electronic surveillance. Reporters should be especially cautious in their use of public (and even private) social media in telegraphing their stories, or even their movements, to watchful governments. Politically (or religiously, or ethnically) charged statements on social media should always be avoided for reporters, but the hazards of this can be significantly elevated when dealing with adversarial regimes and may even be grounds for arrest in some places.

## **WORKING WITH INTERNATIONAL ORGANIZATIONS**

In reporting on natural disaster, crisis, conflict and human rights, especially in remote regions, the foreign reporter will often find themselves relying on help from multinational organizations like the United Nations (most often through its agencies UNICEF, UNHCR, IOM, WFP) or on non-governmental aid groups like the International Rescue Committee or Oxfam. While staying mindful of the principles discussed in this manual's Conflicts of Interest section, reporters should understand that accepting logistics assistance from these organizations in extreme circumstances is a generally accepted practice. Often the only way to reach a story, especially in conflict areas, is to get a seat on a World Food Program (UN) flight or with the European Union's humanitarian air service, ECHO. Sometimes the only place to stay at a remote feeding station where aid officials are responding to famine is inside a UN compound. Where possible, reporters should attempt to compensate organizations for these benefits, but often there is simply no mechanism for payment. Furthermore, most international organizations understand that enabling press coverage is indeed

part of their mission and support is given without a *quid pro quo* expectation.

Where cooperation with these organizations can be more tricky is when reporters use them for introductions to interview subjects for stories. For example, a reporter might be introduced to an aid recipient by the group that provides that aid. This is again a common practice and may, in fact, foster a more healthy journalistic interaction in cases where the source is a victim of trauma (see below). At the same time the reporter should take extra care to assure that the source is properly representative of the situation on the ground, and not someone who only fulfills the narrative of the organization making the introduction, no matter how well intentioned that group is.

## **WORKING WITH SENSITIVE POPULATIONS**

By no means exclusive to international reporting, nor a concern with all foreign reporting, but working with sensitive and traumatized populations requires extra care for both the reporter and their sources. Reporters should be especially careful not to re-traumatize victims, and should always work through trusted interlocutors when interviewing or otherwise covering victims of any kind of trauma. It is vital that the source understands the nature of the interaction, your coverage and what the possible outcome of the story might be. Reporters must also be aware of the risks of absorbing second hand trauma from what they are about to hear.

## **PAYING SOURCES (AGAIN)**

One last complicating factor that presents itself in international coverage is the question of compensation for participation. As stated earlier, and as a cornerstone of American press ethics, it is not acceptable to pay for interviews. However, in other reporting cultures, notably Japan and the UK, payment for interviews is normal and is therefore sometimes expected in places where reporters from these nations have worked. While the origin of this dynamic is understandable, it is never an excuse to violate this core principle.

## **TAPING CONVERSATIONS**

It is not always feasible to record conversations, and the transcribing process afterward can be quite time consuming. On the other hand, there are obvious benefits to recording interviews, especially important ones: namely an assurance of accuracy and the creation of a verifiable record. Although the laws of certain states allow professional reporters to tape conversations without getting the permission of the interviewee beforehand, some states don't. The Carter Institute of Journalism at NYU suggests that students first ask permission before taping any conversation to head off any potential legal entanglements. Begin the taping by stating the date, time and asking the person to spell their name, which then offers proof the subject agreed to the taping.

In very rare instances, secret taping may be warranted. Reporters at the Lexington Herald-Leader won a Pulitzer in 1986 for their series, "Playing Above the Rules," in which they secretly taped interviews with University of Kentucky basketball players, who told them a group of fans had violated NCAA rules by giving players cash and gifts. The reporters and editors were worried that sources would recant their stories under pressure, opening up the publication to potential

litigation. If you believe secret taping is required to get the story, you must first seek your professor's permission.

What follows is more detail on this topic:

I.) Taping (face to face): There are 37 states, plus the District of Columbia, that permit surreptitious recording of interviews. These are called one-party consent states, since only one party to the conversation—the reporter, for example—need give consent. (It is not, of course, legal to tape a conversation to which you are not a participant—by planting a bug or tapping a phone, for example.) On the other hand, 12 states have criminal statutes that prohibit recording without the consent of all parties to the conversation: California, Connecticut, Florida, Illinois, Maryland, Massachusetts, Michigan, Montana, Nevada, New Hampshire, Pennsylvania, and Washington (Vermont has no law). Note that these are criminal statutes, the violation of which can bring a jail sentence, and these laws have been interpreted in various ways by the courts of each state.

II.) Taping over telephone: The same twelve states require consent of all parties in order to record a telephone conversation. Federal law permits the recording of phone conversations if one party consents and has been expanded to include wireless and cellular calls. Federal Communications Commission (FCC) regulations conflict with federal statutory law—the FCC requires, for calls crossing state lines, that all parties be notified of the recording at the beginning of the call.

III.) Use of cameras without consent: Thirteen states forbid unauthorized use of cameras in private places: Alabama, Arkansas, California, Delaware, Georgia, Hawaii, Kansas, Maine, Michigan, Minnesota, New Hampshire, South Dakota, and Utah.

### **REPORTING/VIDEOTAPING POST 9/11**

Although there is no law against videotaping a subway platform or police cars on patrol that doesn't mean you won't get hassled by law enforcement officials, who, after Sept. 11, have a heightened concern about terrorism. The City has even posted signs prohibiting photography on its bridges and tunnels. Although reporters may see a story in testing for security vulnerabilities, this can be particularly risky. The research would probably require a certain amount of subterfuge and may well involve a violation of criminal law. You can expect to be prosecuted, for example, if you test airport security by trying to smuggle a box cutter onboard a passenger jet. In addition, there are laws on the books that prohibit videotaping military installations and nuclear power plants.

### **RESEARCH MATERIALS & COPYRIGHT**

“Sources” may also be defined as research material, including newspapers, magazines, books, research reports, studies, polls, radio, television, newsreels, documentaries, movies, audio podcasts or video from the Web. All such sources, particularly secondary sources, should be carefully vetted.



Good journalists don't simply extract information, or claims, from written or broadcast material; they check that material against other or similar material for accuracy. Just because something is published doesn't mean it's accurate or fair. Wikipedia, for example, is not always an accurate source and should not be cited as such.

The reporter must clearly indicate where information comes from. Failure to disclose your reliance on someone else's work is unethical, and can leave readers or viewers in the dark about the legitimacy of the information. This does not hold true if something is a well-known fact that is beyond reasonable dispute. For example, it would not be necessary to cite a source for "John Adams was the second president of the United States."

### **FACT CHECKING INFORMATION**

Students should always check spelling, ages, job titles, company descriptions, and other facts before submitting stories. Nothing undermines a reporter's credibility more than errors of fact. In addition, professors may ask students for sources' contact information to verify information; students must provide that information upon request.

### **FAIR USE**

As a writer you can legally use a limited amount of copyrighted material for purposes of commentary and criticism, and parody, without first seeking permission. A book reviewer, for instance, may quote from the text they are reviewing; a film reviewer may outline the plot of a film to discuss whether the story holds together; a comedian may conjure up characters from a popular movie to be able to poke fun at it. Without the protection of fair use, copyright holders could prevent negative reviews or parodies of their work from being published or broadcast.

Although you might not know if from the wild-west world of the Web, copyright laws, severely restrict the way other peoples' work can be used, even in news stories.

So, what expression owned by others can journalists quote (or very closely paraphrase)? Such expression includes articles, books, songs, movies and movie scripts, music, lyrics, plays, speeches, newsreels, documentaries, podcasts, TV programs, audio and video on the web, and other forms of expression. This question is mostly about copyright. And it's a legal question rather than an ethics question. (But, yes, there are some ethical matters that transcend law. For example, plagiarism is a grave ethical sin, but not all plagiarism is copyright infringement. Copyright law doesn't protect mere facts or ideas. To gain copyright protection, an author or songwriter or filmmaker or other creator has to make specific use of an idea or collection of facts. But appropriating somebody else's idea may amount to plagiarism.)

Not all expression is copyrighted. It may be very old (like "Moby Dick") or it may be government-produced (like a Supreme Court opinion). But if you're not sure, it's a good bet it's

copyrighted. Federal copyright law, identified in the Constitution and spelled out a statute, is designed to protect creative expression by giving creators the right to profit from their creativity. As such, copyright law is a brake on the right of free expression set out in the First Amendment. But copyright law does allow “fair use” of copyrighted material. That’s where journalists get some leeway in quoting copyrighted material.

But the area of copyright law is complicated and poses potential danger for journalists (and authors). Damages can be draconian, particularly if a court finds copyright infringement to be willful. And some books, for example (like a sequel to *Catcher in the Rye* and a parody of *The Cat in the Hat*), have been ordered off shelves by federal courts that ruled the books infringed on a copyright.

Copyright lawsuits notoriously turn on the specifics of individual situations – broad generalizations are risky. But we can start with knocking down several misconceptions. Each of these is not a sufficient basis for quoting copyrighted material (or stated differently, is an insufficient defense if you’re sued for copyright infringement):

- I fully credited the creator of the copyrighted material.
- It was really, really important to my story.
- I tried really hard to reach the owner of the copyrighted material (but failed).
- I tried really hard to persuade the owner of the copyrighted material (but failed).
- I didn’t quote much.
- Lots of other journalists have quoted the copyrighted material.
- The copyrighted material was historical or of great historical significance.
- Even if I online have infringed someone’s copyright, as long as I “take down” the infringing material when the copyright owner notifies me I’m immune from being sued.
- All I did was attend a Springsteen concert, videotape it with my iPhone, and upload it on YouTube so my friends could see.

All these factors may mitigate the damages you may be responsible for if you're successfully sued for copyright infringement. But the presence of these factors don't immunize you. Anyone who told you otherwise is wrong-o!

Whether your unauthorized quotation of copyrighted material constitutes fair use – and thereby protects you from liability if you're sued – comes down to four statutory factors: (1) the “purpose and character” of your use; (2) the “nature” of the underlying copyrighted work; (3) the “amount and substantiality” of what you're using, compared to the copyrighted work as a whole; and (4) the effect of your use on the value of, or market for, the copyrighted work. All four of course are subjective factors. Two judges might reach opposite conclusions about the same allegedly infringing work – thus, the risk of quoting somebody else's material (not to mention that even if wind up winning, you may well have big legal bills). A few notes on the four factors:

- The first factor is sometimes the most important. Courts in the last quarter-century or so have said that if the potentially infringing work is “transformative,” there is less chance of copyright infringement. Transformativeness often involves commenting on or criticizing the copyrighted work, even though part of that work is quoted.
- The second factor can militate against a finding of fair use if the underlying copyrighted work isn't public—say, if it's still unpublished. After all, its creator has the right to decide to keep their creation private. Even so, the unpublished nature of a work doesn't alone preclude a finding of fair use.
- “Amount and substantiality” mean that the less you use, the less likely there will be a finding of infringement. Even so, if you quote the “heart” of the protected work, you may be liable. In an important case in 1985, for example, the Supreme Court found that a magazine's quotation of roughly 300 words from President's Ford's 200,000-words (less than 1 percent!) memoir wasn't fair use. (At the time, the memoir had yet to be published.)
- If your work guts the value of a protected work, or at least may act as a directly market substitute for it, then a finding of fair use is less likely. A good example of a use that isn't fair is a course-pack used in a college course; to comply with copyright law, such course-packs have to pay licensing fees to the rights-holders for materials distributed. Same thing in a college course in which the professor distributes the entirety of a single magazine article. There are obvious analogies to a website that quotes the entirety of an article published on another website/

Fair use can't be used as “B” roll—secondary material such as establishing wide shots of a location; cutaway views of people, props or scenery; or audio used in a video. Much of what defines whether fair use applies is dictated by whether the excerpt goes to the heart of the copyrighted material (if so, it is a violation of fair use) or whether it is merely explanatory.

For example, a KCAL-TV broadcast of a 30-second clip taken from a 4-minute copyrighted video videotape that showed trucker Reginald Denny being beaten during the 1992 riots was found to violate fair use. The court ruled that the broadcast borrowed from the heart of the video, and affected the copyright owner's ability to market the work. Yet when documentarians took 41 seconds from a boxing match for use in a biography of Mohammed Ali, the court ruled it was not a violation of fair use because only a small amount of footage used, and its purpose was informational.

Be forewarned that music is often covered by copyright. You need permission to use it. Even Bach may be covered by copyright: not the actual compositions, but the particular recording you might want to use.

In 2005, the Association of Independent Video and Filmmakers and the Independent Documentary Association endorsed a Statement of Best Practices, which defined four types of situations when producers need not seek permission under fair use:

- “Employing copyrighted material as object of social, political or cultural critique.” In other words, the videographer can use a snippet of the copyrighted work for purposes of commentary or criticism.
- “Quoting copyrighted works of popular culture to illustrate an argument or point.” The documentarian can use copyrighted material to convey a greater point—say, a clip from “The Godfather” to illustrate the ways that Italian-Americans have been portrayed in movies over the years.
- “Capturing copyrighted media content in the process of filming something else.” If a filmmaker accidentally tapes a cover to the latest *Newsweek* while following a character past a newsstand, or records a street band playing “Every Breath You Take” while shooting a panoramic of Washington Square Park, they can still use that material to avoid falsifying reality.
- “Using copyrighted material in a historical sequence.” A filmmaker or documentarian wishing to make a historical point may want to use words spoken at that time, music associated with the event, or photos or films created at that time. The producer should seek to license the material, but if this is not possible, or is simply too expensive, they may seek a limited fair use exemption under the following conditions:
  - The project was “not specifically designed around the material”;
  - it serves a vital critical function and there is no viable substitute;
  - the copyright holder is identified;
  - the project does not rely disproportionately on any single source.

Bottom lines: Tread lightly. Try to paraphrase. Use less rather than more. Hyperlinks to articles and other sources are OK – reproducing those articles and sources probably are not. Be especially wary of quoting unpublished material. Be especially wary of using song titles and lyrics in headlines. Also understand that the creator of expression owns the expression even if the work containing the expression is owned by someone else; for example, if Smith writes a letter to Jones, Jones owns the

letter but Smith still owns Smith's own expression, and Jones has no ability to grant you permission to quote the letter. Finally, try to get good legal advice. This summary here is intended as a primer – it does not constitute legal advice.

## **AGGREGATION**

Oftentimes national news outlets - particularly digital outlets - don't have the capacity to send reporters out to cover every single story they believe would be interesting to their audience. In these cases, the outlets flesh out their coverage with aggregation. Aggregation involves outlets collecting information from other sources - typically either other news outlets or individuals on social media who have posted content about the story.

Aggregation can be a point of contention between local and national news - small news outlets feel that when larger outlets use material that they originally published, they're being ripped off without getting any of the credit or the profits that would come from people reading the original article. But aggregation isn't inherently evil. When done correctly, aggregation can form a mutually beneficial relationship between local news sources (who have the best information about what goes on in their communities) and national news outlets (who have greater resources to share the story with a broader audience, which can in turn drive traffic to local news).

When aggregating information, to report the information as your own, you must verify it yourself. Even then, it's respectful to give a hat tip to the outlet which broke the story and link to their article.

Here's an [example from the New York Times](#): "From 2005 through last year, Representative Eddie Bernice Johnson, a Democrat who was first elected to Congress in 1992, provided 23 scholarships totaling \$25,000 to two of her grandsons, two of her great-nephews and to an aide's son and daughter. The Dallas Morning News first reported the story."

If you cannot independently match information that's being reported by another outlet, but it's important enough that you must include it in your coverage, you need to attribute it back to that outlet. The same rule applies if you're using a quote that someone told another outlet.

Here's an [example from ABC World News Tonight](#): "The New York Times reports that the president asked acting AG Matt Whitaker to allow a U.S. Attorney to take charge of the Michael Cohen case, even though that U.S. Attorney had recused himself."

When aggregating, you should add new information to a story - whether that's a new angle, new information or an expansion of the story. You still must report the story out. And it's important to focus on the information that's most pertinent to your specific audience and not take unnecessary details from the outlet that originally reported it.

In the case of using visual social media elements in your story, you must ask the person who took the images if you may use it in your coverage, if they want to be credited, and how they would like to be credited. Be specific about the conditions under which you will use their images and where the images will go. Sometimes, national outlets pay for using visual content that was created by other people, especially if that person is another member of the media. You do not need to ask for permission or pay if you're using content from the social media account of a public figure or a government agency. If you're using written posts or comments, it's still a smart move to talk with the author to verify the information they're sharing and to ask for permission to use it.

The baseline with aggregation is: attribute information and ask for permission. When in doubt about using material, ask your editor.

## **PRIVACY VS. THE PUBLIC'S RIGHT TO KNOW**

A question journalists often confront is how much of a person's private life should be revealed in an article. Just because a reporter can pull up a source's mortgages, stock holdings, or perform a Google Earth flyover of their home doesn't mean that's ethical practice. It also doesn't necessarily mean it's unethical either. The key is whether a person's private life—his personal habits, sexual preference, medical condition, odd interests—is newsworthy and should therefore be published. These can be vexing decisions to make.

People who feel that their privacy has been invaded can sue in a privacy tort action under what is sometimes known as "embarrassing private facts." The court's balancing of interests between a person's privacy and freedom of the press can be helpful as well to journalists making ethical decisions whether to publish private facts. In a privacy suit, the plaintiff must prove that the revealed facts were highly offensive to a reasonable person, sometimes defined as "morbid and sensational prying into private lives for its own sake." But newsworthiness is a defense in privacy actions. How do courts [define newsworthiness](#)? Look closely at the social value of such information. Does the private information reasonably relate to matters of concern to people in the community? Does it relate to a subject of general interest?

If you are writing about a gay bar destroyed in a fire, do you release the names of deceased patrons? What if you learn a homemaker in the community had been a prostitute many years earlier. Do you run it? If a woman accuses a man of rape do you publish his name if charges haven't been filed, and do you investigate the sexual history of the woman making the allegations? If a local judge rents a porn video, is that news?

Some real life examples:

- In April 1992, *USA Today* contacted retired tennis star Arthur Ashe to confirm a rumor he was HIV-positive, which Ashe, who had been infected by tainted blood during heart surgery several years earlier, had tried to keep secret. When Ashe couldn't convince editors to drop the story, he held a press conference to announce it himself. Although many believed this was an invasion of Ashe's privacy, the newspaper justified its actions by claiming a "conspiracy of silence has not served the public."
- Oliver Sipple became a hero in September 1975 for helping thwart an assassination attempt on then President Gerald Ford. In the ensuing press coverage, he was outed as being gay and his mother disowned him.

The internet adds an ever-increasing number of ways to expose people—with potentially embarrassing facts reappearing on searches for years. The NYU Journalism Institute faculty believes that privacy should never be taken lightly and recommends that student reporters not inquire into sources' personal lives unless doing so is relevant to the story they are researching. The fact that a local politician has patronized a gay bar might be their private business; the fact that a local politician known for anti-gay stances had patronized that bar might be the public's business.

## **DOXING**

Dox or doxing (or doxxing) is defined as the act of posting or publishing private information (such as a person's home address, phone number, social security number and medical records) often as form of punishment or revenge. It is a neologism that springs from the slang expression "dropping dox" (for docs or documents), which itself originated with 1990s hacker culture.

In 2012 Gawker writer Adrian Chen outed an anonymous reddit troll called violentacrez, who was an active poster to a subreddit that sexualized young girls, which Chen called a "fountain of racism, porn, gore, misogyny, incest, and exotic abominations yet unnamed." As a result, violentacrez, whose real name is Michael Brutsch, was fired from his job as a computer programmer and himself became victim of harassment. Chen faced significant backlash from members of the reddit community, who accused him of doxing Brutsch. Others, such as technology reporter Farhad Manjoo, claimed this kind of doxing was simply "reporting."

Sometimes people have good reasons for maintaining anonymity online. For example, they may fear for their safety. Other times they don't--abusers like violentacrez/Michael Brutsch, who hide behind the cloak of anonymity to act with impunity.

The disclosing of private information isn't new. Screw magazine publisher Al Goldstein would publish the names and phone numbers of people who he believed had crossed him, knowing that his fans would make life for them difficult. It isn't even an American conceit. In the 1990s, Lord Herman Ouseley, who campaigned for race relations in the UK, received countless late night phone calls after far right activists inked his number on cards and left them in public toilets around London.

From the perspective of a journalist, it is an oft-misused and misapplied term. Just publishing a person's real identity isn't, strictly speaking, doxing, yet that is how some view the practice. The key is to determine the news value of publishing someone's identity versus the harm that could come from it.

## **MASQUERADING**

The vast majority of the time journalists should make clear to the people they are interviewing that they are journalists. State your name and affiliation up front; i.e., Jane Smith, Carter Institute of Journalism at New York University, and your purpose in contacting a source. In highly unusual circumstances there may be good reasons for not identifying oneself as a journalist. For example, if observing police officers interactions with protestors at a rally, or reviewing a restaurant or videotaping counterfeit merchandise in New York's Chinatown, identifying yourself as a reporter may not be appropriate since it could affect the type of treatment (or quality of food) you receive. Likewise, if conducting an undercover assignment, especially if outing oneself as a reporter could result in potential harm. But these are rare examples.

## **THE INTERNET AND SOCIAL MEDIA**

Often reporters scour discussion threads, message boards, forums and online communities seeking ideas and information without identifying themselves as journalists. It may be permissible to cite the information if it shows, say, how some YouTube users reacted to a specific video on the site. Obviously it is not always necessary for a journalist to identify themselves in that circumstance. But if a reporter wishes to use information from a forum/chatroom, email chain or other online sources, they should be mindful that deception is endemic to the internet. If at all possible, the reporter should attempt to contact the person who posted the information, identify themselves as a reporter, and try to persuade the source to provide full identification.

## **UNDERCOVER REPORTING**

Going undercover is a time-honored tradition in American journalism. Done well, it can help nail corrupt politicians and cops on the take, expose fraud and racism, and shed light on the plight of women in repressive societies. Done unethically, it can violate a citizen's privacy through unwarranted surveillance and intrusion into people's private business, and erode public trust. As a society would we want reporters functioning as a sort of auxiliary police trying to catch our transgressions?

Before engaging in any undercover work for a class assignment, consult your professor. Carefully consider whether your reporting could violate criminal or civil law (See the Legal section for more information). Weigh the potential harm involved. Could relying on subterfuge get you arrested?



Could it lead to violence? Does it invade someone's privacy, especially in a non-public area like a home or an office? Are there laws in your state against recording without a person's permission, or specifically against using hidden cameras? Might it undermine the validity of your story? These are serious questions to consider.

*The San Francisco Chronicle* applies three tests to undercover assignments before editors will give the go ahead:

- Is the resulting news story or photograph of such vital public interest that its news value outweighs the potential damage to trust and credibility?
- Can the story be recast to avoid the need to conceal one's identity in gathering the information?
- Have all other reasonable means of getting the story been exhausted?

## **WRITING ABOUT CHILDREN**

Reporters should seek permission from a parent or guardian before interviewing children on any controversial subject. Getting a quote from a 12-year-old on the opening of a new swimming pool would not require such permission - as long as you only use the child's first name; getting a quote on allegations that a school is unsafe would. If you're planning on using a child's full name, you should get permission. When the call seems close, the reporter should discuss with a faculty member (or editor in a professional setting) in advance to determine the ethical course.

## **CONFLICTS OF INTEREST**

In an era of great and growing dissatisfaction with the media, it is imperative that journalists avoid conflicts of interest, defined as situations in which there are competing professional, personal and/or financial obligations or interests that compete with the journalist's obligation to their outlet and audience. Anything that could suggest the appearance of a conflict of interest should be revealed to an editor/professor and to the reader when appropriate.

## **WRITING ABOUT FRIENDS AND FAMILY MEMBERS**

Most newspapers bar reporters from writing about, or including quotes from friends or family members, although there may be some exceptions, if the reporter is open about it. In an autobiography or memoir, obviously it is fine. Even here, however, there is an obligation: the writer should be transparent and stipulate the relationship, whatever form that may take. When a reporter is sent out to sample opinion or find an expert, those sources should not be relations, unless the journalist can honestly claim the relationship won't sway what they write in one way or the other.

In other words, would the reporter pull punches because they're a friend of the source? That's why it is usually a good idea to stay clear of using friends and relatives in articles in most instances.

## **PRESS JUNKETS**

Most reputable news organizations prohibit contributors from participating in press junkets, which are trips offered to journalists that are paid for by the entities the reporters cover, i.e., movie studios, electronics companies, government agencies.

## **ACCEPTING HOSPITALITY**

If a reporter is interviewing a CEO at a company or at the executive's home, it is fine to accept a sandwich and a soft drink. At a restaurant, however, the reporter should pay for the meal or drink. Drinking alcohol on the job can be problematic. The *Kalamazoo Gazette* fired a reporter and photographer in 2005 for participating in a drinking game while researching a story on problem drinking on college campuses. An editor claimed the transgression compromised the paper's integrity.

## **GIFTS**

Journalists generally should not accept any gifts from sources or from the subjects of their stories. Sometimes sources will send tokens of their appreciation after the fact, which is to say after publication. Every media outlet has its own policy on accepting such gifts. At the Carter Institute of Journalism, students will be asked to return all such tokens, if possible, if worth more than \$25. If abroad in cultures where refusing hospitality could be interpreted as rudeness, it may be permissible to accept food, private lodging and/or small tokens of affection or gratitude. Similarly, in some cultures (Japan, for example) it is appropriate for a reporter to present a small gift to a source before the interview starts, especially if the interview is being conducted in the source's home. As always, use common sense.

## **FREE TICKETS**

While some publications, like *The New York Times*, prohibit their reporters from accepting free tickets to a performance they are writing about or reviewing, most others allow staff writers and freelancers to procure press passes to movie screenings, concerts and theatrical productions. The policy at the Carter Institute of Journalism is: A student can accept free passes to an event they are covering as part of or preparation for a story, but should not take a free ticket to *another* event beyond the one being reviewed, written about, or used as background material. The same goes for review copies of books, compact discs, DVDs and access to subscription-only websites.

## **PAYING SOURCES**

No reputable news organization or reporter pays a source for information. It is possible to take a source out for a meal, or, in special cases and when disclosed to editors and audience, to pay for travel for a source to reach a reporter.

## **QUID PRO QUO**

A reporter should not guarantee an interview subject favorable coverage in exchange for access.

## **INVESTMENTS (STOCK, BONDS, VENTURE CAPITAL)**

Journalists must avoid all financial entanglements (stock ownership, financial transactions, etc.) with the people and companies they cover.

## **POLITICAL AND CHARITABLE DONATIONS**

If a reporter donates to a politician running for office (say, the mayor) they shouldn't also cover the election—that includes not only the mayor but also the mayor's opponents. Be forewarned: If you donate money to a politically active organization (Planned Parenthood or the National Rifle Association) your objectivity may be called into question if you write about issues of interest to these organizations.

## **EXPRESSING OPINIONS AND SOCIAL MEDIA USAGE**

Nowadays it's common for journalists—and journalism students—to express opinions and comment on the opinions of others, particularly online. What a journalist chooses to express and what the journalist writes about for publication could potentially raise ethical concerns. For example, if you express an opinion about stem cell research and bash governmental policy and then go on to write a hard news article about stem cell research, readers could conceivably question your objectivity.

## **LEGAL**

### **LIBEL**

Be especially careful when publishing statements that are injurious to someone's reputation; it could lead to a libel suit. A plaintiff cannot win a libel suit if the defamatory statement you published was true, although defending yourself against such a frivolous lawsuit can be financially draining. However, journalists sometimes do make mistakes and publish defamatory information that is false.

The First Amendment provides journalists with protection under some circumstances even when they publish defamatory statements that are false. Plaintiffs must prove—not only that the statement was false—but that it was also published with what is called “fault.” The fault requirement is different depending on the identity of the plaintiff. Public officials and public figures must prove that a false statement was published with knowledge of falsity or with a reckless disregard for the truth. This is a difficult but not impossible standard to prove. On the other hand, private persons have a more lenient standard to prove, and hence they are typically more successful in libel suits. Private persons must prove only that a false defamatory statement was published with negligence—carelessness, or lack of reasonable care under the circumstances.

Carelessness can be nothing more than copying information incorrectly or misidentifying a person who has been arrested. Carelessness can be failing to contact the person you are writing about in an unfavorable light before publication. It can also be failing to check an obvious source that is publicly available, such as a police blotter. Remember that, if you are sued, a jury will find out everything you did and didn’t do in reporting a story, and jurors typically show little sympathy for journalistic shortcuts or carelessness that causes damage to a fellow citizen’s good name.

It is not uncommon for a source criticized in a story to threaten legal action. The best way for a reporter to deal with a source facing criticism in print is to adhere to the “no surprises” rule. That means call the source before the story is published to run the facts by them and to solicit a response. Give them a fair chance to refute the facts. This can often defuse the situation. After publication of a story, treat an angry person politely and put them in contact with your editor; never ignore them or treat them rudely.

### **BREAKING THE LAW IN PURSUIT OF A STORY**

Journalists are subject to the same laws as any other citizens, and the newsworthiness of a story is no defense against a criminal charge. For example, journalists have been prosecuted for such offenses as criminal trespass; disorderly conduct for refusing to follow the instructions of a police officer; theft of trade secrets; theft by hacking into computer, voicemail and email systems; and possession of child pornography.

Even when reporters don’t violate a criminal statute, they may still cause a personal injury that can lead to a civil lawsuit for money damages. Examples include defamation; invasion of privacy through physical or electronic intrusion into a person’s physical space; invasion of privacy through the publication of embarrassing private facts; intentional infliction of emotional distress; misrepresentation or fraud; breach of contract; and tortious interference with contract (interfering with a source’s confidentiality agreement with their employer). It should be noted that while a great deal of consideration should be given to whether it is appropriate to disclose a source’s medical condition, journalists are not “covered entities” under HIPAA -- the Health Insurance Portability and Accountability Act -- and cannot be criminally prosecuted for such breaches.

### **SUNSHINE LAWS AND THE FREEDOM OF INFORMATION ACT (FOIA)**

First implemented in the 1970s, Sunshine Laws seek to shine light on the inner workings of state and federal government officials and departments. As a result most meetings of regulatory bodies must be public and their decisions and records disclosed. These laws are not limited to the United States. Some 70 nations have implemented sunshine laws of varying strengths.

The Freedom of Information Act (FOIA), enacted in 1966, requires that government agencies disclose records not specifically and reasonably exempt to any individuals—including journalists—upon written request, with the right of access enforceable in court. FOIA applies to more than 70 executive branch agencies in the federal government (Environmental Protection Agency, for example) and 15 departments (including the Department of Justice). The president, Congress and the courts are not covered by the law, nor are state governments (although each state has passed its own freedom-of-information legislation, as have a number of cities and municipalities). FOIA does not apply to state or local government agencies records, nor can a reporter FOIA a company or individual.

For the patient reporter—it can take months for a government agency to fulfill a FOIA request—they can provide valuable information. For example, in 2005 the Associated Press learned through a FOIA request that National Institutes of Health scientists received “millions of dollars in royalties for experimental treatments without having to tell patients testing the treatments that the researchers’ had a financial connection.” *The New York Daily News* used a FOIA to find out that the federal courthouse in lower Manhattan incurred maintenance and cleaning costs that were twice what state court buildings paid, including a bill for \$84,812 to polish the brass located in the building entrances. Blogger Jeff Jarvis filed a FOIA to discover that the Federal Communications Commission claim it received 159 complaints from people about a sexually suggestive TV show—which led to a record \$1.2 million against Fox in 2004—was brought about by three people who actually wrote the letters to the FCC. (The rest were photocopies.)

The Society of Professional Journalists provides a handy [“toolkit”](#) covering FOIAs, including how to apply state and federal governmental, and law enforcement records. And The First Amendment Center also offers useful [information](#) on FOIAs, as does [MuckRock](#).

## **GOVERNMENT SUBPOENAS**

Reporters have only limited protection if they are served with a subpoena to testify or to produce notes and other documents. Protection varies under the circumstances.

*Grand jury proceedings:* Reporters called to testify before a federal grand jury have no First Amendment protection if they refuse to testify. Refusal to testify can result in a criminal contempt of court citation and a prison term of days to months or longer.

*Criminal and civil trials:* Most courts recognize qualified First Amendment protection when reporters are called to testify at trials. Courts consider whether the reporter has information that

goes to the heart of the case and whether the information can be obtained from sources other than the reporter. The result, generally speaking, is that reporters must often testify at criminal trials, where the public interest in testifying is very high, but often successfully challenge a subpoena to testify at a civil trial.

Many states have what are known as “shield laws” that provide some protection to journalists called to testify. But these laws are typically porous and often don’t provide adequate protection in an individual case. There is no federal shield law that would protect reporters from being called to testify in federal court proceedings (as opposed to state court proceedings). The Reporters Committee for Freedom of the Press has compiled a [detailed list](#) of state shield laws.

## **POINT OF VIEW**

### **OBJECTIVITY VS. SUBJECTIVITY**

In a hard news piece, the expectation is that the journalist is attempting to convey the facts impartially. That is to say, objectively. But some magazines, digital journalism and many other newsmedia value a strong point of view; the journalist lets the research take them to where they need to go. Often, that requires them to take sides, if the facts warrant it. Some argue that the “he said, she said” form of journalism, in which a reporter tries to balance two opposing sides, often results in an inaccurate article, since one side may be right and the other wrong. When in doubt, consult with your professor. Remember that journalism can be good—or bad—whether or not it is opinionated. The true test of journalistic quality is not whether the reporter has an opinion, but whether the article—opinionated or not—is informed by a fair assessment of the facts.

## **QUOTES**

The assumption is that every word in a quote is word for word what the interviewee said. Many news organizations—*The New York Times*, Associated Press—do not allow reporters to “clean up” quotations, even if the speaker employs tortured syntax. In that case, it is often best to remove the quote and paraphrase the response—or just quote the words or phrase that are the strongest. It is permissible to delete extraneous sounds like “uh” or “um.”

## **CARDINAL SINS**

### **PLAGIARISM**

Journalists earn their living with words, and plagiarism—using someone else’s words as if they were your own—is, simply stated, stealing. It can take many forms. At its worst, plagiarism can be copying and pasting an article off the internet and slapping your own byline at the top. Or subtler: Lifting a quote from a wire service story or taking credit for another person’s idea.

Because of the internet, plagiarism is easier today than ever before; it’s also easier to catch. To avoid charges of plagiarism, a writer must paraphrase another’s words and state the source(s); credit another person’s ideas and theories; and cite any facts that are not commonly known. Be sure to label your notes carefully when consulting material in a library or online. It is possible to inadvertently plagiarize a work this way; if you do, you suffer the consequences nevertheless.

How to recognize acceptable paraphrasing vs. plagiarism

Original passage: “In 1938, near the end of a decade of monumental turmoil, the year’s number-one newsmaker was not Franklin Delano Roosevelt, Hitler, or Mussolini. It wasn’t Pope Pius XI, nor was it Lou Gehrig, Howard Hughes or Clark Gable. The subject of the most newspaper column inches in 1938 wasn’t even a person. It was an undersized, crooked-legged racehorse named Seabiscuit. (From *Seabiscuit: An American Legend*, by Laura Hillenbrand.)

The following is plagiarism:

“The biggest newsmaker in 1938—measured in newspaper column inches—wasn’t the president, nor was it Adolph Hitler or the pope. It wasn’t Babe Ruth or any Hollywood actor either. Why, it wasn’t even human. It was a racehorse named Seabiscuit.”

Why is this plagiarism? Because the writer has taken the spirit of Hillenbrand’s passage and simply reordered a few sentences and substituted words—including a relatively obscure fact about more newspaper column inches being dedicated to Seabiscuit than any human in 1938. What’s more, the writer didn’t credit Hillenbrand’s work.

Here is an acceptable paraphrase of this same passage:

“In 1938, the legendary racehorse Seabiscuit was so famous he accounted for more newspaper column inches than the president, pope and any Hollywood film star, according to Laura Hillenbrand in *Seabiscuit: An American Legend*.

Or simply, Seabiscuit was extremely popular in 1938. There’s no need to cite Hillenbrand because this is a commonly known fact that cannot be reasonably disputed.

Here is another example:

Original passage: “Jaithirth ‘Jerry’ Rao was one of the first people I met in Bangalore—and I hadn’t been with him for more than a few minutes at the Leela Palace hotel before he told me that he could

handle my tax returns and any other accounting needs I had—from Bangalore. No thanks, I demurred. I already have an accountant in Chicago. Jerry just smiled. He was too polite to say it—that he may already be my accountant, or rather my accountant’s accountant, thanks to the explosion in the outsourcing of tax preparation. ‘This is happening as we speak,’ said Rao, a native of Mumbai, formerly Bombay, whose Indian firm, MphasiS, has a team of Indian accountants able to do outsourced accounting work from any state in America and the federal government. ‘We have tied up with several small and medium-sized CPA firms in America.’” (From *The World is Flat: A Brief History of the Twenty-First Century*, by Thomas L. Friedman.)

The following is plagiarism:

“India has become a major player in outsourced accounting, and, for all you know, someone in Bangalore might very well be crunching your tax returns—on behalf of your accountant. ‘This is happening as we speak,’ said Jaithirth Rao, whose firm, MphasiS, has ‘tied up with several small and medium-sized CPA firms in America.’”

It is unacceptable because the way it is written, it appears the writer interviewed Rao and got that original quote, when it originated in Thomas Friedman’s book.

Another example:

Original passage: “The stock market crashed on October 29, 1929, a Tuesday, the most disastrous session on Wall Street to date in a month of turmoil.” (*The Worst Hard Time*, by Timothy Egan.)

The following is *not* plagiarism: “The stock market crashed on Tuesday, October 29, 1929, following a month of economic jitters.”

It is acceptable because the day the stock market crashed, leading to the Great Depression, is a well-known fact.

Additional sticking points:

It can be tempting to lift highly technical passages (say, a description of BMW’s braking system or an in depth analysis of how Google’s search engine actually works). Don’t do it. Instead, find a way to describe these things in your own words. This also goes for company descriptions used in press releases. For example, HP describes itself as “a technology solutions provider to consumers, businesses and institutions globally.” You might describe it as “a seller of a broad range of technology products and services, including PCs, printers, and IT infrastructure.”

The bottom-line rule of attribution is: When in doubt, cite the source of your information. You can’t go wrong then.

## **FABRICATION**



Making up sources or information in an assignment is a serious ethical violation. In the real world, it could lead to immediate dismissal and the end of your career. In the late 1990s Stephen Glass created in part or whole cloth some two dozen stories he published in *The New Republic*, *Harpers* and *Rolling Stone*, which led to one of the biggest journalism scandals in history. Jayson Blair of *The New York Times* plagiarized and fabricated sources and material, which became a huge embarrassment to the *Times*, which is still recovering. Both are out of the profession.

## **DOCTORING PHOTOS OR VIDEO**

It is not permissible to doctor or manipulate photos for the purpose of misleading, although it is all right to crop pictures or enhance clarity if blurry. With video it is OK to edit footage but not all right to alter subjects' appearance or likewise distort reality. Increasingly photo manipulation is being used as an explanatory technique: Putting George Bush's head onto a wrestler's body for satirical purposes, for example. This is acceptable only if there will be no confusion between the photo manipulation—satirical or otherwise—and reality.

## **FICTIONAL DEVICES**

Names, dates and places should never be altered in any story, even to protect a source's identity. If publishing those facts could lead to retribution against a source, or if compassion dictates omitting these facts from a story, they should simply be cut (with an explanation to the reader). Composites, which are characteristics and histories of multiple characters blended into one, should never be used.

## **SOCIAL MEDIA**

You are what you tweet or post on Facebook or Instagram. By that we mean you become a public figure when you participate on social media, what you say there reflects on you and social media mistakes can exist in perpetuity on the internet, revealed with a simple search or through the Wayback Machine. Every publication has its own rules governing staff use of social media. The Washington Post prohibits conduct on social media that "adversely affects The Post's customers, advertisers, subscribers, vendors, suppliers or partners" and its management claims the right to take disciplinary action "up to and including termination of employment." Bloomberg tells its staff not to join groups on social networks dedicated to a particular political opinion or cause and to not argue with those critical of its work. NPR wants reporters and editors to conduct themselves on social media just as they would in any other public circumstances. "Treat those you encounter online with fairness, honesty and respect, just as you would offline" and "do not disparage the work of others."

If you post malicious, immature or prurient material, or engage in online trolling or acrimonious back and forth, you could inadvertently undermine your credibility and ethical standing.

On social media, you're your own fact-checker - especially when sharing content from another user. You should vet information before passing it along over social media. Journalists have a responsibility not to add to the cloud of false information that is floating about. Just by retweeting or reposting a piece of information, in the eyes of many you are effectively reporting that information. When in doubt, verify. If a journalist amplifies something over social media that turns out to be false, they should correct the record. A rule of thumb: since everything you write online is, in effect, published, the NYU Journalism faculty urges you not to write anything that violates the rules of honest and decent journalism.

In an era when journalists are often accused of promulgating "fake news," it's critical that when journalists are using platforms for their reporting including social media, chatrooms and forums (e.g. Reddit, 4chan, 8chan, QAnon etc.) they verify their sources and information from these sites. It's extremely important to be skeptical about all information and sources uncovered on these sites, because in most cases, the sites are intended to troll people. Don't use anonymous message boards as primary sources. Keep in mind that some users of these sites are dangerous (or at very least, racist, sexist and homophobic), so try to keep a low profile.

## **ETHICS PLEDGE**

Every incoming student, undergraduate and graduate, must read and sign the institute's [ethics pledge](#). The text is as follows:

*As a New York University journalism student, you are part of a community of scholars at a university recognized for its research. A scholar's mission is to push forward the boundaries of knowledge; a journalist's mission is to serve the public by seeking out and reporting the facts as accurately as possible. Good journalists and scholars share a commitment to the same principle: integrity in their work.*

*By signing this ethics pledge, you agree to maintain the highest standards of honesty and foster ethical behavior at all times. Anyone who fails to uphold these ethical standards has committed a serious violation of this agreement. Penalties can range from an F on an assignment to a failing grade in a course to expulsion, depending on the decision of the instructor in consultation with the institute's Ethics Committee.*

*Examples of such activities can include (but are not limited to):*

*Plagiarism: Attempting to pass off someone else's words or ideas as your own without proper attribution or acknowledgment. In both journalism and academia, this is akin to theft. Examples: Copying in whole or in part a published article or another student's paper, borrowing language or concepts, lifting quotes or failing to use quotation marks where appropriate.*

*Fabrication: Making up information, faking anecdotes or sources, falsifying quotes, creating fictitious sources, citing non-existent articles, or fudging data.*

*Multiple submission: Recycling assignments from one class for use in another, or submitting assignments to one class that were derived from research in another without prior approval from all professors involved.*

*Cheating: Using or attempting to use unauthorized assistance, material, or study aids in examinations or other academic exercises. Examples: Using study resources not expressly approved by the instructor, working with another student or students on a take-home exam without prior approval, tampering with grades, purchasing a paper written by someone else or paying someone to write an assignment for you.*

*In addition, if asked you will submit notes and source lists to your professor without delay.*

## **JOURNALISM RESOURCES ONLINE**

[Acos Alliance](#)

[American Society of Newspaper Editors](#) (ASNE) (Links to ethics codes from newspapers)

[Columbia Journalism Review](#)

[Dart Center](#)

[Fairness & Accuracy in Reporting](#) (FAIR)

[New York Times Ethical Journalism Handbook](#)

[New York University Bobst Library](#)

[Poynter Online](#)

[Pew Research Center](#) (Journalism & Media)

[Pulitzer Prizes](#)

[Reporters Committee for Freedom of the Press](#)

[Society of Professional Journalists](#)

[Stanford University Libraries](#) (on Copyright & Fair Use)