

Be consistent in getting consent where it is needed

Because some student journalists have had issues, including facing litigation, with identifiable sources claiming they did not give consent for the publication of information attributed to them, JEA's Scholastic Press Rights Commission recommends student media organizations follow a consistent process to help prove consent was obtained and to avoid potential legal conflicts.

Resources:

- **Principles of journalism**

<http://www.journalism.org/resources/principles>

- **The sources we use**

<http://www.poynter.org/how-tos/digital-strategies/e-media-tidbits/21136/the-sources-we-use/>

- **Take three steps to avoid future Novaks**

<http://www.poynter.org/latest-news/everyday-ethics/poynter-ethics-journal/16661/take-three-steps-to-avoid-future-novaks/>

- **Guidelines for evaluating sources**

<http://www.poynter.org/uncategorized/1835/who-said-that-guidelines-for-evaluating-sources/>

- **Vulnerable sources**

<http://www.poynter.org/uncategorized/8880/vulnerable-sources/>

The Commission recognizes that thorough reporting sometimes requires obtaining private or intimately sensitive information to give credibility to a story. It also recognizes that journalists want to avoid unwarranted invasions of privacy and related legal claims.

The Commission does not discourage reporting of sensitive topics, but urges student journalists, when they pursue such stories, to rely on more than verbal consent any time identified sources provide information that would normally be considered private and intimate.

The Commission recommends student journalists obtain consent for such information in writing or via audio or video in which the source explicitly states he or she understands the information is intended for publication. Additionally, if journalists believe a source who is a minor is incapable of appreciating the consequences of giving such consent, they should obtain consent, also in writing or via audio or video, from a parent or guardian.

The Commission believes scholastic journalists should always be sensitive to the lives and needs of their sources – and audience – as they engage in the information gathering and reporting process. The Commission recommends students contact the Student Press Law Center with legal and ethical questions about this process.

Specific process questions for stories:

- What is the journalistic or educational value in this story? Why are we running this story? Is it of overwhelming concern?
- Does the reader have the right or need to know this story?
- Who benefits or who gets hurt if the story turns out to be false or misleading?
- What safeguards do I practice or can implement that will increase my objectivity and ability to judge what to report in this story?
- Before any information is published, has the reporter considered possible consequences to all concerned with a story?
- Are students in agreement with following their media's policy on handling unnamed sources? Will they agree to not take any information without checking and adhering to the policies, and their editors? (This adherence should include knowing the extent of protection the media extends to the source in case officials demand to know the source's identity.)

Specific process questions for use of any source:

- Has the reporter made every attempt to verify information no matter who the source?
- Has the reporter determined whether the source (no matter who the source) is credible in this situation, with this information. Is the source the best for this information?
- Is there a reason the source is willing to share this information, and can the reporter ascertain the

“ Has the reporter determined whether the source (no matter who the source) is credible in this situation, with this information. Is the source the best for this information? Is there a reason the source is willing to share this information, and can the reporter ascertain the motive?

Resources:

- **Reporting school shootings**

<http://www.poynter.org/latest-news/everyday-ethics/talk-about-ethics/11021/reporting-a-school-shooting/>

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- **Lesson plan on informed consent**

<http://www.jeapressrights.org/2008documents/2008Teachingmaterials/2008Teaching/2008onlinelessons/informedconsent.pdf>

- **Anonymous sources links**

<http://www.poynter.org/column>



motive?

- Did the reporter work hard enough to find the right source(s)?

- What does my (the reporter's, the editor's) gut say about this story?

- Was the reporter sensitive to the maturity of sources and audience and make sure to obtain and present complete information?

- Has the reporter thought about why sources involved shared information and what possible impacts or harm might occur?

- Have reporters and editors discussed possible outcomes with the source; to make sure the source understands those possible outcomes and is fine with them if students decide to use the source and information?

- Have students developed guidelines that include use of consent and under what conditions?

Specific process questions about use of anonymous sources:

- Is there a clear and compelling need to protect the source's identity?

- Is there any other way to obtain the information from identifiable sources?

- What does the use of a confidential source mean to the factual accuracy and contextual authenticity of your story?

- Could the story have been published without the quotes or anecdotes in question, or the source?

- What legal obligations do students incur by promising not to reveal this source's name? If they are sued, are they willing to go to jail to protect this source? If they are sued, will the source come forward and be named? Is any reluctance justifiable?

- Is consent needed if a source is going to be totally unidentifiable? (Such information might accidentally fall into the wrong hands and identify an otherwise anonymous source.)

- If the students decide to identify a source, they need to have a rationale; will they have discussed this rationale with the source? Are all parties in agreement?

- **To use or not to use? That is the question**

<http://www.jea.org/pressrights/pressrightscurriculum/anonymoussources.html>

- **Think before you record**

http://www.poynter.org/content/content_view.asp?id=86432

http://www.poynter.org/content/content_view.asp?id=69848

- **For the Post, anonymous sources remain a problem**

<http://www.washingtonpost.com/wp-dyn/content/article/2010/06/11/AR2010061104313.html>

- **Lurking in the shadows**

http://www.pbs.org/newshour/bb/media/july-dec98/sources_9-30.html

Think First

JEA
press rights
commission

Free expression
through
responsible
journalism

Marina Hendricks
Newspaper Association of America Foundation
Arlington, VA
September 28, 2008

Title:
Informed Consent

Overview and Rationale:

The practice of journalism involves responsibility not only to readers, but also to sources. This lesson prepares students to deal with sources in an ethical manner through class discussion and role-playing in situations they may be called upon to address.

Goals for Understanding:

Essential question:

How do I make sure my sources understand the consequences of being interviewed and quoted?

Critical engagement questions:

What stories might present issues with sources?

What do I owe my sources?

How does educating sources affect our publication?

Overviews and Timeline:

Activity 1 (one class or meeting period)

Students will be introduced to privacy and consent issues through the instructor's PowerPoint presentation.

Activity 2 (one class or meeting period)

Students will review past issues of their publication or other publications – selected in advance by the instructor – to identify stories in which consent of sources was or could have been a challenge. Through role-playing exercises, they will consider these stories from the perspectives of reporters, editors, readers (students, teachers, administrators), sources and parents of sources.

Activity 3 (two classes or meeting periods)

Students will evaluate their upcoming story budgets to identify stories in which consent of sources could be an issue. They will develop an action plan for dealing with these situations. The action plan will feature a checklist of items to discuss with sources (the topic of the story, how quotes will be used, etc.). It also will include policies on using anonymous sources and seeking additional consent from parents (including what situations might warrant additional consent). Students will draft a consent form for sources to sign.

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Materials were produced for this Web site by the Journalism Education Association (<http://jeapressrights.org>) and the Center for Scholastic Journalism <http://jmc.kent.edu/csaj>.

Free expression through responsible journalism

Activity 4 (one class or meeting period)

Using the checklist, students will role-play to develop strategies for obtaining consent from sources – and, when necessary, their parents.

Assessment:

The action plan will be permanently posted in the classroom or meeting area and the master consent form will be filed where students can access it quickly and easily. Grading will be based on participation in class discussions and demonstrated ability to analyze situations in a mature, logical fashion.

References:

“Law of the Student Press”

Samples of student-produced publications (scholastic and local newspaper)



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