

**PBS NewsHour Extra Student Reporting Labs
WORKSHEET A: Fairness Formula = Accuracy**

**Lesson 1.2: Journalism Ethics, News Judgment, the ABCDEF's of Journalism and
Copyright v. Fair Use**

Fairness Formula Starts With Accuracy

By Charles Overby

People who talk with the Freedom Forum about news complain that the media can and should do a better job. Most news people tell us the same thing. So what's the problem? A lack of attention to basics. In meetings with small groups around the country, we encouraged people to talk about fairness in the media. The topic quickly became a broad umbrella for complaints in general about the media. Most of the complaints focused on the basics of news gathering and presentation. From those discussions, I have broken down the components of fairness into five basic categories that provide an easy-to-remember formula: **A+B+C+D+E = F (fairness)**.

Accuracy + balance + completeness + detachment + ethics = fairness. There are other ways to state it, but these five categories generally capture most of the complaints we have heard about the need for fairness and improvement in the media. Many editors and news directors may think the components are so basic that their news reports meet those standards easily. But many of the people whom we interviewed do not think so. The public expects all five categories — not two or three — to be applied to all news stories. A quick look at the five categories:

ACCURACY — This is the basic component of fairness, but it generated lots of discussion, especially in the area of corrections. Most newspapers still do a superficial job of correcting their errors. Procedures often are not reader-friendly. The better newspapers run more corrections, not fewer, every day than average newspapers. Unfortunately, it is rare to see corrections on television.

BALANCE — Many in the public think stories reflect definite points of view. Often, the other side is given scant, secondary attention, far down in the news report.

COMPLETENESS — This was the biggest complaint that we heard. Our respondents said reporters fail to tell the whole story because of inexperience, ineptitude, laziness, or lack of space or time. The lack of completeness affects context.

DETACHMENT — A frequent complaint lodged by people who deal with the media was that reporters and editors construct their stories in advance and only want news sources to confirm their preconceived notions. Once the news “hook” is established, there is not much fair and open reporting that follows.

ETHICS — This involves the way reporters and editors pursue stories, the feeling that editorial viewpoints drive news content, placement and headlines. This category also focuses on the methodology of reporting, ranging from paparazzi photography to insensitivity to victims. These five areas need more discussion in newsrooms. If the

public could see improvements and regular explanations about these basic elements, they probably would develop more trust in the mainstream media. This isn't rocket science. Every editor and news director should be capable of identifying ways to improve these deficiencies. For those news executives who think they are doing just fine in all these categories, bring in a dozen readers or viewers and ask them.

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PBS NewsHour Extra Student Reporting Labs
WORKSHEET B: Exercising Ethics and News Judgment

Lesson 1.2: Journalism Ethics, News Judgment, the ABCDEF's of Journalism and Copyright v. Fair Use

Instructions: Ask students to locate or bring into class three recent news articles with photographs. They are to exercise their news judgment and find stories they are interested in reading working individually or in groups. Answer the questions below.

1. Is this a story that the public needs to know? Why or why not?
2. Does the information in the story affect a lot of people or only a few?
3. Is this a story about an event that already happened or a future event?
4. Is the photograph needed to tell the story?
5. Does the story contain more rumors than facts?
6. Does the story or photograph invade someone's privacy?
7. Is the story or photograph sensational or does it blow something out of proportion?

**PBS NewsHour Extra Student Reporting Labs
WORKSHEET C: Accuracy, Fairness or Clarity?**

Lesson 1.2: Journalism Ethics, News Judgment, the ABCDEF's of Journalism and Copyright v. Fair Use

Instructions: You are the editor of your school's newspaper. In each of the following scenarios, you are asked to consider a situation. Make a decision about who you will cover, what your angle will be and what you will publish. Will yours be an ethical decision? Include in your answer whether **accuracy**, **fairness** or **clarity** is in question.

1. A student at your school is highlighted on the local TV news. A reporter for the school newspaper uses information from the TV newscast without giving credit to the station. It turns out that several facts from the news report are wrong. **Do you admit the mistake? Do you tell how you got the incorrect information?**
2. A well-known musician is filming an anti-smoking PSA (public service announcement) at your school. The school newspaper photographer gets pictures of him smoking a cigarette during a break. Your photo editor wants to run the photograph with the cutline "Rock Star Filmed Anti-Smoking PSA on Tuesday." **Do you reword the caption?**
3. The owner of a local business has refused to buy an advertisement in your newspaper. He graduated from your school, so you are really ticked that he won't support his alma mater. Later that day, as you look at the sports spread, you notice that the photo of the cross country track event that the sports editor plans to use has a billboard in the background with the local business's name prominently displayed. It would be easy to remove the billboard with photo-editing software. **Do you alter the photograph?**
4. The daughter of the principal at your rival high school has been arrested on drunken driving charges. **Do you report it?**
5. One of your best friends says she saw the new basketball coach smoking marijuana at a rock concert. You tell the newspaper adviser that someone told you about seeing him and that you plan to report it in your concert review. The coach tells you he wasn't even at the concert. **Do you report the allegation?**

**PBS NewsHour Extra Student Reporting Labs
WORKSHEET C: Answer Key**

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1. Yes. It is a core value that journalists are accurate. And reporters should do their own reporting.
2. Yes. The cutline implies the picture was taken during the filming of the PSA. Clarity is important in cutlines as well as in stories.
3. No. Photographs should reflect the truth. Truthfulness includes accuracy of details in the setting in which the action takes place.
4. Perhaps. Why are you reporting this story? If only to cloud the reputation of the rival school's principal, don't publish it. Do you regularly report students who are arrested on DWI charges? Is the daughter 18 or older? Be fair, and treat this story as you would any other story.
5. No. You need facts. Rumors and mistaken identification have no place in a newspaper. By the way, what's this information doing in a concert review?

PBS NewsHour Extra Student Reporting Labs
WORKSHEET D: Copyright v. Fair Use

Lesson 1.2: Journalism Ethics, News Judgment, the ABCDEF's of Journalism and Copyright v. Fair Use

By Renee Hobbs

In developing video packages for PBS Student Reporting Labs, you may want to incorporate copyrighted materials, including photographs, music, film or video clips. You may want to use written excerpts, clips or the whole work. And you may want to use materials produced by media professionals (like the Associated Press, the New York Times, PBS News Hour, or ABC News) as well as media produced by amateurs (like quotes from bloggers, Flickr photos, or YouTube videos).

To help you decide when and how to use copyrighted materials as part of your own creative work for PBS Student Reporting Labs, it's important to have a good understanding of copyright and fair use.

THE BASICS

The purpose of copyright law is to promote creativity, innovation and the spread of knowledge. The law does this by balancing the rights of both authors (copyright holders) and users.

Authors' Rights. Any creative work, in fixed and tangible form, is copyrighted. Anything you create (writing, video, images, music, etc.) is automatically copyrighted at the moment you create it. As a creative individual, you are protected by copyright law, which gives you rights to control how your works are distributed. As the copyright holder, you are responsible for detecting infringement. When other people distribute your copyrighted work without your permission, this may be an infringement of your legal rights. Violating copyright can have severe financial consequences but it can be expensive and time-consuming to pursue legal action.

Users' Rights. Under some circumstances, users can use copyrighted works as part of their own creative work. The doctrine of fair use (Section 107 of the Copyright Act of 1976) states that people can use copyrighted works without payment or permission when the social benefit of the use outweighs the harms to the copyright holder. To make a fair use determination, users consider all the factors involved in the context and situation of their use of the copyrighted material. Fair use is especially helpful when people want to use small amounts of a copyrighted work for socially beneficial purposes, like news reporting, teaching, research and scholarship. In the context of copyright law, the doctrine of fair use is one of the main guarantees of free expression. News reporters depend on fair use because of its obvious importance in disseminating information. Broadcasting professionals routinely claim fair use when they make use of short clips from popular films, classic TV programs, archival images, and popular songs without payment or permission.

ATTRIBUTION AND GOOD FAITH

Some people mistakenly believe that they can use any copyrighted work in their own creative work as long as they "cite their sources" or use attribution to identify the author. But attribution is not required in order to claim fair use. Many broadcasters use short excerpts of copyrighted clips under fair use without attribution. Using attribution is sign of good faith in the fair use process, but it does not shield a user from copyright liability. That's why it's important to make a careful fair use determination using the process described below.

MAKING A FAIR USE DETERMINATION

Critical thinking is required to make a fair use determination. Ask yourself two questions:

1. **Transformativeness.** Is my use of a copyrighted work transformative? Am I using the material for a different purpose than that of the original? Or am I just repeating the work for the same intent and value as the original?
2. **Amount.** Am I using only the amount I need to accomplish my purpose, considering the nature of the copyrighted work and my use of it?

The law empowers users to make a fair use determination for themselves. PBS Student Reporting Labs recommends that when using copyrighted material in your video package, you put your answers to these questions in writing, using reasoning to support your ideas. Thinking about the issue from the perspective of both the copyright holder and your own point of view is important.

REVIEW THE CODES OF BEST PRACTICE IN FAIR USE

A number of creative communities have developed documents to help people understand how to use fair use reasoning. Review the Codes of Best Practice for Online Video [<http://www.centerforsocialmedia.org/fair-use/related-materials/codes/code-best-practices-fair-use-online-video>]. It identifies common situations where fair use clearly applies to the creation of new videos that are distributed online. You can use copyrighted material:

1. To comment on or critique copyrighted material
2. Using copyrighted material for illustration or example
3. Capturing copyrighted material incidentally or accidentally
4. Reproducing, re-posting, or quoting in order to memorialize, preserve, or rescue an experience, an event, or a cultural phenomenon
5. Copying, re-posting and re-circulating a work or part of a work for purposes of launching a discussion
6. Quoting in order to recombine elements to make a new work that depends for its meaning on the (often unlikely) relationships between the elements.

PERMISSIONS AND LICENSING

If you're using copyrighted material for the same purpose as the original or you are using the whole work or a large portion, you shouldn't claim fair use. Instead, you should ask permission from the copyright holder. For amateur creations (independent musicians, Flickr photos, YouTube videos), you can send the creator an email requesting to use their work. Request permission by stating your purpose and describe how you're using their work, along with your name and full contact information. When using commercial or professional work (AP photos, music), you can use the licensing process, which generally involves filling out a form or sending an email. When using copyrighted work under Creative Commons licenses, you can simply use the work.

FREQUENTLY ASKED QUESTIONS

Here are some examples of how fair use reasoning can be applied to specific situations.

1. **Can I use facts, information or quotes from a research report, blog, news story or website?** This depends on how you use it. Using small amounts of information, facts or quotes from copyrighted print materials is fair use. Identifying the source of the information shows good faith.

2. **Can I use clips from YouTube or Hollywood movies in my news package?** This depends on how you use it. Using movie clips in a news broadcast may be transformative since the clip is used in a new context. If the clip's original purpose was to entertain, but you are using it to inform, that's very transformative. However, if the original purpose was informative, and you're using it for the same purpose, that's less transformative. Be sure to use just the amount you need to accomplish your specific purpose.
3. **Can I use AP news photos in my news package?** This depends on how you use it. The purpose of AP news photos is to provide information about news and current events, and you're using the photos for the same exact purpose. That's not very transformative. If you're using the photo simply as an example or illustration, you may claim fair use. Otherwise, you should ask permission and use the licensing process.
4. **Can I use clips from popular music in my news package?** This depends on how you use it. The purpose of pop music is to entertain by creating a particular mood, feeling or emotion. If you're using the clip to accomplish this same goal, that's not very transformative. But if you're commenting or critiquing the music, that's a clear example of fair use. If you're using a short sample of a song as an illustration of a larger idea, you may claim fair use. But if you're merely exploiting the familiarity of the song to attract people's attention, then you should ask permission and seek a license.