

# Journalism Ethics Development Mod 10 Part 2

## Legal Definitions

Student's Name: \_\_\_\_\_

You may have a great idea for your yearbook, but have you considered whether you have the legal right to include it in your publication? You should be familiar with the basics of copyright law.

As a form of speech and expression, yearbook content enjoys wide First Amendment protection. However, balanced against that right to expression, the yearbook must respect the rights of those whose lives and experiences are displayed upon its pages. Your finished product (either in print or digital form) is a published work subject to applicable laws and standards that professionals must follow.

While most staff members may not be old enough to vote, they are still legally responsible for what they print. Therefore, it is essential for yearbook staffs to understand the basics of the law as a roadmap to guide their decisions.

The First Amendment to the U.S. Constitution offers wide protection to speak and publish information, even if others find the speech offensive. However, the protections are not absolute; some limitations do exist. These protections for speech and publishing apply to students as well, but courts have ruled school officials do possess more authority to control speech and expression at school to maintain a safe, effective learning environment. Thus, students at school enjoy less First Amendment protection at school than do members of the community at large.

### Legal Information and Terminology

**First Amendment:** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

**Tinker Decision:** In 1969, The Supreme Court ruled in the Tinker Decision that students did have the right to express their political views. Their expression could not “materially disrupt class work or involve substantial disorder of invasion of the rights of others.” Administrators can examine publications copy before it goes to the press, and could request removal of material they deem libelous, controversial, or questionable.

**Hazelwood Decision:** In 1988, the Supreme Court ruled that the rights of public high school students are not necessarily the same as adults in other settings. Student publications are “...part of the school curriculum” of which administration oversees. This decision named the administrator as publisher and gave him the power of prior restraint.

**Appropriation:** A person's name or photograph cannot be used for commercial use without written consent. A photo of the homecoming queen on a poster with a bubbled message reading, "You'll be my king if you buy a yearbook today" is illegal without written consent.

**Copyright:** It was created to protect the artist, creator, or holder of the copyright from unlawful use of the material. Under this law, the following forms of "art" are protected: Literature, Music, Lyrics, Plays, Choreography, Pictures, Photos, Sculptures, Graphics, Movies, Audiovisual Works, Sound Records. A collage of copyrighted materials (CD covers, photos, magazine covers, etc.) may be photographed to demonstrate current trends. All cartoon characters are copyrighted, even if a student draws or traces the cartoon character. Despite a celebrity's public-figure status, the copyright belongs to the photographer or publisher of the photograph.

**False Light:** Information reported, and photographs taken are true, however if they imply something false, then this is false light. A picture of four athletes taking a water break during practice adjacent to the story on athletes breaking the substance abuse policy, implies these fours are guilty.

**Intrusion:** People in public places have no right to privacy, but restrooms, locker rooms and individuals' homes are considered private. A reporter cannot take pictures in these settings without consent.

**Libel:** A statement printed as fact that is false and attacks a person's reputation. To claim libel, four elements must be proven.

- Publication-the statement is printed in a public forum.
- Identification-the individual must be clearly identifiable (naming the person or a handful of people recognize who the story is about.
- Injury-If a small group of people understand the statement, it can qualify as damaging.
- Fault-If the reporter did not adequately verify facts before printing.

**Instructions:** Using the information provided, answer the following questions to the best of your knowledge. Answer the following questions as either Legal (ok to do) or Not Legal (Not ok to do). Answers to these questions were provided by two attorneys.

1. Because of a miscommunication on your yearbook staff, no one took photos during the state soccer championship game. The photo editor decides to download photos from one team member's personal Facebook page to use on the spread about the soccer team's amazing season. Are you legal or not legal? Not legal-must get permission from student
2. Another staff member thinks it would be humorous to use a picture of the school gym teacher without her knowledge when creating an ad promoting the new local donut shop. Are you legal or not legal? Not Legal- ad is commercial- must get permission from teacher and business

3. The theme of your yearbook is “A wonderful World” and you have decided to use Walt Disney’s characters to explain a wonderful world in your publication. Are you legal or not legal?

Not legal- all Disney is off limit- cartoons off limits

4. The theme of your yearbook is “The Best of Times” and you have decided to use all the words to that songs in your book. You gave the artist credit. Are you legal or not legal?

Not Legal- you can use up to three lines without permission; entire song- get permission

5. You were visiting Washington, DC and you just happened to witness the President of the US walking out of a restaurant. You take a picture of him and use it in your yearbook. Are you legal or not? Legal-he/she was in public and you took the photo

6. You are stretched to come up with a theme. You decide to create your yearbook, so it looks like a Monopoly board and your theme is “Monopoly.” Are you legal or not legal?

Not Legal- can duplicate but you need to change at least three things and recommended five

7. The theme of your yearbook is “Change” and you decide to glue a nickel on the front covers of all yearbooks. To personalize it, you bleach the coins and make the red to match your school color. Are you legal or not legal? Not Legal- you deformed currency- illegal

8. You write a caption in your yearbook teasing a girl because she has acne. Are you legal or not legal? Not Legal- you are up for slander

9. Your theme is “Loving It”, so you decide to use two McDonald’s looking arches on your yearbook. You changed the color from yellow to blue. Are you legal or not legal?

Not legal- you did make a change but if it looks too much like McDonald's you in trouble; 3 to 5 changes

10. A parent gives you a photo of her son when he is one year old. The little boy is completely naked and is standing up in the bathtub. You can see only his back side. The parent gives you permission to use the photo. Are you legal or not legal?

Not Legal- it is still consider nudity- all nudity and profanity, alcholol not allowed in yearbooks