

Journalism Handbook for Students: Ethics, Law, Integrity & Good Practice **for the Department of Journalism, SUNY Plattsburgh**

We thank New York University and the University of Arizona for generously granting the Journalism Department at SUNY Plattsburgh permission to adapt its journalism handbook from the following sources.

School of Journalism, New York University's *Journalism Handbook for Students: Ethics, Law & Good Practice*. Permission granted Nov. 11, 2009, by Adam L. Penenberg, Assistant Professor in Journalism.

School of Journalism, University of Arizona, *Academic Integrity Handbook*. Permission granted Nov. 11, 2009, by Jacqueline Sharkey, director of The University of Arizona School of Journalism.

How to Navigate through the Handbook

If the bookmark list is not showing to the left of the handbook,

1. Click on the bookmark icon above the binoculars in the grey bar on the left side of this document.
2. Then click any heading in the bookmark menu to jump to that section.

Introduction

As a journalism student enrolled at SUNY Plattsburgh, you are part of a community of journalists who has as its mission to serve the public by seeking and reporting the facts as accurately as possible. Good journalists believe in the principle of telling the truth and ensuring integrity in their work.

You should be aware, if you are not already, that the journalism department has a zero tolerance toward all types of academic cheating. Any student who is caught violating the rules will usually be failed – not just for the assignment, but the entire course. In addition, other sanctions, including expulsion from the journalism program or the college, may be recommended to Judicial Affairs for plagiarism in articles intended for publication and for other cases of academic dishonesty. Ignorance of the rules is not an acceptable excuse.

This handbook addresses issues that might arise during your time at SUNY Plattsburgh. 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.

As a journalism student at SUNY Plattsburgh, you are responsible for reading and abiding by the *Journalism Handbook for Students: Ethics, Law, Integrity & Good Practice for the Department of Journalism, SUNY Plattsburgh*.

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 journalism department 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 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.

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 No. 1 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 Adolf 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, enhance clarity of a blurry photograph and aesthetically enhance an image. 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 satiric purposes, for example. This is acceptable only if there will be no confusion between the photo manipulation – satiric 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.

Multiple Submissions

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 both course instructors. 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 both professors involved is imperative.

In addition, a student may not conduct research for one class and then use that research in another class – again, unless the student has 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 that 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 any questions.

Human Sourcing

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, the Web or in a documentary film.

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 multiple 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 journalism department 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 and off the record

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.

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 journalists can confirm the information with another source who doesn’t insist on speaking off the record (whether that means he or she agreed to talking on the record, on background, or not for attribution), reporters 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. In the journalism department, “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 persuade the source to agree to waive the agreement.

Anonymity

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, whom 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.

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 his instructor*. Some notable examples: a source admits committing a crime, and publishing his name could land him 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 his 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 her superiors had ordered her 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 his 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.

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 him or her 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.)

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.”

In-person, phone, e-mail, and instant 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 possible, 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.

E-mail interviews can have their place. In certain circles – technology or in the blog world, for instance – many sources insist on e-mail interviews so they have a written record of what is discussed. In addition, e-mail 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 e-mail interviews can create problems, too. How does a reporter know the person replying is who he says he is? All too often company publicists answer e-mail questions on behalf of their bosses or clients. E-mail 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 e-mail. Likewise, instant message and texting interviews should not be used to replace in-person or telephone interviews, but at times can be useful in clarifying responses.

SUNY Plattsburgh 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; e-mail 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 he can feel reasonably confident the story holds a fair cross-section of opinion. Better still, she should back up her 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.

Taping conversations

There are obvious benefits to recording interviews, 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. New York is a “one-party consent” state, meaning that only one person – including the journalist – needs to grant permission for audio- or videotaping to occur. The SUNY Plattsburgh journalism department suggests that students first ask permission before taping any conversation to head off

any potential legal or ethical entanglements. Begin the taping by stating the date, time and asking the person to spell his or her 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 12 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. New York 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.

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 his 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.

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 SUNY Plattsburgh journalism department 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 his private business; the fact that a local politician known for anti-gay stances had patronized that bar might be the public's business.

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, Plattsburgh State journalism department, 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 you are observing police officers interact with protestors at a rally or reviewing a restaurant or videotaping counterfeit merchandise, identifying yourself as a reporter may not be appropriate since it could affect the type of treatment (or quality of food) you receive. Likewise, identifying

yourself as a reporter may not be appropriate if you are conducting an undercover assignment, especially if outing oneself as a reporter could result in potential harm. But these are rare examples. In these rare cases *you will first want to have permission to masquerade from your professor.*

Web

Often reporters scour discussion threads, message boards, blog comments 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 herself in that circumstance. But if reporters wish to use information from a blog, e-mail thread or other Web sources, they should be mindful that deception is endemic to the Internet. If at all possible, reporters should attempt to contact the person who posted the information, identify themselves as reporters 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; getting a quote on allegations that a school is unsafe would. 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.

Potential 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 his outlet and audience.

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 he writes one way or the other. In other words, would the reporter pull punches because he's 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. If you feel that you must interview a friend or family member for a story, *you must first discuss this with your professor.*

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 SUNY Plattsburgh journalism department, 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 in the journalism department is that students 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 Web sites.

Paying sources

Most reputable news organizations do not pay sources for information. To do so can undermine the integrity of the information.

Quid pro quo

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

Political and charitable donations

If a reporter donates to a politician running for office (say, the mayor) he shouldn't also cover the election – that includes not only the mayor but also her 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.

Blogs

Nowadays it's common for journalists – and journalism students – to blog and to comment on the blogs of others. What you choose to blog about and what you write for publication could potentially raise ethical concerns. For example, if you blog about a hard news story you published on stem cell research and bash governmental policy, readers could conceivably question your objectivity. Be aware that whatever you write may remain in cyberspace in perpetuity, revealed with a simple Web search. If you post malicious, immature or prurient material, or engage in online “flame wars,” you could inadvertently undermine your credibility and ethical standing. A rule of thumb: since everything you write online is, in effect, published, the SUNY Plattsburgh journalism department urges you not to write anything that violates the rules of honest and decent journalism.

Research Materials and 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 she is 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.

For example, the following are clear violations of fair use:

- Photo ripped from *The New York Times* website
- Picture of a magazine cover
- One minute of music from the latest U2 single
- A 3-minute clip from a movie
- A facsimile of a map taken from Google Maps or Mapquest
- Large tracts of text from a research report

With video or broadcast, fair use usually applies if the material is 30 seconds or less. It 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 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 Muhammad 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.

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, she 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, he may seek a limited fair use exemption under the following conditions:

Adding music to video and audio segments

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.

Legal Concerns

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, but 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 sources 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 sources 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 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, voice- and e-mail 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 his employer).

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.

For guidance about access to information and meetings in the state of New York, contact Bob Freeman, the executive director of the Committee on Open Government, found here on the Web: <http://www.dos.state.ny.us/coog/index.html>

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 – FOIAs 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. See <http://www.spj.org/foi.asp>

And The First Amendment Center also offers useful information on FOIAs. See <http://www.firstamendmentcenter.org/press/information/index.aspx>

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, including New York, 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 updates its site regularly with information about state shield

laws and attempts to pass a federal shield law. See here:
http://www.rcfp.org/shields_and_subpoenas.html

And the Poynter Institute's Web site has an interactive map showing which state have, do not have, have limited, or are trying to have a journalists' shield law. See <http://www.poynterextra.org/shieldlaw/>

College Policy and Procedures Regarding Academic Dishonesty

The college takes academic dishonesty seriously. It has an overriding policy of its own. The College Honor Code Statement is as follows: "It is expected that all students enrolled in this class support the letter and the spirit of the Academic Honesty Policy as stated in the college catalog." The "Academic Honesty Policy" in the college catalog reads as follows:

"Academic honesty is essential to the intellectual health of the university and the ideals of education. SUNY Plattsburgh expects students to be honest and to conduct themselves with integrity in all aspects of their relationship with the college (e.g., application, transfer evaluation, academic progress review, and credit and non-credit bearing experiences, including regular course work, independent studies, internships, practica, student teaching, and interactions with faculty, staff, and students). Academic dishonesty adversely affects the educational function of the college and undermines the integrity of its programs. Dishonest conduct includes, but is not limited to, cheating, plagiarism, unauthorized collaboration, forgery, and alteration of records, along with any lying, deceit, bribery, coercion, or intimidation for the purpose of influencing a grade or for any other academic gain. Action against a student determined to have violated the academic honesty policy can range from a reduction of the grade on an assignment, through failure of a course, to suspension or even dismissal from the academic program, the department, or the college. A student who is charged with academic dishonesty will be afforded due process through the College Judicial System."

Procedures for Addressing Suspected Academic Dishonesty can be found at this college Web site: <http://www.plattsburgh.edu/offices/academic/provost/dishonestyprocedure.php>.