Class details

JOUR-UA 9502001 Journalism Ethics & First Amendment Law
Fall 2016
Mondays* 6:15PM-9:15PM
Room B109

* Please see the course schedule; one class Make-Up Day will not be on a Monday.

Instructor Details

Prerequisites

n/a

Class Description

This course is designed to familiarize students with the basic protections and restrictions of the law as they apply to the media, as well as the ethical issues journalists and editors face.

We will discuss the First Amendment and its limits, but we will not stop when we answer the questions: Will we get sued if I report this? or Will we get sued if I gather news this way? We will also be asking: is what we’re proposing to do ethical by the standards of the profession? In essence, after discussing: "Can we report it?" we will ask "But should we? and, if so, how?" In our study we will discuss seminal court cases and fundamental legal rules. We will also study situations where journalists and news agencies have confronted ethical questions with varying degrees of success.

The First Amendment issues we will explore include: libel, invasion of privacy, prior restraints, newsgathering torts and the reporter's privilege. Our ethics discussions will include: conflicts of interest, paying for news, publishing difficult images, withholding publication, anonymity, and dealing fairly with subjects and sources.
Desired Outcomes

By the end of this course students will not be lawyers but they should be able to identify when a journalist might need to call in a lawyer or discuss an ethical issue with an editor. Students should be able to:

• Spot legal issues related to the publication of news stories and broadcasts
• Identify ethical issues as they may relate to the publication of news stories or broadcasts
• Have a good sense of what the answer to their legal or ethical quandary may be given the history of similar cases

Assessment Components

Grades will be calculated as follows:

Midterm (Given 10/24) ........................................... 30 percent
Final exam (Given 12/12) ........................................ 30 percent
Class attendance and participation ..................... 10 percent
Short papers ......................................................... 30 percent
  • Supreme Court Visit – 2 pages, double spaced, 1 inch margins due 10/17
  • Newseum Visit – 2 pages, double spaced, 1 inch margins due 12/2
  • National Archives Visit – TBD depending on whether a Supreme Court Justice speaks
  • Additional instructions on all short papers will be given in class

Failure to submit or fulfill any required course component results in failure of the class.

Assessment Expectations

Grade A: The student makes excellent use of empirical and theoretical material and offers well-structured arguments in his/her work. The student writes comprehensive essays / exam questions and his/her work shows strong evidence of critical thought and extensive reading.

Grade B: The candidate shows a good understanding of the problem and has demonstrated the ability to formulate and execute a coherent research strategy.

Grade C: The work is acceptable and shows a basic grasp of the research problem. However, the work fails to organize findings coherently and is in need of improvement.

Grade D: The work passes because some relevant points are made. However, there may be a
problem of poor definition, lack of critical awareness, poor research.

**Grade F:** The work shows that the research problem is not understood; there is little or no critical awareness and the research is clearly negligible.

### Attendance Policy

Study abroad at Global Academic Centers is an academically intensive and immersive experience, in which students from a wide range of backgrounds exchange ideas in discussion-based seminars. Learning in such an environment depends on the active participation of all students. And since classes typically meet once or twice a week, even a single absence can cause a student to miss a significant portion of a course. To ensure the integrity of this academic experience, class attendance at the centers is mandatory, and unexcused absences will affect students' semester grades. Students are responsible for making up any work missed due to absence. Repeated absences in a course may result in failure. At all Global Academic Centers, unexcused absences will be penalized with a two percent deduction from the student’s final course grade.

To seek an excused absence for medical reasons, students must use the online absence reporting form within 24 hours of their first missed class. Students may be required to produce a doctor’s note with that day’s date, especially if the student has missed any other classes during the semester or if exams/presentations/papers occurred in the missed class.

Non-medical absences must be discussed with the Academic Program Coordinator at least 7 days before the missed date(s) in question. If faculty members do not receive notification of an excused absence, the student has not procured an excused absence.

NYU Washington, DC expects students to arrive to class promptly (both at the beginning and after any breaks), to be attentive, and to remain for the duration of the class. If full class attendance and participation becomes a problem, it is the prerogative of each instructor to apply the rule for unexcused absences, which may include a two percent deduction from the student’s final course grade.

Students are responsible for making up any work missed due to absence. This means they should initiate email and/or office hour discussions to discuss any missed lectures and assignments and arrange a timeline for submitting missed work.

Final exams must be taken at their designated times. Final exams may not be taken early, and students should not plan to leave Washington, DC before the end of the finals week.

Please note that for classes involving a field trip or other external visit, transportation difficulties are never grounds for an excused absence. It is the student’s responsibility to arrive at the announced meeting point in a punctual and timely fashion. Staff members may always be reached by cell phone for advice regarding public transportation.
**Late Submission of Work**

1) Written work due in class must be submitted during the class time to the professor.

2) Late work should be emailed to the faculty as soon as it is completed. (If the assignment must be submitted in person, the Academic Program Coordinator can collect on behalf of the faculty between the hours of 9–5, M–F.)

3) Late work will be reduced for a fraction of a letter grade (e.g., A to A-, A- to B+, etc.) for every day it is late, including weekends.

4) Written work during the semester that is submitted 5 days after the submission date (including weekends) without an agreed extension fails and is given a zero.

5) Students who arrive to class late for an exam do not have automatic approval to take extra time to complete the exam.

6) Students who miss an exam (including the final) without previously arranged permission will receive a zero on that exam.

7) Assignments due during finals week that are submitted more than 3 days without previously arranged extensions will not be accepted and will receive a zero. Any exceptions or extensions for work during finals week must be discussed with the Site Director.

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**Students with Disabilities**

Students with disabilities who believe that they may need accommodations in a class are encouraged to contact the Moses Center for Students with Disabilities at (212) 998-4980 as soon as possible to better ensure that such accommodations are implemented in a timely fashion. For more information, see Study Away and Disability.

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**Plagiarism Policy**

As the University's policy on "Academic Integrity for Students at NYU" states: "At NYU, a commitment to excellence, fairness, honesty, and respect within and outside the classroom is essential to maintaining the integrity of our community. By accepting membership in this community, students take responsibility for demonstrating these values in their own conduct and for recognizing and supporting these values in others." **Students at Global Academic Centers must follow the University and school policies.**

The presentation of another person’s words, ideas, judgment, images, or data as though they
were your own, whether intentionally or unintentionally, constitutes an act of plagiarism.

NYU Washington, DC takes plagiarism very seriously; penalties follow and may exceed those set out by your home school. All your written work must be submitted as a hard copy AND in electronic form to the instructor. Your instructor may ask you to sign a declaration of authorship form.

It is also an offense to submit work for assignments from two different courses that is substantially the same (be it oral presentations or written work). If there is an overlap of the subject of your assignment with one that you produced for another course (either in the current or any previous semester), you MUST inform your professor.

For guidelines on academic honesty, clarification of the definition of plagiarism, examples of procedures and sanctions, and resources to support proper citation, please see:

http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/academic-integrity-for-students-at-nyu.html

http://gls.nyu.edu/page/gls.academicintegrity

http://cas.nyu.edu/page/academicintegrity


Religious Observances

Students observing a religious holiday during regularly scheduled class time are entitled to miss class without any penalty to their grade. This is for the holiday only and does not include the days of travel that may come before and/or after the holiday.

Students must notify their professor and the Washington, DC Academics team in writing via email at least 7 days before being absent for this purpose.

Required Text(s)


- Please note that while the price of this text is $109, you can also get the electronic version for $44.99.
- To buy either version you can visit: http://bit.ly/28Tb76b
- NYU DC will also have a copy on reading reserve. If you use the class copy, please be considerate of your classmates. Do the reading and return the book promptly (within 2 hours).

- The price of this textbook is $32 but Amazon.com has used copies for under $10.
- Once again, NYU DC will have a copy on reading reserve. Same rules apply.
- Of the two, I would buy “A Practical Guide” and borrow the other.

**Supplemental Texts(s) (i.e., not required for purchase)**

Students will do most of their reading in the “Practical Guide” text. Other supplemental reading is noted in the syllabus. Depending on what is going on in the news, students should expect to receive other short readings during the semester.

**Internet Research Guidelines**

N/A

**Additional Required Equipment**

N/A

**Session 1 – Monday, August 29, 2016**

**Course overview & Introduction to the American legal system**

**HOMEWORK (Reading & assignment for the week of Sept 12):**
Practical Guide Chapters 1 & 2
SPJ Code of Ethics (1 page) available at: [https://www.spj.org/pdf/ethicscode.pdf](https://www.spj.org/pdf/ethicscode.pdf)
“News organizations wrestle with whether to publish Charlie Hebdo cartoons after attack” available at: [http://wapo.st/28TTxQr](http://wapo.st/28TTxQr)
Please come prepared to discuss at the next class your answer to: If you were the publisher of a US newspaper, would you have chosen to run the Charlie Hebdo cartoon? Why or why not?

* Because of the Labor Day holiday, there is no class next week (Sept. 5)

**Session 2 – Monday, September 12, 2016**

**The First Amendment & its limits**

**HOMEWORK (Reading & assignment for the week of Sept 19):**
A Practical Guide (aka Textbook) Chapters 14 and 15
Session 3 – Monday, September 19, 2016

Prior Restraints and the Pentagon Papers

HOMEWORK (Reading & assignment for the week of Sept 26):
Textbook Chapter 3: 23-40 only
Begin Supreme Court visit assignment

Session 4 – Monday, September 26, 2016

Libel

HOMEWORK (Reading & assignment for the week of Oct. 10):
Textbook Chapter 3: 40-61
Finish Supreme Court Visit assignment

* Our class does not meet next week Monday (Oct. 3) due to the Fall Break (Oct. 3)

Session 5 – Monday, October 10, 2016

Defenses to Libel

HOMEWORK (Reading & assignment for the week of Oct. 17):
Textbook Chapter 4 & 5
Hulk Hogan’s Invasion of Privacy lawsuit: http://nyti.ms/21zVwwV

Session 6 – Monday, October 17, 2016

Invasion of Privacy
The Hulk Hogan case and more

Due: Supreme Court Visit assignment

HOMEWORK (Reading & assignment for the week of Oct. 24):
Textbook Chapter 12

Session 7 – Monday, October 24, 2016

Newsgathering Torts
The Food Lion case and beyond

HOMEWORK (Reading & assignment for the week of Oct. 31):
Study for your Midterm
Session 8 – Monday, October 31, 2016

MIDTERM EXAM:
6:15 p.m. to 8 p.m.
Note: Exam will be closed book.

HOMEWORK (Reading & assignment for the week of Nov. 7):
Textbook Chapter 16
Thinking Clearly: John McCain & Watergate chapters

Decide when you plan to visit the Newseum. You must do this once before the end of the term in order to complete the Newseum assignment. Assignment is due 12/2

Session 9 – Monday, November 07, 2016

Election Special!! Ethics in Political Coverage
Anonymous sources, sources with motives, timing

HOMEWORK (Reading & assignment for the week of Nov. 14):
Plagiarism policies (handout)
Shattered Glass Vanity Fair article: http://bit.ly/1yhDSEE
Jayson Blair roundup NYT: http://nyti.ms/1VpMjcW
Janet Cooke original article: http://wapo.st/28UQO9T

Session 10 – Monday, November 14, 2016

Mistakes versus Lies (Plagiarism/Fabrication/Mistakes of Transparency)
Infamous fabricators: Stephen Glass/Jayson Blair/Janet Cooke

HOMEWORK (Reading & assignment for the week of Oct. 31):
Textbook Chapter 18
“Nipple Ripples: 10 Years of Fallout from Janet Jackson’s Halftime Show”: http://rol.st/1aKviDX
Watch George Carlin 7 Dirty Words (15 minutes): http://bit.ly/1PaOF72
Session 11 – Monday, November 21, 2016

Television and Radio and the FCC

HOMEWORK (Reading & assignment for the week of Oct. 31):
“The War Photo No One Would Publish”: http://theatlantic.com/1pgPkuw
Death of a Diver: http://nyti.ms/28UybUY
Falling Man: http://www.esquire.com/features/ESQ0903-SEP_FALLINGMAN

Session 12 – Monday, November 28, 2016

We can publish, but should we Part I
Youth
Victims of sexual assault
Handout Photos
Photos of Death

HOMEWORK (Reading & assignment for the week of Dec. 5):
Thinking Clearly, Columbine Chapter
Another massacre, another media quandary: Should we publish the killer’s name and photo: http://wapo.st/28ThkiJ
Holding news: the Robert Levinson case: http://nyti.ms/28UUxn4
“Unabomber Manuscript is Published” http://wapo.st/2906Js8

* Our next class is this FRIDAY.

Session 13 – Friday, December 02, 2016 (MAKE-UP DAY)

NEWSEUM ASSIGNMENT DUE

We can publish, but should we Part II (Death and violence)
Going “live” to an active scene
The names of mass shooting perpetrators
To publish or withhold: The names of hostages, the special case of the Unabomber

Due: Newseum visit short paper

HOMEWORK (Reading & assignment for the week of Dec. 2):
Textbook Chapter 13
Session 14 – Monday, December 05, 2016

Reporter’s Privilege & Ethical questions in relationships with sources

HOMEWORK:
Review for finals

Session 15 (Finals Week) – Monday, December 12, 2016

FINAL EXAM:

6:15 p.m. to 8 p.m.

Note: Exam will be closed book. While it will focus on the material we discuss after the midterm, you will be required to draw on knowledge from the entire semester.

Classroom Etiquette

Students should arrive prepared to begin coursework promptly at 6:15 p.m.

CELL PHONES: Students are expected to turn off all cell phones while in class. Students found to be texting or otherwise using their cell phones in class may have that item confiscated or may be asked to leave for the remainder of class. Kindles, nooks, music devices are also required to be off and out of sight.

COMPUTERS: Studies have shown that students tend to learn more and be more successful when they take written notes as opposed to notes on the computer. It is up to you, however, how you would like to take notes.

PARTICIPATION: Class participation will be an integral part of this course. You should expect to be called on at any time and, when asked, to present your work or opinions to the class. Students are encouraged to speak up and to offer their opinions and questions as well as to consider, agree with or challenge the opinions of others. All comments and critiques, however, should be offered in a respectful and thoughtful manner.

FOOD: This class is being held at a time when people generally eat dinner. You are welcome to bring snacks and drink to class. Please be respectful of your fellow classmates. This isn’t the time for a slab of ribs or a plate of fries. Please also police yourself on cleanup. If I find the classroom messy, I may change this policy.
**Required Co-curricular Activities**

Students should read (or read and watch) the news every day. You can do this on your computer, on your phone or in print. I recommend The New York Times, The Wall Street Journal, and the AP’s mobile app.

Students will also need to make time to visit The Newseum, the National Archives and the U.S. Supreme Court and complete assignments on those visits.

We will also visit The Associated Press and/or Washington Post newsroom during the course of the semester.

**Suggested Co-curricular Activities**

N/A

**Your Instructor**