

Fair Publishing Practices Code

Catholic Press Association of the United States and Canada

PREAMBLE

This code is a pledge of our professional behavior as Catholic Press Association members. This is not a legally binding document, and nothing in it should be construed as legal advice. We hope, nonetheless, that all members will choose to observe the principles set forth here as a condition of continuing membership.

We are journalists, editors, publishers, photographers, book publishers, artists and designers; we work in advertising, circulation, promotion, marketing and business. We may be part of a staff or free-lancers; we may work on newspapers, magazines, newsletters, books or Internet sites. This document suggests approaches to deal with everyday ethical problems that confront everyone in our business, but does not impose legal standards or responsibility.

The ethics we Catholic publishers and journalists practice are on public display in our publications and in our conduct with news sources, contributors, advertisers, co-workers and others. Our ethics significantly affect our readers and their understanding of the Catholic Church, as well as society at large and ourselves.

This code applies principles derived from the Catholic faith and its guidelines mirror those followed by secular professional journalists' organizations.

This Code follows certain moral principles. Truth must be the cornerstone of all our work. Pursuit of the truth will lead to the Truth that is God. So telling the truth must be our first priority, whether in a story, a photo, a quote, the presentation of an offer in an advertisement or the publication's dealings with its various publics. Any breach of this prime directive hurts ourselves and other people, sullies reputations and damages the credibility of our publishing institution and the Church.

All our members in all phases of our publications' operations should examine their cultural values both to be aware of our prejudices and other limits on our perceptions of truth, and to seek to understand and represent the diversity of the community we serve.

While this code attempts to be comprehensive in its look at ethical issues facing member publications, it does not cover all areas of operation, particularly those connected to business practices and personnel management. That said, we as members of the Catholic Press Association do commit ourselves to hiring practices that are reflective of the people we serve and to personnel practices that center on treating all employees – whether ordained, religious or lay – with fairness and justice.

CPA cannot and does not control its members' practices, and this Code is intended as a guide to provide members with suggested minimum standards. Under no circumstances shall the Catholic Press Association, nor any of its members, be responsible for any liability incurred by, damages of any kind assessed against, claims made or actions brought against any member arising from or related to this Code, or for the manner in which this Code is enforced.

We recognize our calling as journalists to behave in a moral, ethical manner. The code can only be as effective as we, the association's members, make it.

EDITORIAL

The mission of an authentically Catholic press is to inform and to form public opinion in conformity with the Truth and the pursuit of truth. Good faith with the reader is the foundation of good journalism. This is especially true for Catholic journalists since readers oftentimes trust what they see in a Catholic

publication to a greater degree than they trust other media. We, as members of the Catholic Press Association, strive to:

- Make every effort to ensure that the news content is accurate, free from bias, in context and presented fairly.
- Hold editorials, analytical articles and commentary to the same standards of accuracy with respect to facts as news reports.
- Correct promptly and prominently significant errors of fact and errors of omission.
- Identify sources. When an unidentified source is used in an article, at least one editor should know the identity of that source so as to take responsibility for the accuracy of the information attributed.
- Prevent the use of fabricated quotations or invented sources, even in the attempt to bring greater understanding, as this is a breach of trust with the reader.
- Respect the rights of people involved in the news, observe the common standards of decency and stand accountable to the public for fairness and accuracy. Show compassion for those who inadvertently become “news” through tragedy or crime, being especially sensitive to children and people inexperienced with the media.
- Ensure that fairness is the basic principle in writing, editing, photo display, layout and headline writing, including:
 - Completeness. No story is fair if it omits facts of major importance or significance.
 - Relevance. No story is fair if it includes essentially irrelevant information at the expense of significant facts.
 - Honesty. No story is fair if it consciously or unconsciously misleads or even deceives the reader.
- Evaluate letters to the editor in the context of furthering the common good and building community, as letters to the editor can provide a valuable forum for dialogue on those issues that are open to debate and discussion. Require that opinions expressed should focus on issues and avoid *ad hominem* attacks.
- Distinguish between news reports and opinion, so it is clear to the reader what is opinion and what is news.
- Label clearly as advertising paid-for editorial material or “advertorials.”
- Never plagiarize, the intentional appropriation and use of another’s work, whether in print or on a Internet site, as this violates basic principles of journalism, is a failure of justice and may be illegal.
- Attribute material from other newspapers and other media.
- Avoid disseminating to anyone confidential and/or proprietary information obtained through one’s employment with a member publication until such information has been made available to the public.

PHOTOGRAPHY

Photojournalism always should report truthfully and objectively. Photographers should follow the same ethical standards as other journalists; however photography has special concerns. We, as members of the Catholic Press Association, strive to:

- Be credible. Altering content of a documentary photograph in any way that deceives the public is wrong. This includes digitally removing or adding content to any photograph.
- Use photographs in appropriate context. Avoid captions and placements that misrepresent the original context of a photograph.
- Refrain from setting up documentary/news photographs. It is unethical to orchestrate or lead the action at a news assignment. Photographers, however, may pose certain subjects for portraits and illustrations.
- Identify clearly as a “photo illustration” a contrived image that is created to illustrate a subject or theme.

- Consider strict news value before deciding whether or not to cover staged events held only for the benefit of the media – usually called “photo-ops.” In many cases, photo-ops should be avoided.
- Obtain written consent from individuals or private-property owners when photos are used for promotional or advertising purposes. Model releases are not necessary when photographing for news purposes and could impede a journalist’s ability to cover a news event, but when assessing whether a release or other permission is necessary, the advice of counsel is recommended.
- Find creative ways to enhance access and proximity to the subject without compromising respect, courtesy or flexibility.

FREELANCING

The relationship between freelancers and publications is a business relationship that not only depends on contracts and assumes mutual respect and trust, but also relies on the publishers’ and editors’ sensitive consideration for and just treatment of the individual whose creativity and professionalism are represented in the work.

We, as freelancers and members of the Catholic Press Association, strive to:

- Perform professionally and assume primary responsibility to provide a fair and comprehensive account of events and issues.
- Test the accuracy of information to avoid inadvertent error.
- Label clearly that which is opinion and commentary.
- Never plagiarize. Never manipulate quotes or images. Photographers should label as “illustrations” any set-up or contrived images.
- Disclose to the editor submission of material to other publishers, even if presenting differing angles.
- Disclose to the editor, before acceptance of an assignment, any actual, potential or apparent conflict of interest, including but not limited to any financial interest in any product, firm or commercial venture relating to the subject of the work.
- Honor contracts and agreements, including mutually agreed deadlines.

We, as publishers, editors and staff members of the Catholic Press Association, strive to:

- Observe laws governing copyright.
- Establish fair and just agreements with freelancers to publish work in whole or in part. Unless otherwise stated in writing, the licensing of a text, photograph or graphic entitles the publisher to first North American publication rights (FNASR) only. Under FNASR, the publisher licenses a one-time right to publish first the licensed material in the North American market and the freelancer retains all other rights, including the right to re-license as a reprint, to publish in a foreign market or to reprint online. When developing contracts, consultation with counsel is advised.
- Remember an author’s byline or a photographer’s credit is an unquestioned right, and a freelancer is assumed to have a proprietary right to a specific idea proposed with a unique approach or perspective.
- Establish separate and specific licenses with freelancers for electronic rights, unless otherwise stipulated in original contracts or agreements. Such a license should outline the specific usage for a specific time period and any sharing of fees from publisher Internet sites, online databases or other commercial services or products.
- Determine payment schedules based on the quality of the product and an understanding of “fair wages” based on Catholic social teaching.
- Edit, correct or delete for style, grammar, conciseness or arrangement, but never change the work materially without the author’s consent or a prior agreement being in place to do so. If a major revision is requested, the writer should be offered an opportunity to do so or, alternately, to withdraw the manuscript.
- Notify non-staff contributors promptly of acceptance or rejection of an assignment or project, if possible within four to eight weeks of receiving it.

- Make reasonable and good-faith efforts to schedule the publishing of freelance material in a timely manner.
- Stipulate at the time of assignment or contract specifics regarding payment and reimbursement of expenses.
- Pay promptly for freelancer's work, if possible within four to eight weeks of acceptance.
- Pay a reasonable "kill fee" for assigned or commissioned work if the rights for that work are not purchased or the work not used, absent an agreement or an understanding.
- Make reasonable efforts to guard the rights of freelancers from unauthorized usage and to obtain fair compensation and/or appropriate credit.
- Make available on request freelance guidelines defining terms for writing and photography and preparing and submitting texts, photographs, graphics and illustrations for publication.

INTELLECTUAL PROPERTY RIGHTS

Plagiarism, the unethical and, at times, illegal act of appropriating another's work directly or indirectly and passing it off as one's own, strikes at the heart of the mission of the publication to serve the truth and establishes a bad-faith relationship with readers. Through a more complete understanding of copyright and copyright violations, fair-use provisions, licensing and appropriate attribution, we can honor, respect and appropriately compensate colleagues for their creative work and respect the right of readers to understand the source of material in the publication. We, as members of the Catholic Press Association, strive to:

- Respect copyright, the exclusive right of a work's creator to control reproduction of one's work, whether or not the copyright holder has formally filed a copyright application. The only exceptions are those cases in which copyrights have expired and the material is considered part of the "public domain" or in which the material is a simple compilation of fact.
- Cite print and/or electronic sources for material not developed independently.
- Understand the rights purchased to reproduce the work of copyright holders on one-time, serial, exclusive or non-exclusive terms and fully abide by those terms.
- Never reproduce copyright material without permission – even when giving full and proper credit to the copyright holder – unless such use falls under the provisions of the "fair-use" exception to copyright infringement, which is generally defined by the courts using the following four-factor analysis:
 - How is the copyright material used? Use in news reporting, research, education, criticism or commentary, parody, satire or other "transformative" purpose typically weighs in favor of a fair-use determination. Use in a commercial context – including advertising and promotional activities that could financially benefit the user (even if the user is a non-profit and/or journalistic entity) – tends to weigh against fair use.
 - What is the nature of the copyright work being used? The more factual and non-creative the work, the greater the likelihood that fair use can be found.
 - How much of the work is used? Excerpting a passage from a small work, such as a short poem, is more risky than excerpting the same number of words from a lengthy tome.
 - What is the effect of the copying on the copyright owner's ability to sell his or her work? If the copyright owner's ability to profit from the copyright material is significantly impaired, it is less likely that a fair-use defense will succeed.

As fair use is a matter of civil law, consultation with counsel is advised when any substantial question concerning fair use arises.
- Obtain written reprint rights from the copyright holder in any situation that would not – with a reasonable expectation of certainty – fall into the fair-use category.
- Abide by permission to use copyright material, as specified in a licensing agreement, only for the term stipulated by the license. If the license is allowed to expire, avoid using copyright materials acquired during the term of the license without first signing a new licensing agreement.
- Respect and abide by reprint rights, freelance contracts and licenses that stipulate how and under what terms the work may be used, typically requiring that verbatim credits to the copyright owners be placed proximate to each copyright item. Failure to abide by copyright holders' legitimate

stipulations opens the copyright user to potential lawsuits alleging copyright infringement and/or other torts.

ADVERTISING

Advertising, a powerful shaper of values, attitudes and behavior, can effectively convey information, and, therefore, is not something residing outside of or separate from the “real” content of the publication or Internet site. While the running of an advertisement does not denote the endorsement of the product being advertised, an advertisement’s presence in a Catholic publication or on a Catholic Internet site gives it greater credibility than if it appears in other media. Consequently, those involved in their sale, preparation or dissemination are morally responsible for what the advertisement seeks to motivate people to do. We, as members of the Catholic Press Association, strive to:

- Be mindful of the social and economic diversity of readers when targeting prospective advertisers.
- Take care that advertisements are not incompatible with the stated mission of the publication.
- Ensure advertisements, before acceptance for publication, are in keeping with state, province and federal laws, U.S. Postal Service and Canada Post regulations, local diocesan and state, provincial and national Catholic conference policy positions.
- Authenticate advertisements that seek to raise funds or support organizations representing themselves as “Catholic” through, for example, *The Official Catholic Directory* or the chancery of the diocese in which they are headquartered, as readers should reasonably expect that advertisers and the advertising content they provide meet all standards of acceptability.
- Refuse advertisements that cheapen religious images or denigrate respected individuals, as they may trade on or exploit pious religious convictions or sensibilities of the faithful.
- Check out with care and due diligence advertisements dealing with matters of faith or Church teachings, including consultation with competent expert(s).
- Exercise special caution when considering acceptance of political, alcohol, tobacco, lottery, casino, private adoptions and personals/dating advertisements, as they can cause confusion or appear contrary to Church values and/or Church teaching.
- Evaluate samples of mail-order items as to quality and value, when possible, and secure the advertiser’s contact information in the event complaints arise.
- Ensure that advocacy, personal-opinion and issue-related advertising, like all advertising, is not inconsistent with the stated mission of the publication or organization, meets all standards of acceptability and is labeled clearly as “paid advertising.” If accepted, such advertising or “advertorials” should not utilize the same or similar typefaces as the publication or the Internet site.
- Refuse advertisements which promote as pilgrimages the visiting of religious shrines or holy places when they are a minor part of a general tour itinerary.
- Secure all permissions and pay all royalties for usage of photographs, graphics and/or illustrations in advertisements, as the unauthorized or uncompensated use of such is unethical and, in certain cases, unlawful.
- Compensate appropriately advertisers for missed insertion dates, incorrectly run advertisements, illegible reproduction and other errors that lead to the performance of less than the full terms of the agreed-to service.
- Refrain from denigrating a competing publication or acting in an unchristian or unprofessional manner.
- Consider cooperating with the association’s Catholic Advertising Network and other such networks as a means of generating revenue and extending service to the broader community. Make advertising rates publicly available and ensure that those rates agree with those listed with the advertising networks and be applied consistently and fairly.
- Quote only accurate circulation figures to advertisers, which must be based on an accredited or impartial method of determining or reporting circulation from a respected agency, such as the Audit Bureau of Circulations, a U.S. Postal Service or Canada Post audit, sworn statement or

affidavit, or most recent postal-service mailing statement, and never make circulation claims based on unsubstantiated or exaggerated readership figures.

- Make clear to advertisers that the publication has the right to reject an advertisement.

MARKETING, CIRCULATION AND PROMOTION

The marketing, promotion and circulation-building efforts of our members should represent the publication and the Church it serves in those ways that are in keeping with the trust held and the special role played by those publications in being a beacon for ethical action. As such, we should engage in marketing, circulation sales and promotion efforts with honesty, integrity and respect for the intended audience, and such efforts should be in keeping with Church teaching and values, and be within the bounds of good taste. We, as members of the Catholic Press Association, strive to:

- Report only accurate, verifiable circulation, distribution or readership figures, and never make inflated, unverifiable nor exaggerated claims of such. Circulation figures must be based on an accredited or impartial method of determining or reporting circulation from a respected agency, such as the Audit Bureau of Circulations, a U.S. Postal Service or Canada Post audit, sworn statement or affidavit, or most recent postal-service mailing statement. Readership figures should be based on the publication's most recent readership survey that quantified an empirical or accepted method of determining the number of readers per copy.
- Conduct readership studies and demographic research in accordance with standard polling methods. In reporting results, margins of error should be noted. The reporting of Internet-based polls and other unscientific polls of readers must state that the results are not scientific or verifiable.
- Provide access to supporting documentation when appropriate to confirm the accuracy of circulation or readership survey results reported.
- Secure signed releases from models authorizing the use of their voice and/or image used in print or broadcast promotion and specifying compensation, if any.
- Obtain appropriate permissions to use in advertising or promotions any texts, photographs, graphics, illustrations or other materials to which other organizations hold copyright.
- Exhibit care and caution not to commercialize sacred or religious images in promotional or marketing materials and efforts.
- Conduct any mail – standard or electronic – or telephone solicitation campaigns with respect for the intended audience and endeavor to protect the privacy and integrity of the customer's personal data. Ensure that any solicitations comply with current state and federal regulations.
- Respect the privacy of subscribers and the integrity of data included in any list-renter relationship. While a member publication may rent or exchange subscriber lists with third parties, it must work to ensure that third parties also respect the lists' integrity and subscribers' privacy. If a publication chooses to rent or exchange its subscriber-list data, it should give subscribers ample opportunity to opt out of such a program. Any such rental of lists must comply with current state and federal regulations, and those to whom the list is rented must agree to comply with current state and federal regulations. Subscription names and addresses, when obtained from parishes as part of a circulation plan, remain the property of that parish and may not be rented or exchanged without first obtaining permission.

CONFLICT OF INTEREST

We members have a responsibility to foster the mission of the publishing organization and Church we serve, and to be good citizens involved in our communities. Our work loyalties and outside involvements can create actual and potential conflicts of interest, which must be examined and disclosed. We, as members of the Catholic Press Association, strive to:

- Avoid conflicts of interest, whether those are real or suggest the appearance of conflict.

- Review and disclose to the organization any apparent or actual conflict of interest, including memberships, associations and/or investments, which might affect the fairness of editorial or advertising material.
- Refuse associations and activities, paid and unpaid, that may compromise integrity or damage credibility.
- Refuse gifts, fees, free travel and/or accommodations, and other services or goods if they compromise journalistic integrity. In the event offers are considered for acceptance – perhaps because they provide a unique reporting opportunity – the publisher should establish, before acceptance, a clear and explicit understanding with the donating organization that unfettered access to sources is required. Any donation of goods and services affecting coverage should be clearly noted to readers.
- Be wary of publishing in print publication(s) and/or on Internet site(s) advertiser-supplied material that appears as editorial matter. If such material is used, the publisher has a responsibility to note explicitly and clearly the source(s) of the payment and/or material.
- Avoid blurring the distinction between news and advertising.
- Be vigilant to protect the integrity of publication(s) and/or Internet site(s) by refusing to be pressured by advertisers and others in the selection and slant of news stories.
- Respect and keep secret proprietary information of the publishing organization. Organizations should develop an explicit understanding about what information is proprietary and communicate that to staff members.

COMPLAINT PROCEDURES

The CPA suggests the use of the following non-binding method of addressing concerns regarding this Code. CPA undertakes no responsibility for the conduct or enforcement of this process, or the results of it:

1. Anyone who claims that one of our members has violated this code to the claimant's detriment may prepare a written complaint. The claimant may be a fellow member, a bishop, a news source, a reader or anyone who feels that grievous wrong has been done by something a CPA member has published. The complaint should provide all available pertinent evidence. The complaint shall be filed with the CPA president or executive director.
2. CPA's standing committee, known as the Fair Publishing Practices Code Committee, can be asked to take action by the CPA president. The CPA president appoints the committee's chairperson and the committee members. The formal, written complaint is referred to this committee. Committee members who have a real or apparent conflict of interest in this particular dispute are obliged to recuse themselves.
3. The committee shall first initiate a process of conciliation to assist the parties in settling the matter privately. Both parties will be asked to present their sides of the issue.
4. If the parties are not satisfied with the results of the private effort, the committee shall invite both parties to submit to arbitration before the committee.
5. If either party refuses to arbitrate, the committee shall make a determination as to whether a full hearing by the committee is warranted. If so, the committee shall invite the parties to respond in writing, in person or via e-mail or conference call.
6. When the committee is satisfied that both sides have had the opportunity to present their cases fully and clearly, it shall decide whether or not the accused did in fact violate the code and, if so, what remedial measures may be taken. The committee may recommend, among other actions, retraction of or an apology for the offending material; censure of the publication or publishing house, staff member or freelancer; or suspension of CPA membership.
7. Committee action shall require a simple majority vote of the committee members.
8. The committee's findings and recommendations shall be submitted to the CPA board of directors for final action.
9. Parties directly involved shall be excluded from all committee and board work regarding questions in dispute from the time of any committee investigation until it is concluded.
10. All business of the committee should be held in strictest confidence, and each member shall undertake this obligation as a condition of service.

The CPA's first Fair Publishing Practices Code was formally approved by the membership and published in 1955. In 1967, a set of procedures for administering the code was appended to the end of the original document. The code and these procedures were revised in 1985. This first major revision of the ethics code was approved by a vote of the CPA membership in 2004, in the document's 50th year.