

## **JOURNALISM 316/4 51**

### **Law and Ethics in Journalism**

Winter 2015

When: Tuesdays 6-8:15 p.m., unless otherwise announced

Where: CJ-3.306

Professor: Janice Tibbetts

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Office hours: Tuesdays and Wednesdays from 2:30-4:30 p.m., or by appointment

**Course description:** This course looks at issues and practices in journalism within the contexts of law and ethics. It aims to provide students with an understanding of professional standards and legal norms, together with a strong foundation in ethical reasoning.

**Objectives:** This course will give you a foundation in how Canadian law affects the way journalists do their jobs. It is about the protections and restrictions that the law places on journalists. The law alone, however, does not govern journalists' behaviour. There are also journalistic ethics, based on principles such as objectivity, accuracy, fairness, truth, responsibility, credibility and minimizing harm. Ethics sometimes intersect with the law -- and sometimes they don't. The course will be comprised of lectures, class discussions, in-class exercises, home assignments, and student presentations. By the end, you should be able to:

- Determine the best way to tell stories, legally and ethically
- Identify key legal and ethical constraints and guidelines in Canada
- Identify key defences for journalists
- Understand the freedom-of-expressions guarantees in the Charter of Rights and Freedoms

**Texts:** There are two required books for this course: *Media Law for Canadian Journalists (2<sup>nd</sup> Edition 2011)* by Dean Jobb, and *The Elements of Journalism (Revised and Updated 2014)* by Bill Kovach & Tom Rosenstiel.

There will be **assigned readings on legal cases**, which you can find on [www.canlii.org](http://www.canlii.org), run by the Canadian Legal Information Institute.

**Policy statement:** As an applied program, the Department of Journalism is committed both to teaching students how to practise journalism as well as how to conduct themselves as working professionals. For this reason, we enforce strictly a number of rules concerning attendance in class and deadlines for course assignments. **Attendance in all classes is mandatory** and is excused only in the case of serious medical or personal reasons (supported by a signed doctor's note) or

an internship organized by the department. Students on internships must inform their instructors in advance and remain responsible for all assignments during their absence. **Once registered for a course, a student missing four or more classes, for whatever reason, will receive a failing grade.** Instructors may deduct up to 10 per cent of a student's final grade for poor attendance, chronic lateness or inappropriate behaviour. All course assignments must be completed in the sequence and time frame stipulated in the course outline. Students must submit all assignments at the beginning of class, unless otherwise specified by the instructor. University-wide regulations are contained in the undergraduate and graduate calendars and the full list of department-specific rules and regulations is posted on the third-floor bulletin board, the computer labs, and classrooms CJ 3.307 and CJ 5.305.

**Grading:** Your grades will be based on the assignments outlined below. Criteria will include clarity of writing, quality of research and grasp of material. Your professionalism grade will take into account attendance, participation in class discussions, and conducting yourself in a professional manner. The scale for Journalism Department is:

<b>Grade</b>	<b>Numerical Value</b>	<b>Meaning</b>
A+	95-100	<b>Outstanding</b>
A	90-94	
A-	85-89	
B+	80-84	<b>Very Good</b>
B	75-79	
B-	70-74	
C+	65-69	<b>Satisfactory</b>
C	60-64	
C-	55-59	
D	50-54	<b>Marginal Pass</b>
F	< 50	<b>Failure</b>
R	< 50	<b>Very Poor - Failure</b>

**Original work:** The most common offense under the Academic Code of Conduct is plagiarism, which the code defines as “the presentation of the work of another person as one’s own or without proper acknowledgement.”

This could be material copied word for word from books, journals, Internet sites, professor’s course notes, etc. It could be material that is paraphrased but closely resembles the original source. It could be the work of a fellow student,

for example, an answer on a quiz, data for a lab report, or a paper or assignment completed by another student. It might be a paper purchased through one of the many available sources. Plagiarism does not refer to words alone. It can also refer to copying images, graphs, tables, and ideas. "Presentation" is not limited to written work. It also includes oral presentations, computer assignments and artistic works. Finally, if you translate the work of another person into French or English and do not cite the source, this is also plagiarism. **In simple words:**

**Do not copy, paraphrase or translate anything from anywhere without saying from where you obtained it!** For more on Plagiarism see Academic Code of Conduct: <http://www.concordia.ca/programs-and-courses/academic-integrity/plagiarism/>

**Importance of deadlines:** Journalism is based on deadlines and journalists thrive on them. It is rarely acceptable to submit work late. In this course, extensions may be granted only for serious personal or medical reasons (supported by a signed doctor's note). In such cases, please see me about it as soon as possible. Otherwise, there will be severe grade penalties for missing deadlines.

### **Course calendar:**

**Jan. 13:** Course introduction. An overview of the Canadian Legal System. Introduction to [www.canlii.org](http://www.canlii.org). Please bring your laptops to the first class so you can search for court rulings.

**Jan. 20:** Covering criminal courts. The principle of open courts and the value placed on the Charter of Rights guarantee of freedom of expression. Reading before class: Media Law, Chapter 2, 3 & 7. Chief Justice Beverley McLachlin speech at Carleton University, January 2012: [The Relationship Between the Courts and the Media](#).

**Jan. 27 & Feb. 3:** Restrictions on reporting the news. Publication bans, protection of privacy, protecting youth, contempt of court. Reading before class: Media Law, Chapter 5, 9 & 10.

**Feb. 10 & 17:** Defamation and the defences of truth, fair comment, qualified privilege, consent and responsible communication on matters of public interest. Reading before class: Media Law, Chapters 4 & 8.

**Feb. 24:** Reading Week. No class.

**March 3:** Access to hearings and documents. Review for mid-term test. Reading before class: Media Law, Chapter 11.

**March 10: Mid-term test.** Groups formed and topics assigned for ethics presentations.

**March 17:** Introduction to ethics. We will look at codes of ethics/conduct. In-class exercise and discussion: make a list of 10 things a reporter should never do. Reading before class: Media Law, Chapter 12.

**March 24:** How to make ethical decisions. First ethics presentation.

**March 31:** Ethics presentations.

**April 7:** Ethics presentations.

**April 14:** Ethics presentations.

**NOTE:** Please do the assigned readings before class, and come prepared to discuss the material. Your attendance and participation will be part of your professionalism grade.

Also, we will have two guest lecturers this term, media lawyers Mark Bantey and Christian Leblanc. Following each presentation, you will be required to email me a lead and three points main points that are made. This will be part of your professionalism grade.

**Assignments (details will be posted in Moodle):**

**DUE FEB. 17:** A memo of 1,000-1,200 words to the head of your news organization explaining why you would or would not break the publication ban in the Retaeh Parsons case. Refer to relevant case law, as well as ethical issues discussed in *The Elements of Journalism*. Submit in double-spaced hard copy at the start of class. Value: 20 per cent.

**MARCH 10.** Mid-term test. Value: 20 per cent.

**MARCH 24-APRIL 14:** Ethics presentation. Working in groups of two, you will give a presentation on an assigned ethical issue and lead a class discussion. Value: 20 per cent.

**APRIL 21: Take-home exam due.** Two essays. Topics will be posted toward the end of the term. Value: 30 per cent.

**OTHER GRADE:** Professionalism: 10 per cent.

Who is Janice Tibbetts?

I am an experienced journalist who spent more than two decades in the daily news business, writing for newspapers and news agencies in Central, Eastern, and Western Canada. I have covered no less than one dozen beats, including the

Supreme Court of Canada, Parliament Hill, and the Alberta and Nova Scotia legislatures.

Most recently, I was a longtime justice and political reporter for Postmedia News in Ottawa, before leaving in 2011 to pursue my longtime dream of teaching.

Still, I remember clearly how I had to pinch myself some days to believe that I got to cover some of the stories that I did: the legalization of same-sex marriage, an ocean yacht race between Marblehead, Mass., and Halifax, Henry Morgentaler's fight to open an abortion clinic in Nova Scotia and the creation of Nunavut in the late 1990s. I worked in Washington for the lead up to the U.S. war in Iraq, criss-crossed the country covering several Canadian elections, and wrote about too many monumental Supreme Court of Canada rulings to count. I can't imagine more exhilarating work.

This is my second year teaching at Concordia.