Unit 2: Publication Law and Ethics

Content Area: **English Language Arts**
Course(s):
Time Period: **Marking Period 3**
Length: **2-3 Weeks**
Status: **Published**

Brief Summary of Unit

Students will review libel/defamation, invasion of privacy, obscenity, copyright, contracts, and school publication policy and how these facets inspire and impact the publication of a school yearbook.

Interdisciplinary Connections and Career Readiness:

This unit is designed to be part of a developmental progression across grade levels and make interdisciplinary connections across content areas including physical and social sciences, technology, career readiness, cultural awareness, and global citizenship. During this course, students are provided with opportunities to develop skills that pertain to a variety of careers. When completing this course, students can make informed choices and pursue electives that further their study and contribute toward the formation of career interest.

Revision: June 2023

Essential Questions

- How do copyright laws support and promote creative expression?
- How does the First Amendment influence the construction of the yearbook?
- How does the Hazelwood case affect prior review and prior restraint?
- Why are student journalists held to such a high standard?
- What is the purpose of differentiating between personal opinion and societal opinion?
- How do personal feelings impact the selection process of photographs and the inspiration for captions?

Essential Understandings

- Being a journalist requires moral and ethical responsibility
- All photo and copy must portray individuals in a positive light
- Personal feelings should be left out of the yearbook coverage
- It is important to check and double check facets before publishing
- The rules of copyright must be followed to avoid fines and delays in publication
- The goal of understanding publication law is to establish mutual trust and a collaborative approach

between administrative leaders and publication staff and advisors by defining roles and responsibilities

Students Will Know

- Recognize the restrictions that copyright and trademark protection may place on the publication of material belonging to others
- The four elements of libel include: 1. Identification: The statement about a person or other entity must be false. 2. Publication: The statement must be 'published,' or made available to a third party. 3. Injury: The person about whom the statement is made must be "damaged" in some way by it. 4. Fault: The person who has published the statement must be found to have acted negligently in publishing the content, either by proving "actual malice" or at least a blatant disregard for whether the statement is true or not
- The JEA Code of Ethics
- The law against copyright infringement
- The influence of the First Amendment on publication
- Defamation laws protect the reputations of individuals and other entities from untrue and damaging statements
- The decision of the US Supreme Court Case of Hazelwood vs. Kulhmeier
- The definition of obscentiy and what constitutes an appropriate photograph

Students Will Be Skilled At

- Protecting the privacy and portraying individuals in a positive light
- Identifying instances of libel, and distinguishing between the four basic elements of libel
- Avoiding libelous and defmaing statements
- Communicating and reviewing copy with administrators and advisors

Evidence/Performance Tasks

Developmental progression across years in both reading and writing is evidenced by multiple benchmark assessment screeners, administered two times per year. Follow up diagnostic assessments are used to target skill remediation. Student proficiency allows for additional or alternative assessment based on demonstration or absence of skill.

Students demonstrate differentiated proficiency through both formative and summative assessments in the classroom. Based on individual student readiness and performance, assessments can be implemented as formative and/or summative.

The performance tasks listed below are examples of the types of assessments teachers may use in the classroom and the data collected by the district to track student progress.

Formative:

- Teacher Observations
- Accountable Talk, Socratic Seminars/Fish Bowls
- Analysis of multimodal text sets
- Analysis of critical commentary, literary criticism
- Writers Notebook (quick writes/drafts/prewrites), emphasizing author's craft
- Close reading analysis of text using evidence as substantiation
- Conferences: Individual and small group, accompanying conference notes
- Reflective exercises and assessments
- Oral Reading and Interpretation
- Peer and self-evaluations of learning
- Entrance and Exit Tickets
- Open-Ended Responses in Journal
- Textual Analysis Reading Responses
- Dialectical Journal
- Rhetorical Precis
- SOAPSTone Analysis

Summative, including Alternative Assessments:

- On-demand Writing Assessments, timed and untimed
- Researched Presentations
- Performance Assessments
- Project-based Learning
- Problem-based Learning
- Personalized Learning
- Visual Literacy Prompts
- Digital Portfolios
- Online Discussion Forums
- Analytical and Expository Essay

Benchmark:

- Benchmark reading and writing assessments, scored using rubrics, district-created and standards-aligned; based on NJSLA, reported twice per year
- Common Lit Reading Benchmark Assessments, three times per year (grades 9-11)
- NJGPA (grade 11)
- PSAT (grades 10-11)
- SAT (grades 11-12)
- Final Exam
- IXL

Learning Plan

Teaching Point: Effective journalism includes moral and ethical responsibility and application.
Possible Activities:

- Research and discuss defamation, libel, and invasion of privacy.
- Evaluate statements for the 4 elements of libel
- Brainstorm and discuss ways to avoid libel/defamation/invasion of privacy in the yearbook.
- Discuss ways to avoid copyright infringement in the yearbook

Teaching Point: New Jersey laws differ in some cases from other states in the US.
Possible Activities:

- Read about and debate whether prior review/prior restraint are necessary and if they violate student rights.
- Read and examine the 2016 bill that was introduced in NJ to prohibit school districts and public universities from authorizing prior restraint of school-sponsored media.
- View and discuss videos such as "How Journalists Minimize Bias"
- Students read about/research Hazelwood v. Kuhlmeier decision and discuss how it applies in the context of yearbook

Teaching Point: Student journalists have specific rights and responsibilities to use "good taste" and sound judgement in all facets of publication.
Possible Activities:

- Evaluate the societal definition of good taste and how this definition translates to the publication process
- View photos and have students choose the best photos to portray the most positive light
- Throughout the unit students will apply the laws of publication to ethical dilemmas and the Golden C.
- Use the computers to research an issue in student's rights, finding at least three sources to corroborate their ideas.

Materials

- Student Press Law Center: http://www.splc.org
- Copyright law: http://www.splc.org/article/2015/08/student-media-guide-to-copyright-law
- Article about prior restraint bill introduced to NJ Assembly: http://www.splc.org/article/2016/07/bill-protecting-students-press-rights-re-introduced-to-nj-assembly
- Student handout "You be the judge": http://resources.yearbookavenue.jostens.com/wp-content/uploads/2015/08/SR-1.4-rb-two-page-answer-key.pdf
- The Journalism Education Association: http://www.jea.org

Suggested Strategies for Accommodations and Modifications

Content specific accommodations and modifications as well as Career Ready Practices are listed here for all

students, including: Special Education, English Language Learners, At Risk of School Failure, Gifted and Talented, Students with 504.

Possible accommodations include:

- Access speech-to-text function on computer
- Use visual presentations of all materials to include organizers, charts
- Allow students to set individual goals for writing/reading
- Offer graphic organizaers, note-taking models, strategies for summarizing, and questioning techniques
- Offer oral assessments
- Supply study guide questions and access to class notes
- Work in partnerships
- Give responses in a form (verbal or written) that is easier for the student
- Take additional time to compete a task or project
- Scaffold by chunking material and texts
- Individualize reading choices based on ability and level
- Take frequent breaks
- Use an alarm to help with time management
- Small group and one on one assessment
- Mark text with a highlighter or other manipulative such as a post-it
- Receive help coordinating assignments
- Answering fewer questions or completing shorter tasks
- Modify the length and quantity of assignments to fit individual
- Differentiate roles in discussion groups
- Use digital technology, eBooks,, audio version of printed text
- Create alternate assignments or homework
- Provide distinct steps in a process; elminate unnecessary steps, as needed
- Use art, music, and film to convey alternate interpretation of literature and assessment
- Manage executive function by scaffolding process and amending deadlines

Adhere to all modifications and accommodations as prescribed in IEP and 504 plan