

ComStrat 312 – Principles of PR

Exam II: Chapters 5, 6, 7, 8

Lecture Content

1. PR Ethics

I. COMPLAINTS ABOUT PR

- A. MISLEADS THE PUBLIC
- B. perpetuates images over reality
- C. CREATES MISINFORMATION
- D. creates barriers to communication
- E. COMPLAINTS ABOUT PR AS MARKETING COMMUNICATION (LIMITED VIEW OF PR)
 - 1. Encourages materialism
 - 2. Manipulates people
 - 3. Excessive
 - 4. Offensive or in bad taste; debases our language and culture
 - 5. Deceptive
 - 6. May encourage harmful activity
 - 7. Contributes to product cost
 - 8. Reduces competition; creates barriers to market entry

II. WHAT ARE ETHICS?

- A. DEFINITION: MORAL PHILOSOPHY, VALUES; DEALING WITH MORAL DUTY OR OBLIGATION (CONFORMING TO PROFESSIONAL STANDARDS)
- B. JAKSA & PRITCH.: ETHICS CONCERN QUESTIONS OF RIGHT OR WRONG, FAIR OR UNFAIR, GOOD OR BAD, RESPONSIBLE OR IRRESPONSIBLE
- C. ethical questions often raise issues related to trust and reputation
- D. questionable behavior begs the question: can I trust your organization at all? (Silverman)
- E. practitioners must balance or satisfy:
 - 1. The public's interest
 - 2. Employers' and clients' expectations
 - 3. Professional codes of ethics
 - 4. Their own personal values
- F. ethical dilemma: crisis due to unresolved differences concerning an issue or problem
- G. ethical lapse: practitioner behavior that fails to apply ethical standards

III. ETHICAL CONSIDERATIONS

- A. MANY ETHICAL DILEMMAS CONCERN THE TRUTH
- B. personal ethics usually begin where laws end (it may be legal, but is it ethical?)
- C. IF AN ACTION IS LEGAL MANY PRACTITIONERS ALSO CONSIDER IT ETHICAL
- D. some questions to consider
 - 1. Who are we trying to influence and why?
 - 2. What do we have to say or do to win their support?
 - 3. What are the possible positive and negative results of our actions?

IV. DIFFERENT ETHICAL OPINIONS

- A. Practitioner's job is to serve as a client mouthpiece regardless of personal views
- B. I can work for clients/employers holding opinions at variance with my own as long as they don't affect my work
- C. You should quit or decline jobs that are counter to your personal views

V. PRSA CODE OF ETHICS CORE PRINCIPLES

A. FREE FLOW OF INFORMATION

1. Protecting and advancing free flow of accurate, truthful info
2. Improper to give expensive race skis to columnist to influence product reviews

B. COMPETITION

1. Promoting healthy and fair competition among PR professionals
2. RFP= Request for proposal
3. Improper to give inside info to firm competing for organization's business

C. DISCLOSURE OF INFORMATION

1. Open communication fosters informed decision making
2. Improper to implement campaign on behalf of undisclosed interest group

D. SAFEGUARDING CONFIDENCES

1. Client trust requires protection of confidential, private information
2. Improper to change jobs and use confidential info in new position

E. CONFLICT OF INTEREST

1. Avoiding conflicts of interest builds trust of clients, employers (& public)
2. Improper to fail to inform a prospective client that you represent a competitor

F. ENHANCING THE PROFESSION

1. Work to strengthen the public's trust
2. Improper to promote a product as safe when evidence suggests it's not.

2. Legal Issues in PR

I. PR AND THE LAW

A. LEGAL ISSUES, GROWING CONCERN FOR PRACTITIONERS

1. Litigious society
2. Abundance of lawyers
3. Deeper involvement of PR in more complex areas

B. PROBLEM: MANY PRACTITIONERS HAVE A LIMITED UNDERSTANDING OF LEGAL ISSUES

II. THE FIRST AMENDMENT & CORPORATE SPEECH

A. FIRST AMENDMENT

1. Fear of tyranny of information
2. Free marketplace of ideas
3. Truth will surface

B. CORPORATE SPEECH

1. COMMERCIAL SPEECH (PRODUCT ADVERTISING) HAS A LOW LEVEL OF PROTECTION (VIRGINIA STATE BOARD OF PHARMACY V. VIRGINIA CITIZENS CONSUMER COUNCIL, 1976)

2. WHEN DECIDING COMMERCIAL SPEECH REGULATION, COURTS USE A FOUR-PART TEST (CENTRAL HUDSON GAS & ELECTRIC CORP. V. PUBLIC SERVICE COMMISSION OF NEW YORK, 1980)

- a. Speech must concern lawful activity and not mislead to be protected
- b. Government interest must be substantial enough to justify regulation
- c. Regulation must advance government interest
- d. Regulation must be no more extensive than necessary to serve government's interest

3. OTHER CORP. EXPRESSION

- a. POLITICAL EXPRESSION TO EMPLOYEES: PARTISAN MESSAGES LIMITED TO EXECUTIVE & ADMINISTRATIVE PERSONNEL, SHAREHOLDERS & FAMILIES
- b. Corporate campaign financing restricted
- c. CORPORATE SPEECH ON REFERENDA & PUBLIC/SOCIAL ISSUES (FIRST NATIONAL BANK OF BOSTON V. BELLOTTI, 1978)

d. Lobbying (right to petition the government) is protected and regulated

III. COMMUNICATION MEDIA

A. PRINT MEDIA

1. Enjoys the greatest amount of first amendment protection
2. NO RIGHT OF ACCESS, NO RIGHT OF REPLY (MIAMI HERALD V. TORNILLO, 1974)

B. TELEVISION

1. SUBJECT TO GOVT. REGULATION (FCC, CREATED BY COMMUNICATIONS ACT, 1934)
 - a. Must be licensed to own and operate; must operate in the public interest
 - b. Rationale: spectrum scarcity (no longer a real issue)
2. Cable also regulated by the FCC (cable communication policy act, 1984)

C. INTERNET

1. RENO V. AMERICAN CIVIL LIBERTIES UNION 1997 (COMMUNICATION DECENCY ACT)
2. SUPREME COURT: THE NET "DESERVES THE HIGHEST PROTECTION FROM GOVERNMENT INTRUSION"¹⁰

IV. ACCESS TO GOVT. INFORMATION & MEETINGS: FREEDOM OF INFORMATION ACT, 1966; ELECTRONIC FREEDOM OF INFORMATION ACT, 1996

- A. Can petition the federal gov't for most information
- B. Nine restricted categories of information
- C. Similar state legislation: Washington open meetings act, open records act
- D. RELATED: GOVERNMENT IN SUNSHINE ACT, 1976 (REQUIRES FED. AGENCIES' POLICYMAKING & GOVERNING BOARDS TO ANNOUNCE OPEN MEETINGS; AGENCY MUST REPORT RESULTS OF CLOSED MEETINGS)

V. LIBEL AND SLANDER

A. LIBEL WRITTEN, SLANDER SPOKEN (NO DIFFERENCE IN REALITY)

B. GENERAL REQUIREMENTS

1. DEFAMATION
 - a. Falsehood
 - b. Damaging to a person's reputation or good name
2. Publication (a witness or third party)
3. Identification
4. Retraction (most states require before legal action)
5. FAULT: PUBLISHED WITH NEGLIGENCE (A MISTAKE THAT DAMAGES OR HARMS); SIMILAR TO MALPRACTICE (FAILURE TO ACT AS OTHERS IN SIMILAR CIRCUMSTANCES)

C. PUBLIC OFFICIAL/FIGURE

1. PUBLIC OFFICIAL: GOVT. EMPLOYEES WITH SUBSTANTIAL RESPONSIBILITY
2. PUBLIC FIGURE: INVITE OR SEEK ATTENTION¹¹
3. Additional burden of proof: malice
 - a. knowing falsehood
 - b. reckless disregard for the truth

D. DEFENSES

1. TRUTH
2. PRIVILEGE (FAIR/ACCURATE ACCOUNT OF GOVT. PROCEEDINGS/DOCUMENTS)
3. Opinion defenses (fair comment)
4. MEDIA LAWYERS ALSO MAY SEEK DISMISSAL VIA SUMMARY JUDGMENT OR STATUTE OF LIMITATIONS