

COMM 337 – Basic law quiz

1. You are an editor at The Candor and Jennifer, a classmate you trust, just walked into the newsroom to tell you that, for the last few months her math professor has been making inappropriate, sexually suggestive comments to her after class. Unfortunately, she says there were no witnesses to any of their exchanges. She has not reported the incidents to anyone else. You believe that sexual harassment is a problem that really needs to be addressed. Which of the following options do you consider the best?

- a. Because you believe Jennifer to be an honest person, you publish a story reporting her claims without any further investigation.
- b. You do not attempt to cover the story or the issue of sexual harassment at all. It's just too risky.
- c. You contact the math professor prior to publication and give him a chance to deny and respond to the charges, but otherwise publish Jennifer's accusations as she relayed them to you.
- d. You publish a story about the issue of sexual harassment generally using Jennifer's accusation as an example. But you do not use either Jennifer or the teacher's names in the story and are careful to avoid including any other information that might identify them (you refer to them as only "a student" and "a teacher").

2. The BenU president has ordered you to reveal the identity of the confidential source you interviewed for a news article that exposed serious lapses in your school's maintenance program. What is your best option?

- a. Give the president the name he wants, even if it means your source could be punished or lose his job. You have no choice but to obey the direct order of a school official. Doing otherwise could lead to serious punishment for you, including suspension or expulsion.
- b. Politely -- but firmly -- refuse the president's demands and immediately seek legal help. The president may have no legal authority to compel you to reveal your source absent a formally issued subpoena (which you would be permitted to contest in court). More importantly, you have made a promise to your source, which you are ethically -- and perhaps legally -- bound to keep, no matter the consequences to yourself.
- c. Tell the president that you're willing to retract the story if he backs off his demand that you reveal your source. While not an ideal solution, it makes the best of a bad situation.
- d. None of the above.

3. Which of the following types of information should be available under a state's open records law?

- a. Budget records showing the salary paid to your city's high school district superintendent last year?
- b. Budget records showing the amount of money spent by St. Olaf's Private School for Girls on roses to decorate the headmaster's house last year?
- c. Individual medical forms filed with your public high school showing that all student athletes are healthy and eligible to play.
- d. All of the above.

4. Four separate kinds of invasion of privacy legal claims filed against journalists have been recognized by the courts, which are:

- a. (1) Publication of False Rumors, (2) Electronic Trespassing (3) False Light and (4) Misappropriation
- b. (1) Publication of Private and Embarrassing Facts, (2) Intrusion, (3) False Light and (4) Misappropriation
- c. (1) Publication of Private and Embarrassing Facts, (2) Eaves dropping (3) Use of False Credentials and (4) Misappropriation
- d. (1) Publication of Private and Embarrassing Facts, (2) Intrusion, (3) False Light and (4) Mistaken Identification

5. Late one night, you are walking home from the library. As you pass the school, you see a man get out his car and throw a rock through the president's parked car window. The vandal then hurries back to his car and speeds away. As the car passes by, you are stunned to see one of your professors, Mr. Jones (who actually gave you the only "D" grade you ever received) at the wheel. He is the only one in the car. Which of the following is an accurate statement?

- a. Truth is an absolute defense to a charge of libel. Because you saw Mr. Jones commit the act with your own eyes, you are safe to publish the story about the vandalism.
- b. Truth is an absolute defense to a charge of libel. However, without anything other than your eyewitness account to go on, the story still poses substantial legal risks.
- c. Statements of opinion cannot be libelous. Therefore, because there are no other witnesses or evidence to the event, the safest way to handle the story is to publish it on the newspaper's "Opinion Page." As long as you carefully preface your charge with, "I believe Mr. Jones vandalized the school," you will be protected from a successful libel claim.
- d. None of the above.

6. On Wednesday, you reported that police arrested the school's provost, John Doe, over the weekend for driving under the influence (DUI). On Thursday, you received a call from his lawyer. It turns out it was actually Jack Doe, John's uncle, that was arrested, and John is planning to sue the newspaper for libel. Which of the following will be least helpful to your defense?

- a. Before publishing the story, your reporter learned that John is an ex-con. The reporter also took a photo of several beer-themed posters hanging in the cleaning supply closet where John keeps his equipment.
- b. Before publishing the story, your reporter obtained a copy of the police blotter and accurately reported the information it contained. (Unfortunately, the arresting police officer had written down the wrong name.)
- c. Your reporter called and left three messages on John's home answering machine seeking comment the day before the story ran.
- d. Both you and your reporter believed the story was accurate when you published it.

7. You are the online editor for The Candor. You just noticed that an individual using the name "DeepVoice" has posted the following comment on your Web site's bulletin board, which allows readers to directly post their own comments and opinions: "Professor busted for domestic battery!!!!" The post alleges that the professor was arrested over the weekend and that the school's public relations office is coordinating a massive cover-up. You have heard absolutely nothing about this until now. If your only goal is to protect The Candor from liability, what should you do right now?

- a. Remove the entire post immediately.
- b. Don't touch the post.
- c. Delete those parts of the post that you believe are libelous or otherwise offensive, but leave the rest. In the meantime, put a reporter on the story to see if she can confirm the charges.
- d. Any of the above.

8. Which of the following three statements about the federal Family Educational Rights and Privacy Act (FERPA), also sometimes referred to as the Buckley Amendment, is not true:

- a. FERPA prohibits a high school student newspaper editor from publishing student photos without parental permission.
- b. FERPA prohibits schools from releasing the "educational records" of students to third parties without a student's (or in some cases, his parents') consent.
- c. FERPA requires a school to provide a student (or in some cases, his parents) with a copy of his own educational records upon request.
- d. All of the above.

9. Candor reporter Nina Sanchez is preparing for an interview with three officers of the local teachers' union, who are leading an effort to renegotiate a salary increase for teachers. Because she is concerned about getting the story right, Nina wants to tape record her interview. From whom does she need to get permission before she can make that recording?

- a. The president of the teacher's union.
- b. Each of the union officials who she will be interviewing.
- c. None of the union officials who she will be interviewing.
- d. It depends in which state the interview occurs.

10. More than a dozen students were injured last night when a fight broke out in the stands during a BenU basketball game. The next morning, police -- who saw a photographer for The Candor taking pictures of the melee -- show up at your newsroom demanding the cameras' memory cards. As editor of the newspaper, they inform you that they have launched a formal criminal investigation. They hand you a search warrant and tell you to stand aside so they can retrieve the cards. What should you do?

- a. Unfortunately, there is really nothing you can do. The police have an official search warrant and you must let them do their jobs whether you like it or not.
- b. Block their paths and order them out of the newsroom immediately. The police are breaking the law and you have the right to stop them from searching your newsroom and confiscating your staff's work product even if it means a physical confrontation.
- c. Tell the police that you don't want them searching your newsroom. However, as a compromise, you can offer to make them copies of the memory cards. You can also promise to have your photographers submit a list of the names of students they recognized last night.
- d. Tell police in clear, unambiguous language that you do not consent to their search and hand them a copy of the federal Privacy Protection Act. Ask that the search be delayed until legal counsel can be sought.

11. Why is the *New York Times Co. v. Sullivan* case important?

Quiz from the Student Press Law Center