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STRATEGIES & STRUCTURES

ELEVENTH EDITION

Doug Newsom | Jim Haynes

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Dedicated to all public relations practitioners, educators and students who care about communicating clearly and effectively.

Brief Contents

Contents

PART 2 Writing Principles 33

CHAPTER THREE
Writing to Clarify and Simplify the Complex: Style and Content 34

CHAPTER FOUR
Grammar, Spelling and Punctuation 58

CHAPTER SEVEN

PART 4 Writing for Select Audiences 151

CHAPTER EIGHT

Preface

Welcome to this 11th edition of Public Relations Writing. The authors are the same, Doug Newsom and Jim Haynes, PRSA Fellows with years of practice, university teaching and many workshops at home and abroad. What is different is a slight change in the book's subtitle to Strategies and Structures.

Inside you'll find many changes in the chapters, since the field is constantly in flux. We welcomed a new colleague to handle the social media chapter for us: Steve Lee, whose business has been digital communication since its inception in 1998 and thus the focus of his teaching experience as an adjunct and workshop presenter. The Internet and social media have affected the way all of us communicate, professionally and personally. To quote Lee, "Social media has become such a vital tool for public relations practitioners that the majority of public relations and communications managers believe that understanding how to use and manage social media channels is essential to success."

Use the text as a home base to alert you to "learning/teaching" examples you encounter daily. Practitioners and professors always are sensitive to incidents in all media that create learning opportunities. Public relations practitioners—especially those in firms and agencies—discover, discuss and critique incidents daily to help guide their practices. For professors, such incidents are the next presentation for their classes, and the examples are always at your fingertips to show, talk and tell.

We, as authors, cannot update any textbook fast enough to keep up, but we welcome your inquiries, ideas and initiatives. You can find us at doug.n@att.net and jhaynes1102@sbcglobal.net.

Doug Newsom and Jim Haynes

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PART 1

PR Writing: Role and Responsibility

Finding facts, communicating effectively in all media, knowing the law and being ethical—all are essential for the PR writer.

CHAPTER ONE

Public Relations and the Writer

What an exciting time to be a writer. Your message can be crafted for any medium you can imagine, from an electronic app to moving billboard to a tweet, a blog, a newspaper or magazine piece, a video feature, a television story or a serious white paper for research and policy recommendations.

The key words are *story* and *purpose.* The audience is a given.

In a world of instant communication, all messages are simultaneously local and global.

You will be telling an organization's story whatever you write.

The story must be told concisely with clarity, accuracy and memorability.

Writing coach Paula LaRocque in a twist of the idea that all one learns about living is absorbed in kindergarten says to think of nursery rhymes.

"[W]hen approaching a story, we'll do well to remember that old Mother Hubbard went to the cupboard to fetch her poor dog a bone. And that the cow jumped over the moon, And that the owl and the pussycat went to sea in a beautiful pea-green boat.

"Actor, action, acted upon: the clearest and most logical syntax English can devise. No wonder the bright beginnings of nursery rhymes have pleased readers for centuries."[1]

Good advice for engaging attention is being clear and memorable.

Your pattern for development of every piece of writing, regardless of medium, will be:

Purpose—telling an organization's story in terms of what it is, what it does and why it matters.
Building relationships—tying the organization to those exposed to the communication, however, wherever and whoever these might be.
Writing strategically—delivering a message effectively to get the desired response.

Communication is wasted if it fails in any of these three.

You should be able to state the purpose in a single declarative sentence, keeping in mind the expected reaction or response so your message will bring the intended results. You also want to know if there are unintended reactions or responses, so you need to keep in mind how to monitor messages to produce prompt, thoughtful reactions.

How Strategic Public Relations Writing Is Different

You may be thinking that you have been writing this way all along. You have sent text messages, posted and responded to Facebook comments, sent Instagrams, shared videos and such. The difference is that these were your creations for your own purposes or reasons. When you write for an organization either as an internal public relations writer or for a client in an agency or a firm, your message is to achieve a business goal for that organization, whether it is nonprofit or for profit.

Public relations is the strategic management function that helps an organization achieve its goals and objectives through building and maintaining goodwill with its various stakeholders/publics. Effective public relations writers are critical to that success. Your writing is purposeful, persuasive and principled. Principled? Absolutely. You didn't see "spinning" in that sentence, did you? Clients and employers may not understand this, but it is imperative that you do, as a writer. What PR writers do, the legal and ethical responsibilities involved and what they accomplish for their employers, institutions or clients, is the topic of this first section.

As more public relations units identify their titles as "strategic communication," that often indicates an integrated communications practice involving both advertising and public relations. Technological changes have already blurred the lines anyway in presentation, format and the interactivity of users with a medium. Additionally, many different tools go into other PR writer responsibilities such as preparing materials for promotions, special events, campaigns, crises and specialized areas, such as investor relations.

Because PR writers are responsible for tailoring all types of messages for any medium and a variety of individuals, writing for public relations takes many forms, as you will realize as you go through these chapters. The more you know about different media and diverse publics, the more facile you are with all writing assignments, the better off you will be in the kaleidoscopic job market.

Always and remaining critical talents for public relations people are the ability to recognize potential stories and anticipating how these might be received by global audiences. Choosing words and illustrations requires a keen understanding of the complex, and often conflicting, values held among diverse publics. The demands on today's writers are for more versatility, greater understanding of the repercussions of convergence among traditional media and the impact and connectivity of social media and the requirements of different media as well as increased competence in using visuals and sounds to help convey a message.

What is traditionally called "social media" have joined the list of media for any organizational message. You may be tweeting or posting on an organization's Facebook page or posting videos as part of a media mix you are using. However, you also will be responding to comments that come in to the organization from its electronic sites.

Social media content for clients and organizations provides needed feedback. Interactive websites and blogs are well within the PR writer's job description, and although some organizations hire social media specialists for Facebook and YouTube channels, PR writers may be the ones hired just for this aspect. Appropriate responses in online communication are critical to an organization's credibility. Remember, most social media postings are user-generated, unedited content with instant and global distribution.

As the demand for versatility in PR writing grows, there is more emphasis on accountability—evidence that the messages work. Employers want measured proof of results from communication efforts. There is no open budget line for communication. Yet there is no need to despair. The writer who is genuinely good at the task of researching information, learning its meaning and communicating that effectively is and always will be needed. You must understand what makes public relations writing different, although, from literary writing, news writing or selling, although you may be drawing techniques from all three. The major focus for public relations writing is persuasion.

Public relations writers prepare messages for any medium that can convey information. Furthermore, most of the time, these messages—words, images and sound—are conveyed electronically. Potentially these messages can be received anywhere in the world.

The difference for strategic writing lies in the power and responsibility of the public relations person who is in the position of brokering goodwill between an institution and its publics. There are two aspects to this responsibility. Strategically, public relations practice involves the ways an organization's operations and policies affect people—the face-to-face interaction of employees with customers or clients and the organization's participation in the affairs of the community. Tactically speaking, though, good policies and good performance are worth little if people don't understand the policies and don't know about the performance. The heart of public relations practice remains in communication, particularly writing.

Good public relations requires communication skills, expertise in dealing with all media, the dynamics of public opinion and the principles of persuasion. Further, the communicator must know when and what to communicate. This involves analysis, judgment, counseling and planning—in addition to and prior to communicating. In this chapter, we'll try to clarify the nature of this complex task and the writer's role in it.

Job Descriptions Vary

Because practitioners have different backgrounds and experiences in different parts of the world and that experience is affected by the social, political and economic environment, the demands on writers vary. Some ingredients to look for are "ethical," "socially responsible," "trusting relationships," "reliable communication," "anticipation of consequences," "counsel to client/organization" and "evaluator of outcomes."

Analyzing, Predicting and Counseling

The main roles of the professional are "analyzing trends, predicting their consequences, counseling organization leaders." These roles fall into the management context, in which personnel help to frame, implement, adjust and communicate the policies that govern how an institution interacts with its publics. It is through public relations that an organization acts with responsibility and responsiveness—in policy and information—to the best interests of the institution and its publics.[2]

The management of communication is now seen by many public information writers as the key to the corner office. According to *The Wall Street Journal,* "Today most CIOs (chief information officers) have a more expansive role—and a set of aspirations to match. Now that the CIO manages the ever more complex information flow that drives a company's internal decisions as well as its links to customers globally, the job has the look of a corporate stepping stone to higher ground." Topics such as artificial intelligence and cybersecurity, as well as management and economics, were part of the second annual meeting of a network of CIOs from around the world in San Diego, California, in February 2014, hosted by *The Wall Street Journal.* Most of the attendees report directly to the corporate executive officer (CEO), and most were women. A wide and diverse collection of industries was represented. The information officers said they wanted to be seen "as an essential and versatile player, able to represent the company and participate in the big decisions. And to lead."[3]

What is important to remember is that these CIOs are senior employees. It is the staff writers on whom the weight of writing falls on. That is what you can expect and must be prepared for to climb that ladder. Doing this job well requires a broad educational background, expertise in many areas and, most of all, good judgment. Unlike the corporate attorney or accountant, the public relations practitioner cannot refer to a body of laws or procedures that prescribe behavior under given circumstances. Instead, the public relations person must know human behavior and combine that knowledge with specific information about people within the institution and people outside whom the institution deals with. For example, the PR director for a bank must consider the views of bank officers and bank employees as well as those of customers, the community, legislators and government regulatory agencies. The public relations person for the local school district must be aware of the feelings of students, parents, voters and the regional accrediting agency. Any institution has many publics, and the public relations director must be able to advise management about the possible impact on those publics of various plans, policies and actions.

In addition to analyzing publics and counseling management on the effects of policy, the PR person must be alert for signs of change. The right policy today will not necessarily be the right policy tomorrow. People's attitudes and opinions evolve, and the composition of the public changes. The capable PR person notes trends in public opinion and predicts the consequences of such trends for the institution.

Usually, the public relations director also serves as a spokesperson for the organization and overseer of the entire public relations program. The PR person at the top of the department spends little time on basic public relations techniques such as writing.

Frank Wylie, a former president of the Public Relations Society of America, described the division of public relations labor in this way: Senior-level public relations people are likely to spend 10 percent of their time with techniques, 40 percent with administration and 50 percent with analysis and judgment; at entry level, it's 50 percent techniques, 4 percent judgment and 45 percent "running like hell."[4]

Competence in Convergence

Message delivery is in its second decade of mixing Internet and related personal electronic devices with printed materials and traditional media such as television, radio and news magazines and papers. The decline of staff in traditional media opened opportunities for writers of all kinds, from citizen journalists and freelancers to organizational writers. Traditional media put much of their content online and developed their own Twitter and Facebook pages as well as using websites, email and actual online subscriptions to keep audiences.

In addition to becoming familiar with all avenues of communication, a writer has to develop competence in using them to craft messages for the most effective delivery. One key in talking about media choices is understanding different references to media access. Think of the acronym POSE that represents your control over the writing: paid, owned, sponsored or earned.

Paid seems clear. It includes advertising in all media from pop-ups on your computer when you get email to paid programing on various television channels, and most familiar are those in print media including special sections.

You buy the time or space and have a contract that allows you to control the content, including the design and time of presentation. The only exception to control content would be restrictions cited in the contract you sign. Paid can also include something where your organization has made a contribution so its logo can be used. Think of tee-shirts for special events that have all sorts of logos on the back representing organizations that made donations and allow for their logos to be used.

Owned obviously means that your organization owns the medium, which might be a newsletter or magazine—print or electronic. These are often referred to as "house ads" because they promote something the publication is doing or offering. When you see something on television or hear it on radio that is called a promo. It calls your attention to an offer or event on that station or something that station is sponsoring such as a collection of toys for children.

Sponsored means that a publication or program has been paid for by an organization, often a trade or professional group, whose members have articles about their organization displayed in the publicity. The organization itself controls the representation, words, pictures and such, but doesn't have to pay for the exposure. Videos and films are often paid for by a trade group or association or even a company to tell its story in the public interest, and these sponsored programs are offered free of charge not only to public media but also for educational use in schools.

Earned indicates that the information is considered valuable enough to a medium's publics, that the medium uses the material, but not always as sent. The medium controls the presentation.

Reactions and Responses

What management expects from exposure, regardless of the medium, is a report of what happened as a result. An investment has been made, and the organization making it expects a report.

How did various publics respond? How was that demonstrated? Did reactions indicate any preferences? How might that affect methods of reaching various publics in the future? Did some reactions indicate unfamiliarity with the organization, misunderstandings about its activities, suggest policy modifications or more?

Communication is not a one-way street. Going one way, the PR person analyzes public opinion and the needs of the community, and opens channels of communication that allow such information to flow into the institution. Using this information, the PR person advises management on the policies that are likely to be of mutual benefit to the institution and the public—or at least acceptable, if not beneficial, to the public.

Then—going the other way on the street—the PR person opens channels of communication that reach out from the institution to the public. The viability of channels may be shown in using various types of media to interpret the institution's policies and actions to its various audiences. Social media specialist, Lida Citroen (www.lida360.com), has a formula: Values + Action = Credibility. With values clearly posted on websites, anyone can compare what is said with what is done. If facts or perceptions don't show a valid equation, then credibility is lost and reputation jeopardized. Communication in this direction is largely the responsibility of the PR writer. Exactly what is it then, that PR writers do?

The variety of publics is so vast that PR people often find it useful to divide the publics they deal with into two broad classes: internal and external. *Internal publics* are groups within the organization (such as employees or the board of directors). *External publics* are groups outside the organization (such as the media, your company's customers or the state legislature). The distinction between the two is not always clear-cut; stockholders, for example, though essentially an external public, can have close ties to the institution. One definition of internal publics is "all those who share the institution's identity."

Stakeholders/Publics, Channels and the Role of the Writer

It is a simple thing to say that the task of public relations writers is to communicate with the public. But in practice, there is nothing simple about it. With most communication electronic, "publics" include some "stakeholders," people who identify with an issue, action or event, though they may have no investment in the organization, its products or services. Something is posted on the Internet that they like or don't like or that conflicts with their values, threatens them or maybe is something that they want to support. Furthermore, there is no homogeneity to any group, even if they have a name. It's not as though there were one single "public" to write for. Rarely is a public relations message important to everybody in the "public."

For example, news that a theme park is creating a new thrill ride is important information to youngsters who enjoy such entertainment, but what they want to know about it is quite different from what businesses and residents near the theme park want to know. Concerns of businesses and residents are about increased traffic to the area and more noise. What that group is concerned with is different from what the city's safety engineers and the theme park's insurance people want to know. These groups' needs are all different from what the local and state tourism departments want to know. The tourism departments' needs for information are different from those of investors in the theme park, and even those are not the same. If the theme park belongs to a publicly held company, its stock is traded on the open market, so securities analysts are another public. Publicly held companies are also responsible to the Securities and Exchange Commission. If the theme park is your client or your employer, you have to prepare information to reach all of these publics, and the information for each has a different focus. This focus is not a "spin." It is a responsible communication to satisfy the information needs and interests of particular publics.

A *public* is any group of people tied together by some common factor. And as public relations writers soon discover, there are many, many such groups. The *public* in public relations should really be *publics*. Even then, how do you analyze them? The easiest way is statistically, by gender, education, income, etc. That can be an indicator, but won't tell you as much as if you have the *psychographics*. Psychographics classify people by what they think, how they behave and what they think about—their special interests, such as gardening, cooking and hiking. Psychographic information is not merely helpful to the PR writer; it is often necessary. Consider the public relations director responsible for a university's alumni association magazine, who admitted with some dismay that she didn't know how to appeal both to an 80-year-old graduate of the engineering school and a 22-year-old sociologist. She did a research study that revealed a psychographic pattern binding all the alumni to the institution. This information suggested the sorts of articles that would interest alumni. The public relations director was then able to make informed decisions—and she now felt a great deal more confident in her choices.

Setting Priorities and Selecting Channels

What a writer must do is engage an organization's publics. That is necessary to attract them to the story you want to tell. The story has to be honest and contribute to the organization's transparency. This becomes easier to do when you analyze the possible publics and set priorities.

Select the publics that are most important for the communication effort. They may include the group that a new policy will affect the most or the groups whose opinions are especially important. (See Table 1.1 for a formula to prioritize publics.)

The next step is to select channels for the message that have the most significance to the priority public and to which they have easy access. Channels may be individuals

TABLE 1.1 *Discovering and Prioritizing Publics* Prioritizing publics may be done in a number of ways. One informal method is called the PVI: *P*, the Potential to influence a public, plus *V*, the Vulnerability of the organization to that public (which may change over time and in different situations), equals *I*, the Impact of that public on the organization. Here is a tabular form for "computing" a PVI index.

	P	+	***V***	=	***I***
Audience or Public	Potential for Organization to Influence (Scale 1–10)		Vulnerability of Organization to Be Affected (Scale 1–10)		Importance of Audience to Organization
______________	______________		______________		______________
______________	______________		______________		______________
______________	______________		______________		______________

Source: Jim Haynes, *Instructor's Guide for This Is PR,* 3rd ed. Doug Newsom and Alan Scott (Belmont, Calif.: Wadsworth, 1985), p. 63.

or media and may be mass media or specialized media and print or electronic or both. Each medium has characteristics that make it suitable for sending a particular message to a particular audience at a particular time.

Specialized Media These media offer an opportunity to control the message and its delivery. Since they are designed for a particular audience they are called specialized to distinguish them from media accessible by any audience. Specialized media include the internal publications or intranets that institutions produce to communicate with employees, staff, management and others close to the institution, such as directors and stockholders. Also included in specialized media are an organization's computerized message boards and audiovisuals intended for internal use only. Among these specialized media are electronic information networks of personal computer users.

Accessible Media Such media include any channel that is relatively unrestricted by ownership or government. In most democracies, government sends public information through its organizational channels, such as the Food and Drug Administration. When an organization posts messages in accessible media, these are likely to be seen by unintended audiences. Because neither the circulation nor the audience of such media is controlled by the organization that sends the information, such media are mostly for communication with external publics. Public relations writers using such media to reach large audiences must remember that these media are seen by internal publics as well. For example, a leading metropolitan daily newspaper's female employees objected to a promotional campaign that displayed women as sex objects. French police did not like billboards portraying them as "helpful" rather than as crime fighters facing danger.

The Role of the Writer

Public relations writers must be knowledgeable not only about publics and channels but about all aspects of their own institution as well. The PR writer for a social services agency must understand welfare eligibility rules and federal funding guidelines. A writer for the highway department must know about everything from road-building materials to traffic laws. PR writers must know enough about the financial aspects of a business to prepare the right message for securities analysts and to develop an annual report that stockholders can comprehend and auditors will approve.

In addition to possessing a broad knowledge of their company's business, public relations writers must be able to research specific subjects to determine what is and what isn't important. They must be able to borrow ideas from other fields—psychology, social psychology, sociology and political science, for example—to help put their research in perspective. PR writers must be alert to changing patterns of thought and behavior in society and must fully comprehend to the issues of the day.

Finally, and most important, the public relations writer must be an expert in communication. If you want to be a public relations writer, you must know how to write effectively in many different styles and for all media. You must understand the principles of good writing and be familiar with the vast body of scientific research on communication, persuasion and public opinion. Your goal is to be an efficient, effective communicator. You must accept that your writing is management-oriented strategic communication and therefore most likely to be persuasive in nature. Because of the scope of your communication, you must command a knowledge of publics and their cultures—their corporate or work environment culture, their personal or lifestyle culture and their indigenous or ethnic culture. Beyond that, you must know the international communication networks and media systems and how they operate. To be responsible in your communication, you must know and understand thoroughly the organization itself—what it does, where it is, who it serves, regulations affecting it and criticisms of the institution's policies, actions or consequences of how it conducts itself.

No matter what message you communicate, what audiences you communicate with and which media you use to reach those audiences, you have to know which words will work and why. Preparing you for these varied writing tasks is what this book is all about.

You are critical to maintaining the reputation of the organization you are representing. The advice from Daniel Tisch, APR, FCPRS, Global Alliance, is as follows: (1) define what you do in terms that your employer or clients will value; (2) know your professional responsibility; (3) plan your professional development; (4) start a conversation: "Are we a communicative organization?"; (5) what are your organization's character and values?; (6) build a listening strategy by collaborating with other disciplines; (7) is your organization sustainable?; (8) measure the quality of your organization's communication.[5]

Exercises

1. Collect materials from your college's website and admissions office about your school. Analyze them for message statements. Are different appeals addressed to first-year students, transfers, graduate students, older-than-average students? What are these appeals? What about your school's website, easy to navigate?
2. Examine the different types of messages and media used by your school's public relations office. List all of the publics these suggest.
3. Examine ads and broadcast spots for your school. Compare these public message statements with the admission materials. What message statements are consistent? Are any of them inconsistent? For example, does admission material suggest it is easy to get into the school while publicity talks about the high standards for admission? How are sponsorships for community events on campus presented? What about public access and parking for events on campus. Are they open to the public?

CHAPTER TWO

Ethical and Legal Responsibilities of the PR Writer

As you will see in this chapter, ethical and legal responsibilities are anything but straightforward. They are, let's face it, complicated. In this arena nothing is written saying, "do this and don't do that." One complication is the continuing conflict between the right to privacy and the right to know. Transparency is one part of that issue.

A lack of transparency is being blamed for many of the world's problems. From economic disasters and government disorders to cyber crises, all sorts of systemic failures seem to have a root cause—obfuscation, if not deliberate dishonesty, thus the demand for transparency.

Public relations practitioners have included transparency in their "best practices" list for a long time for many reasons, but focus on just four. First, public relations practitioners have a highly developed sense of personal and professional ethics that drives them to meet the spirit of the law as well as its explicit provisions. Second, they believe that their highest professional obligation is to advocate policies and techniques that are socially responsible. Third, they uphold the idea that looking after the best interests of priority publics is in the best interests of their organizations. Fourth, they want the organizations for which they work to be managed by people who are proactive in outlook and behavior. Thus, they counsel transparency at the management level, not only to command public trust but also to set standards for employees at all levels. Public relations professionals and their organizations that don't meet those standards often cause problems for themselves as well as others, and earn the title of "spin doctors" from their critics.

All organizational communicators are not professional public relations practitioners, bound by codes of ethics, though. In an attempt to alleviate that situation, the Global Alliance for Public Relations and Communication Management introduced the Stockholm

Accords in 2010, which included a code of ethics designed for universal application. The Global Alliance is a coalition of professional communication organizations representing 70 countries.[1] Although the code is a good guide as an effort to consolidate international consensus, it is not enforceable. Furthermore, of all the messages you receive in a day, how many are from professional communicators anywhere in the world?

There is an expectation that messages, from whatever source, should be genuinely sensitive to the feelings and needs of others and treat others as the messenger would want to be treated. That doesn't always occur. Ethics are founded on moral principles that are themselves grounded in effects. Moral principles consist of a set of beliefs and values that reflect a group's sense of what is *right* or *wrong*—regardless of how these terms are defined in formal rules, regulations or laws.

This is the case whether you agree with the idea that a moral judgment must fulfill *formal conditions* or you think a moral judgment must also meet some *material conditions*. The difference is that formal conditions call for moral guidelines or rules that are regarded as universal and prescriptive. But material conditions represent considerations that deal with the welfare of society as a whole and emphasize basic human good or purpose. For example, agreements in the Geneva Convention are prescriptive, but they do not address restrictions on the freedoms of individuals within a society, such as apartheid or immigration quotas.

If you ask for a public's view of your organization's ethics, don't be surprised if your organization is seen as unethical. The public's view of an organization's ethics is likely to be based less on a definition of morality than on the consequences of what the organization says and does, which will be seen as either moral or not moral by each and all of its publics. This sense of rightness, even if it later proves to be in error, is the stuff on which *public opinion* is formed.

Clearly, public opinion is important. Much of what you will do as a professional will be directed toward influencing, if possible, the opinion of publics. Since we live in a global society, you need to remember that, as a public relations practitioner, not everyone in the world is free to express a personal opinion.

In many parts of the world, some expressions of opinion, or even fact, are not legal. This will affect the way you, as a public relations person, do your research and communicate your messages, including illustrations.

In the USA, the country's First Amendment is treasured, in a real sense the product of public opinion. That's a sobering thought because it implies that the First Amendment can be abridged or voided if public opinion no longer supports it. So if you write, say or do something that violates society's sense of "rightness," you may be undercutting your constitutional right to free speech. That's a heavy responsibility. As a PR writer, how can you meet it?

Core Values and Personal/Professional Behavior

Our core values are based on our personalized belief system—what we believe to be right or wrong. We are influenced in these by our family, friends, education and a faith we endorse, if we do. We take this core of values into the world where it is often tried and tested, but probably no more so than in the workplace.

The reason is that organizations, like individuals, develop around a core set of values that often are set forward in a mission statement or even a formal statement of values. These values are operationalized in the corporate culture that is often set by the organizational leadership. In looking for a place to work, you need to find an organization that fits within your own value system. In all probability, the organization that hires you will be looking also for a "good fit" between the corporate culture and a potential employee.

Even when there is a "good fit," initially, situations change and so may your level of comfort in working there. One way to understand ethical responsibility is to look carefully at the interplay of different levels of influence on your personal and professional behavior.

Dynamics

Pressures in the workplace come from the economic, political and social system in which the organization exists. As we live and work in a more global society, these pressures have increased significantly. It's an understatement to say there is little consistency in cultures. You are more likely to hear the term "cultural conflicts."

Governments are a big part of that. Governments change and with them the philosophy of governance as well as the laws themselves and the rules of regulators. Public relations is a recognized discipline, but it is practiced in many different ways around the world because it too must be responsive to the environment in which it functions in representing businesses and nonprofit organizations. Additionally, the organization itself for which you as a public relations person work is responsive to standards and practices set by its own industry. If you work for a PR firm or agency, you may have clients from a number of different industries. The relationship between you and an organization changes with time. Provisions of communication law are always in flux because a new court decision may put a different interpretation on a law, rule or regulation. And society's expectations and judgments about what is right or wrong are notoriously capricious. An example of changed expectations is the effect of what's happening in cyberspace to the old protocol of a clear division between advertising and editorial content. Website editorial independence is seldom carefully defined, and search engines finding information on a topic cannot sort out the independent news from the sponsored information.[2] Compounding the problem are the many organizations that have placed their websites in the hands of management information systems specialists instead of public relations people. Because building and maintaining relationships are not necessarily high on their list of priorities, the result can be damaging to the corporate image.[3]

Trying to follow your own moral compass in the swirl of this cultural, social, legal and economic storm is not easy. You can easily get "off course," confused in your ability to know with certainty your ethical and legal responsibilities as a writer. Adding to the confusion is the increasing diversity of the population, especially in the USA. With this mix comes a complexity of value structures. Although these may be difficult to tease out in research about your publics, it is crucial that you do so.

Changes simply occur. What is wrong today may be right tomorrow, or vice versa. It is your responsibility to be sensitive to these changes; otherwise, you and your organization may get into lots of trouble stemming from the volatility of today's values.

Values

The concept of *values* is another way of talking about ethics. The study of ethics falls into two broad categories: *comparative ethics* and *normative ethics*. Normative ethics are studied by theologians and philosophers. Comparative ethics—sometimes called *descriptive ethics*—are studied by social scientists, who look at the ways different cultures practice ethical behavior. Values form the foundation of our institutions and organizations, as well as of our own informal and formal rules of behavior, which may change during our lifetime.

We're taught from an early age that some values are eternal verities. But if we see them violated repeatedly without sanctions, we begin to wonder whether they really are verities or eternal. A deceptive public relations practice, for example, may go unpunished or even unnoticed, and its users may gain significant advantages to the detriment of others. Which are the values we are expected to exhibit as responsible public relations writers?

Remember that ethics, being value based, are different in different cultures, something to be sensitive to when communications go to other countries and something to be aware of in other countries, such as the USA, that also have diverse cultures. When the *limits* of what your primary public will tolerate turn out to be narrower than those of your organization or yourself, your ethical behavior will be open to public debate, which may result in censure or withdrawal of support. In such cases, your first concern should be with examining your own personal and professional standards.

Influence of Personal Standards

Your personal and professional ethical standards come from your core values. If you find that your own standards are in conflict with those of your colleagues (especially your supervisor) in an organization, it can be personally and professionally upsetting.

Suppose that your task is to write, say or do something that, although legal, can't readily be reconciled with your own standards. What is your responsibility? To resolve this problem, you must explore your options realistically. Four basic strategies are apparent: (1) try to educate those in your organization to your standards; (2) refuse the task; (3) ask that you be given another task or (4) take the assignment.

Educating

You can try to convert those around you to your point of view. The character of an organization tends to reflect its top leadership. The leadership hires managers, who then hire people whom they perceive as fitting into and contributing to the goals of the organization. To say that you must be a clone of the top leadership is absurd, but it is equally absurd to believe that you would be in the job if those doing the hiring had not assumed that you "fit the mold" to some extent.

That assumption will be in your favor as you attempt to educate others in the organization to your point of view, because you are presumed to be much like them. If you use this identification tactic, you'll probably find that some colleagues are open-minded but others aren't. If your organization encourages dialogue, however, your chances of getting a fair hearing are greater. But even with a fair hearing, you may not convert them to your view of the world; besides, you may be wrong. A lot depends on how carefully and thoughtfully you have drawn the personal and professional circles of influence around yourself.

How pliable is your position? What is the absolute limit beyond which you will not compromise? What justification can you offer to support your position? Is the basis of your justification appropriate to the situation? You must ask yourself and carefully answer these questions and many like them before you attempt to implement a strategy of conversion.

Suppose you ask and answer such questions to your own satisfaction and mount a campaign to change the organization's course of action. Can you win? Yes. Even if you aren't successful at converting your colleagues, you still may win in two important ways.

First, your colleagues will respect a well-articulated, well-reasoned argument, even if they disagree with it. That's because the subject of contention is a matter of judgment. Neither you nor they can be absolutely certain of the truth of the matter, but each of you may recognize and appreciate sincere efforts to divine it.

Second, you also win because, when you articulate a different or unpopular standard, you accept the highest responsibility of being a professional public relations person. You are expected to counsel your organization against doing something you believe is wrong. Any lesser standard of behavior is not worthy of being called professional.

If you don't convert the others to your point of view, you can then adopt a strategy of refusal.

Refusing

A position of refusal is often greeted with arguments that "It's OK because everybody does it." If those arguments don't succeed, they are often replaced by anger—even retribution—that may get you fired. Your willingness to risk being fired is the severest test of your conviction. If your belief is strong enough, getting fired may be a personal and professional favor to you. That's because it tells you clearly that the organization does not respect you or your professional judgment and abilities. You need to know this so you can find another organization that does. Also, you will not be subject to criticism when the action of the organization draws fire.

No one and no organization can make you do something you believe is wrong, even if it is not illegal. If you cave in because you need the money, you like your position, you're really counting on an attractive retirement program or the like, your convictions are mostly for show. That's your fault. Don't blame the organization, society or some generalized "other" for the bottom-line decisions you make.

If you don't have the courage of your convictions, you may tend to assume that others don't either. This may be true of some, but not of all. And such an assumption is likely to make you less sensitive to the feelings, needs and values of others. As a result, you may write, say or do things that are harmful to pertinent audiences, without even recognizing it. Thus you may feed on and perpetuate stereotypes, confuse form with substance and promote behaviors detrimental to the best interests of your publics/stakeholders. If left uncorrected, this behavior can end in alienation and loss of support for your organization, thereby setting the stage for program or organization failure.

To paraphrase the Golden Rule, the way you are treated as a writer is a reflection of how you, as a writer, treat your target publics/stakeholders.

Requesting Reassignment

If you like what you are doing and your prospects for the future look good, you may seek an alternative to refusing the task. One approach is to ask that you be assigned to something else of equal or greater importance. The problem is that there may be no one else to take the assignment. Assuming that someone else is available, this strategy will produce three important results. First, by stating your case clearly, calmly and logically, you will find out just how persuasive you really are. Second, whatever the response to your request, you also discover how you are valued by your supervisor and organization. Third, you'll get a clearer picture of the people you work with and for—what their values are and how they relate to the organization and industry with which they are identified.

Taking the Assignment

Taking the assignment, even if you are sincerely opposed to it, labels you as a team player who puts the values and needs of the organization above personal values. You are seen as fitting into the culture of the organization. You won't rock the boat. You will safeguard the values of the organization because you are loyal and trustworthy. You may even get a raise, a promotion or both.

The problem with all this is that you may be expected to write, say or do things that, although not strictly illegal, may violate a primary public's sense of right and wrong. If you push beyond what your target public will tolerate, you are likely to find yourself on trial in the court of public opinion. The judgments can be harsh. Even if you later clean up your act, you may never win an appeal or get a pardon. That will depend to some extent on the values and standards of practice exhibited by your organization and industry.

Influence of Organization and Industry Standards

Will having high personal and professional standards mean that you'll always be swimming upstream in your organization? That depends on the organization you work for and the industry sector it is part of. Some organizations and industry sectors are seen as monoliths whose only purpose is to make more money or gain additional power and influence. Such perspectives often are based not on facts but on perceptions that masquerade as facts. Some organizations and industry sectors seem more gifted than others at keeping facts and "facts" in close harmony.

Perceptions

Responses to a crisis, especially initial ones, are critical to perceptions of an organization's ethical standards and sensitivity to all stakeholders. The response should fit neatly into an organization's mission and values statement. If the response contradicts either or both of those statements, the credibility of the organization is damaged for a very long time, perhaps even permanently. Occasionally, an organization even changes its name in an attempt to escape a bad reputation triggered by a thoughtless or ill-considered response.

Organizational Culture and Values

When you start a new job, you'll go through a period of training in the culture and values of the organization. This may include attending a formal training program whose announced purpose is to acquaint you with the principal processes, techniques and policies that are to guide your behavior as an employee. These also reflect, but often not as obviously, the values and culture of the organization. But much of your training comes from simply watching and interacting with your new associates. That's how you learn the rules governing how you should behave in an organization. These rules of conduct may become so much a part of you that you hardly notice them. You may even respond automatically to new cues.

Automatic Responses

When you do things automatically, you're less likely to question your behavior or that of the organization. And if you don't question how, what and why you do things, you aren't much more than an automaton. The only real difference is that you draw a salary. Automatons are machines whose greatest expense comes in the form of an initial capital investment, supplemented by routine maintenance to keep them productive. When they wear out or become outdated, they are simply replaced.

A responsible public relations writer should be a thinking, constructively critical and contributing member of the organization. In fact, the highest contribution you can make is not your technical skill but your sensitivity to the needs of your organization's relevant publics. If you become so immersed in the culture and standards of the organization that you lose touch with the values of those publics, you can do little more than a machine can do.

Problems may arise when the messages you shape undergo significant changes in the process of obtaining necessary approvals. The challenge for you is to see that these changes don't affect the sense of what must be communicated. This problem is aggravated by "editors" who excise segments or change things just to prove they can. You are supposed to be good enough with words and language that you can retain the sense of the message without compromising its integrity and without challenging the ego of those who have authority to approve what you write.

Because you are part of your organization, you are expected to know as much about what you write as anyone in the organization. You can't rely on your wordsmithing skills alone. You must know your organization and its industry thoroughly. You won't get much support or respect if you repeatedly make simple mistakes, such as using jargon incorrectly. You are supposed to know, and you shouldn't have to be told over and over. That's part of an organization's culture and values. But the practice of professional public relations also has its own culture and values, thus representing another area of influence on your behavior.

The complexity of this overlay of influences makes ethical decisions anything but clear-cut.

What Happens When You Aren't Told?

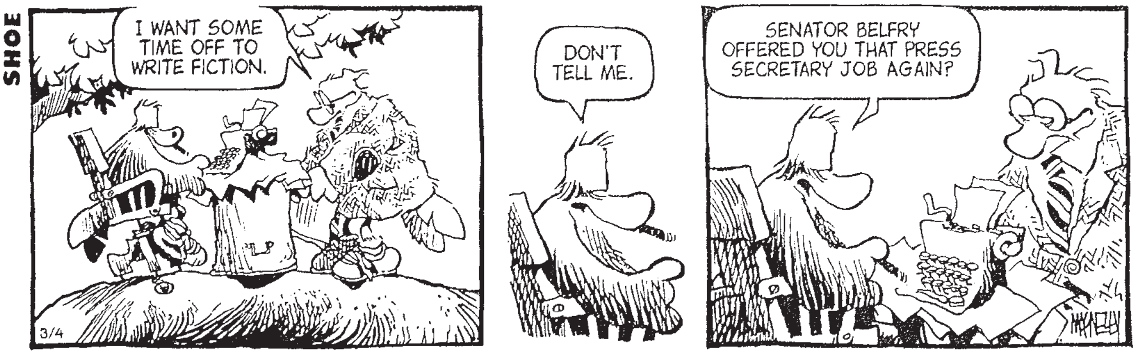
Unfortunately, there's yet another scenario to consider. One has to imagine that many investor relations (IR) people experienced this during the recent global financial meltdown. You are not told about decisions that have moral, and sometimes legal, consequences.

The reason that "best practices" in public relations has the top PR person reporting directly to the top manager of the organization is that to communicate responsibly, you have to know the facts. Some top managers don't agree and hide facts from their public relations people, assuming that "what they don't know won't hurt them," and certainly won't "get outside." They are just wrong.

When a crisis is brewing, or even seems likely, the public relations person has to know as much as can be known, and as soon as it is known. It is the responsibility of top management to tell its board of directors, even if it is a nonprofit organization, and to arrive at an action plan that should be shared with the top public relations person immediately. Be sure that such procedure is in place before you take a job or you are accepting unnecessary personal and professional risk. If you are not told, what do you do when you find out? You have to meet with top management to determine why you were not told and then determine why you were not told and then evaluate your situation. If you can't persuade management to take an ethical and responsible communication of the situation, you are better off leaving. Leave gracefully, without accusations or threats. If legal possibilities are involved, you also need to get a lawyer. Yes, you'll have to bear the cost, but whatever that is, it is not as costly as the loss of your reputation, which could make you unemployable in the industry. Or, the result could be a substantial fine or imprisonment, if the event involves legal matters.

Influence of Public Relations Standards of Practice

The reason you could find yourself unemployable is due to a tainted professional performance. Every professional field has its own code of ethics and standards of practice. One of the most widely acknowledged codes in public relations is the one adopted in 2000 to replace the 1988 code. (The Public Relations Society of America [PRSA] adopted its first



Source: "Shoe" © MacNelly. King Features Syndicate.

code in 1950.) The code has much to say about the standards of practice, but a few key points are especially pertinent to your role as a writer.

Accuracy

Credibility with priority stakeholder/publics is probably the most important asset a writer or an organization can have. Without credibility, it is very difficult to succeed at what you want to do. Factual inaccuracies usually are pretty easy for primary publics to detect. The more difficult such inaccuracies are to discover, the more damaging they may appear in the eyes of your audience. Publics may conclude that you have deliberately distorted or misrepresented the facts for some ulterior motive.

They may label you and your organization as dishonest—and you are, if you misrepresent the facts. But you and your organization can also make "honest" mistakes. These may seep into your writing as a result of rushed, sloppy editing, failure to verify details and the like. But if you simply rationalize them as "honest" mistakes, you're really not being very responsible. You are paid to do things correctly, and this includes preventing "honest" mistakes from getting by.

To illustrate, the annual report of a major oil company contained an out-of-place decimal that dramatically reduced estimates of its oil reserves from those it had claimed in previous reports. The financial community immediately became alarmed because it feared the company had been puffing up earlier estimates of its reserves. Frantic phone calls and a dramatic drop in share prices ensued. The company quickly issued a corrected estimate, so the damage, though costly, was temporary—all because the writers, editors and proofreaders made an "honest" mistake. You can also bet that market analysts and brokers looked at the next year's annual report with an extra dose of skepticism. "Honest" mistakes are sometimes no less damaging than dishonest ones. For example, in the global environment of instant communication if a response to an inquiry in social media doesn't match a statement about the same issue on your website, the world will know about it in seconds.

Honesty, Truth and Fairness

The concept of honesty goes beyond the idea of accuracy and raises questions of truth and fairness. You can deal with documentable facts as a writer and still be dishonest, untruthful and unfair. So factual accuracy is not enough. The selection of facts and the way you weave them into the fabric of a message are what establish you as honest, truthful, fair and credible.

Must you use all the facts, even the bad? No. But to ignore the negatives is not fair. Even if recipients of your primary message are not highly sophisticated, they are not dumb. If you fail to acknowledge damaging information, you simply invite disbelief. Not only will you not be believed, you may also be perceived as unfair. Honesty and forthrightness served American Airlines well when one of its jets ran into a mountain in Colombia. The airline's chief pilot said, "Human error on the part of our people may have contributed to the accident."[4] Years ago, the legal department might have been in an uproar because of concern over protecting the company from liability. Now most organizations see that a greater loss may come from a failure to speak out. A loss of credibility translates to a loss of customers.

Illustrations matter too, and often that is a question of fidelity to truth rather than an attempt to mislead or deceive. A digitally altered photo released from the USA's Army regarding promotion of Ann Dunwoody to four-star general involved keying in the USA flag as background instead of her desk in front of a bookcase. The USA's Department of Defense claimed not to have violated Army policy in altering the photo, but the Associated Press (AP) suspended use of photos from the USA's Department of Defense as a result of its policy of not altering any content from an image.

That situation probably is a more ethically defendable one than another issue involving the USA's Department of Defense. The Pentagon Public Affairs office had sent around retired military officers as spokespeople supporting the government's military decisions. Many of the retired military analysts were said to have undisclosed ties with military contractors. Many retired military officers have gone to work as advisors to companies that are defense contractors. The uproar that disclosure of this practice created was over the law against "domestic propaganda."

False or Misleading Information

Misleading information can lead audiences to make bad decisions. When they discover they have been misled, they withdraw their support. Although you and your organization may enjoy some advantage because of a deception, the advantage is usually temporary. And the consequences of misleading people can be enormous as well as long term. In fact, disaffected audiences may seek retribution through legal actions, boycotts or other means.

The excesses of false and misleading information that came from Enron and WorldCom provoked the Sarbanes-Oxley Act of 2002 designed to make publicly held companies more accountable. As a result, the Securities and Exchange Commission (SEC) and the New York Stock Exchange issued new orders. Although the public relations implications fall largely on the IR specialists, other corporate communications people must also be watchful. One has to wonder about some deliberate and confessed decisions during the financial meltdown that are in direct contradiction to Sarbanes-Oxley and even SEC regulations.

The Sarbanes-Oxley regulations requiring more explicit information about earnings emphasizes the SEC fair disclosure regulations made in 2000. That SEC regulation requires that investing decisions be made more accessible to the public and that anytime material information is intentionally disclosed, it must be made available simultaneously to all publics. That did not happen when Bank of America acquired Merrill Lynch. The bank officer blamed the regulators for telling him not to make the disclosure. So that action was intentional. When unintentional, the undisclosed information must be made public as soon as possible. Disclosure also has to be made through a combination of means to reach as broad an audience as possible. Many IR officers now post news releases immediately on the corporate website as well as sending them on all of the wire services. Public relations practitioners also were affected by the Campaign Reform Act of 2002 that created new disclosure requirements and requires prompt compliance with earlier regulations so that there's more public information available about politically active groups and individuals.[5] Truth has a way of emerging in spite of extraordinary efforts to keep it hidden. In the vast majority of cases, false information is destined to fail. PR writers who knowingly write and distribute false information, for whatever reason, violate one of the trusts explicit in the PRSA code and risk losing the respect and acceptance of their primary publics. False information corrupts not only a writer but also the channels of communication used to distribute it. Hence, false information supplied to a newspaper and relayed to readers damages the reputation of the newspaper, as well as the primary source, in the eyes of the readers. The result is that the newspaper may be reluctant to accept subsequent information from you. Moreover, not only will you find it more difficult to get information into that newspaper, but also will all other public relations people. The assumption will simply be that all public relations professionals or other official spokespersons are alike, and you can't trust any of them.

In 2012, what provoked an attack on the USA's consulate in Benghazi killing the US Ambassador to Libya was reported to USA news media by then ambassador to the United Nations Susan Rice as reaction to a film "The Innocence of Muslims." When conflicting evidence surfaced, Rice said in formal testimony that what she reported was given to her as the official version of what was known at that time. Within hours after her announcement, though, the Libyan Congress disputed her report and said no protests against the film had occurred. The attack was the work of Islamic militants fighting in Syria, Libyan officials said. When US survivors were debriefed later back in their country, they confirmed the Libyan government's version. The result has been accusations of a cover-up by the USA that is likely to resonate for years.

Influence of Laws and Regulations

Everything you communicate has the potential to spark litigation. You must know your freedom under the First Amendment (if you are in the USA) and the laws governing commercial speech as well to bulletproof your writing as much as possible. If your material is going into other countries, check on your rights and restraints there too. You can't fully immunize it from legal action, but you can minimize the potential for losses. And you don't have to be an attorney to do this. Just follow some simple guidelines.

Negative Laws

The first guideline is to realize that laws are generally negative. They define what is not legal. They generally don't define what is legal. You may suppose that something is legal because it has not been defined as illegal. But although that may be true at the time, you may be in for a surprise later.

A further guideline is to remember that case law is built on a series of court decisions, each citing previous decisions. Even when a substantial line of cases evolve from a seminal decision—often one that turns on some question of constitutionality—each new case has the potential to produce a different interpretation of what is illegal, thereby setting a precedent. One thing you should guard against is doing something that will turn you or your organization into a legal precedent.

A case in point was a USA Supreme Court decision in 1989 declaring that the copyright of creative work is the property of the freelancer or vendor unless its ownership passes to someone else in a legal contract at the time the work is authorized. Organizations and PR agencies have sometimes acted as if they owned such creative work, even when no contract existed. The only way they can own it now is to contract for it ahead of time or to obtain permission to use it, which may involve paying fees for each additional usage. That now includes making the print version available on a website.

Simply because you or an organization have always done things in a certain way does not mean that those procedures will be acceptable tomorrow. It is your responsibility to keep up with court decisions and new laws affecting communication in general, and your organization and industry specifically. Copyright laws continue to change regarding materials available through cyberspace.

That brings us to another guideline. Read and study each weekly issue of *Media Law Reporter*, published by Bloomberg BNA. This publication specializes in timely reports and summaries of laws and court decisions affecting every aspect of mass communication, including public relations. If you have any doubts about a new law or court decision, consult an attorney who specializes in communication law. Don't depend on other attorneys, because they may know no more about communication law than you do.

Contracts

You'll find that your organization probably uses lots of outside vendors—writers, producers, photographers, printers and the like. Because they are working for you, you are responsible for their actions in the process of preparing and presenting their material. You must know the nature of agreements with each of these suppliers. Otherwise you are liable to make a grievous error that may cost your organization lots of money and perhaps you your job. One of the most important contract areas is work done "for hire." Unless a vendor signs away ownership of his or her creative work to your organization in a legal contract, you may not use it for any additional or subsequent purpose unless you get legal permission and, sometimes, pay additional fees. This applies to all kinds of creative work.

Additionally, any time a photographer—whether staff or freelancer—supplies you with pictures, each one that includes people (especially professional models) must be accompanied by a photo release form duly signed, thus "releasing" his or her likeness for use in the specified situation. If you're using a freelance photographer, determine who owns the rights to the images before shooting begins. Ownership of the images may fall under the "for hire" provision, too. But unless a contract says otherwise, the photographer retains the original images and controls subsequent uses of them.

One contractual arrangement now simplified is for the organizational use of music—either for meetings or to entertain phone callers put "on hold." The American Society of Composers, Authors and Publishers (ASCAP) has an umbrella contract covering the playing of copyrighted music in public. Some organizations play their own promotional jingles, which for copyright reasons they usually have written especially for that purpose unless they use music "in the public domain," music on which the copyright has expired. There are some risks here because special arrangements of such music and performances of it may still carry a copyright, especially now with changes in the USA and the European Union (EU).

In addition to explicit contracts governing outside vendor relationships, there is an implied contract between you and your employer that you will maintain confidentiality. Some firms actually write this into a separate employee contract, although most of the time it's understood that you will keep to yourself what you learn about a client or an organization. That you will protect confidential information is an implied contract. You won't share information with anyone outside the organization and will use a "need to know" basis inside. Such discretion is especially important when you're dealing with financial matters that may constitute "insider information" and thus be of concern to the SEC. The fact is that if you tip someone who uses that information for personal gain in the stock market, you are as guilty of "tipping" as they are of "insider trading."

Commercial Free Speech

In the USA, no First Amendment rights for organizations are constitutionally guaranteed. However, over the years, a commercial free speech doctrine has evolved. Advertising is clearly covered. The doctrine is less clear about public relations communication, as Nike discovered in defending itself from a lawsuit filed by activist Marc Kasky. Nike had been accused of using sweatshop labor in contracting factories abroad to make its shoes and not monitoring working conditions there. Nike wrote letters to educators and opinion leaders defending its operations and also wrote op-ed commentaries for newspapers as well as sent news releases to the papers.

The US Supreme Court has always supported First Amendment privileges for *political* free speech, even when it is inaccurate. But, Kasky sued Nike for false *advertising*. So, the question really is the definition of Nike's action: commercial speech, as Kasky claimed, or noncommercial, as Nike claimed. Commercial speech is held to high standards of truth so consumers will not be deceived. Earlier cases, like the 1983 Texas Gulf Sulphur case where a news release was held to be "false and misleading," suggest that news releases are also under the umbrella of truth.

Convergence and integration of message distribution, though, brings up some potential challenges. Integration of media for messages, especially, may make what would be clearly recognizable as advertising less distinguishable from what could be otherwise seen as noncommercial communication.

The problem is that commercial free speech is determined by case law, to which the Nike case contributes. In the past, decisions have moved back and forth across the spectrum of just how free are organizational and institutional voices.

Beyond case laws, organizations and institutions also have to deal with possible contempt of court in trying to defend themselves in lawsuits. Litigation journalism (or litigation PR as some prefer to call it) has relaxed some earlier threats. But all it takes is for the opposing side to make the case to the judge handling the case that anything being said about the case is likely to prejudice the jury. When that occurs, you can't write a position paper about the case that you make public, or write commentaries or interpretations of the case for public consumption without inviting a contempt of court charge. Furthermore, you can't go on talk shows, issue news releases, buy advertising space or time or take other actions to convey the position of your organization on the case. This can be very frustrating because it effectively gags an organization until the case has been decided.[6]

Libel Laws and Privacy Issues

When you defame someone in writing, it's libel and to do so in speech that is not written is slander. Defamation is an attack on someone's character, good name or reputation.

If people believe they have been libeled by what you have written, they can bring legal actions for actual and punitive damages. Your best defense against libel is to be accurate and truthful to a fault—so much so that you can document anything you say. Public figures (elected officials and people in the public eye) who bring libel actions must prove you libeled them "with malice." You should realize, however, that current case law makes it difficult to determine exactly who is a public figure.

You need to be very careful when dealing with both public and private figures. Stick with provable facts. You can't play fast and loose with words and avoid libel actions. Any time you use words that could impinge someone's character, such as "gangster," "villain," "cheat," "drug addict" and so on, you are inviting a court appearance. Check current libel laws for other words and usage that can be interpreted as an unfavorable attribute, such as "unprofessional," "paramour," "hypocrite" and so on.

Privacy laws are most often of concern when you want to use a person's likeness and name in publicity, advertising or other promotional materials. People in pictures of crowds at public gatherings represent fair use, but you can't single out people in the crowd and use them for promotional purposes without their consent. If they happen to be celebrities, you'll also need a legal contract to back up the usage. Otherwise, you may be guilty of invasion of privacy.

Libel is another issue, and one that is changing, in many ways due to the Internet. First of all, the person or institution suing for libel must prove damage. In the defense of libel claims, the documentable *truth* must be admissible in court, and that's up to the judge.

One closely watched Massachusetts state court case was *Noonan v. Staples*, in which an executive of the office supply company, Staples, had sent an email to employees explaining that former employee Alan Noonan had been terminated because he violated company travel and expense policies. Noonan's suit for defamation rested on his proving that the truthful email was sent with "actual malevolent intent or ill will." "Actual malice," from the *New York Times v. Sullivan* case, has consistently been interpreted to mean "reckless disregard for the truth," leaving provable truth a defense. The first decision was based on a 1902 state law that predates the *New York Times v. Sullivan* decision and says truth is a defense to libel unless actual malice is proved.

The case wound up in the hand of a jury and was tried in Boston. A one-page verdict form filed by the jury found in favor of Staples. The debate was over "actual malice." Remember this was a digital case involving an email.[7]

Another email case was a much more private email. Lawyers for the producers of the Broadway musical, "Rebecca," sued the show's former publicist Marc Thibodeau for sending an email to a potential investor in the show warning the investor that the show was in trouble. Thibodeau used the name "Sarah Finkelstein" in sending the email. His lawyer did say that his client had used the fictitious name in his warning. Lawyers for the producers of the musical sued for defamation and breach of contract and fiduciary duty because the investment was hoped to save the show financially. Long-time Broadway publicist Thibodeau was labeled by his lawyer as "an innocent whistle-blower." The publicist also had sent emails under the name of "Bethany Walsh" to the investor's lawyers. In addition to this lost investor, Rebecca show producers discovered that four other investors it was counting on were "ghost" investors from a middleman. The production is being delayed.[8]

A question that these two cases did not address is who owns digital accounts, particularly social media accounts? There seems to be clarity on email accounts in that if you are using your employer's email account then the employer owns the account.

Oops. What if your social media accounts are also on your employer's electronic account and not on a separate, private account? Or, even you have them on a private account, and think you own your Twitter, LinkedIn, Facebook and so on, your employer may consider these should be valued as trade secrets.

Your content on social media is not the value; it's the connections. Employees in marketing, advertising and public relations consider contacts built through relationships to be essential professional connections that will help them wherever they are employed. Even the federal courts may decide that in some cases social media accounts are an organization's trade secrets and thus their property.

Some guidelines you might want to consider come from Cayce Myers, Ph.D., J.D., LL.M., Virginia Tech, Department of Communication.

For PR Practitioners:

- Establish up-front who owns what social media account. When a practitioner is working in-house this may be established by social media policy. However, when working freelance or for an agency with multiple accounts, this ownership question may not be answered by a policy. Establishing boundaries and expectations up-front in a written contract reduces the risk of litigation over ownership.
- Create and maintain personal social media accounts, specifically LinkedIn, and use them only for personal reasons. This may require practitioners to set up personal and professional accounts. While this may not be optimal for unity of professional branding, it provides a demarcation between professional and private accounts.
- Do not do promotions for clients or organizations on social media accounts. Using personal social media accounts for promotional or sale purposes, specifically creating promotional events or groups creates an argument that the account is the property of the organization. While it is tempting to use personal accounts that already have built in followers, it blurs the lines between professional and personal, creating the potential for ownership disputes.
- When selling a PR practice or leaving a job you should establish what social media accounts you are taking with you. Merely changing the name or affiliation of an account does not eliminate an organization's ownership interest. Remember what's at stake is the connections, followers and friendships on the account. (For advice to organizations, refer to this source in the footnote.)[9]

Privilege, another libel defense, is a fair and true report of a public, official or judicial hearing, but who determines whether the report is "fair"? The *fair comment* defense—which used to protect people, such as reviewers and columnists, who often exaggerate statements about public figures for humor—has suffered some severe blows in the courts. Some claim that now such protection doesn't exist. At the federal level, public figures still must prove malice in their libel suits, although, in some instances, their defense has been privacy. The privacy issue is often ignored within organizations when they assume that because people work there it's all right to use their names and pictures without permission. This is not true, and problems multiply if the representation is in something designed to make money for the organization, such as an ad or a brochure. There are also problems if the employee no longer works for the organization. The protection is a release form giving you *permission.*

Copyrights and Other Rights

The premise of a copyright is that creators of creative works should own what they create. Consequently, it provides a means of protecting a person's or organization's creative property against unlawful appropriation and use by others. By copyrighting what you write, you serve notice that the work is yours. Always use the copyright symbol (©) with the word *Copyright* adjacent to it. Copyrighting does not automatically invoke legal action in instances of suspected infringement. It only makes it possible for you to seek legal redress. The initiative lies with you, not with the law. Copyright protects the specific expression of an idea, but ideas, as such, are not protected. You must file for copyright protection with the Library of Congress (http://www.loc.gov/copyright/) for that protection.

Digital technology is affecting copyright law, so that you need to look for changes in that as well as the extension of copyrights on existing materials, even after the creator is dead. You should also be aware that many publications routinely copyright their contents. However, unless the individual messages in these publications were written by staff personnel, their creators retain ownership of what they have created.

Violations of copyright often take the form of plagiarism. Public relations writers have to be acutely aware of not usurping others' creations while doing research. If you quote a source, put your notes in quotation marks, and register all of the information you will need for attribution. Furthermore, if you want to use more than 100 words from one source, fewer words if it is a song, poem or relatively small work, you must get written permission from the copyright owner of the source.

Much to the dismay of fans of historian Doris Kearns Goodwin, in 2002 she admitted to copying passages from other sources and using them in her own. She was asked to take a leave of absence from PBS's *NewsHour* and resigned from the Pulitzer Prize Committee. She is not the only high-profile public figure to admit to incorporating others' work into her own. In the election campaign for the 44th president of the USA, artist Shepard Fairey created a poster based on a photograph taken by an AP photographer of the then candidate Barack Obama. Neither the photographer nor the AP was given credit. Fairey's position was that artistic license changed the image so substantially that no permission or credit was needed. The AP then countersued Fairey and his companies claiming they knew the image was copyrighted by AP and still used it as a basis for posters and other merchandise sold and distributed through various channels without permission or compensation.

If you, as a public relations person, plagiarize someone's work, not only will you be fired when it is discovered, you will also have to find your own attorney and pay all of the expenses. Furthermore, it is highly unlikely that you will be able to find PR employment again.

When you use somebody's trademark, service mark, trade character or the like, make sure that you show the ownership. For example, the ™ symbol must appear immediately after the mark, usually accompanied by a line of small type that says something like "[product name] is a registered trademark of [company name]."

You do need to realize that many individuals and countries see copyrights and trademarks as unfair protectionism and argue for more freedom of appropriation of creative work.

Government Regulators

Most of the things you write will fall under the purview of four major government agencies. One is the USA Postal Service. That agency is concerned with classes of mail, fraud, lotteries and the like. The range of regulations is staggering. And you'll find the interpretation of some of them varies significantly, depending on whom you ask. So, if you're not sure about something, ask the postmaster at the site where you expect to do a mailing. That's the only way you can really be sure.

The SEC is especially concerned with information dealing with or relating to the stock market and the financial community in general. Particular concerns that may affect you as a writer involve executives and their compensation, annual reports and news releases dealing with the financial condition or direction of your organization and potential opportunities for insider trading. The Internal Revenue Service also watches financial reports.

The Federal Trade Commission (FTC) has a wide range of interests. In relation to writers, however, the FTC is most concerned with maintaining fair competition. Hence, seemingly deceptive advertising or other promotional materials draw FTC's attention and action.

The Food and Drug Administration (FDA) watches over information from food and health industries and is very protective of the consumer. In fact, it considers information drug companies circulate about their products to be promotional, and it closely monitors educational or scientific activities.

Other regulatory groups can affect what you write too. In fact, the Bureau of Alcohol, Tobacco and Firearms threatened to close Leeward Winery in California because the winery quoted in a newsletter to customers information from a CBS *60 Minutes* show that suggested red wine may help reduce the risk of heart disease. Another winery got into trouble for using similar information in an ad. A liquor store was also stopped from using an in-store wine sales campaign that had heart signs reading "Wines to your health" and "Be heart smart."

Your responsibility is to know the applicable rules and regulations affecting your organization and industry. If you don't know the answer, ask someone who does. But you'd be wise to go to the original source, rather than risk acting on someone's well-intentioned but possibly wrong advice. For protection, some advertising/public relations agencies and other profit-making companies have internal legal counsel and a policy of reviewing all information, especially public announcements of any kind.

If you get into legal trouble, though, one point to remember is that when you work for an organization you do have some legal protection. Furthermore, if your organizational legal counsel asks you for help in crafting responses to any litigation or a litigious situation, you are more likely to be considered as legal counsel as they themselves are and protected from being subpoenaed by the opposing side. You may be under the legal umbrella of attorney-client privilege. Federal courts are more likely to see those who craft strategies, especially in time of crisis, as part of the organizational team.

Quite the contrary if you are self-employed. You are likely to have to turn over any and the all material related to the case, even what you would consider confidential because it could compromise the person or organization you have worked with that is getting sued. For that reason, you may want to contact an attorney who knows something about media law in advance of any possible litigation and make arrangements. When a case occurs, you probably will want to put the attorney on a retainer because cases tend to drag on with occasional spikes demanding an instant response.

If you work for an agency, although you may have responsibility for one or more clients, the agency itself usually has a lawyer or law firm on retainer. The client probably has legal staff too. Your protection in such a situation is less clear, and it may depend on where the suit is filed. Although the lawyers have attorney-client privilege, you probably will not. The courts have been ambiguous in their rulings regarding public relations writers.

Influence of Priority Publics

Although the four major areas of influence already mentioned are vital to your success as a writer, none is more important than the influence of primary publics. Every organization, public or private, profit making or nonprofit, must be keenly aware of the influence of its primary publics. Indeed, the organization can exist only with their permission.

Permission does not always mean approval of all that the organization is doing. However, the critical limits of an organization's ethical and legal behavior are determined by its primary or closest stakeholders/publics—those who share organizational identity, such as employees and (often) former employees, and those with whom it has an ongoing relationship, such as suppliers, distributors and customers.

Shared Values

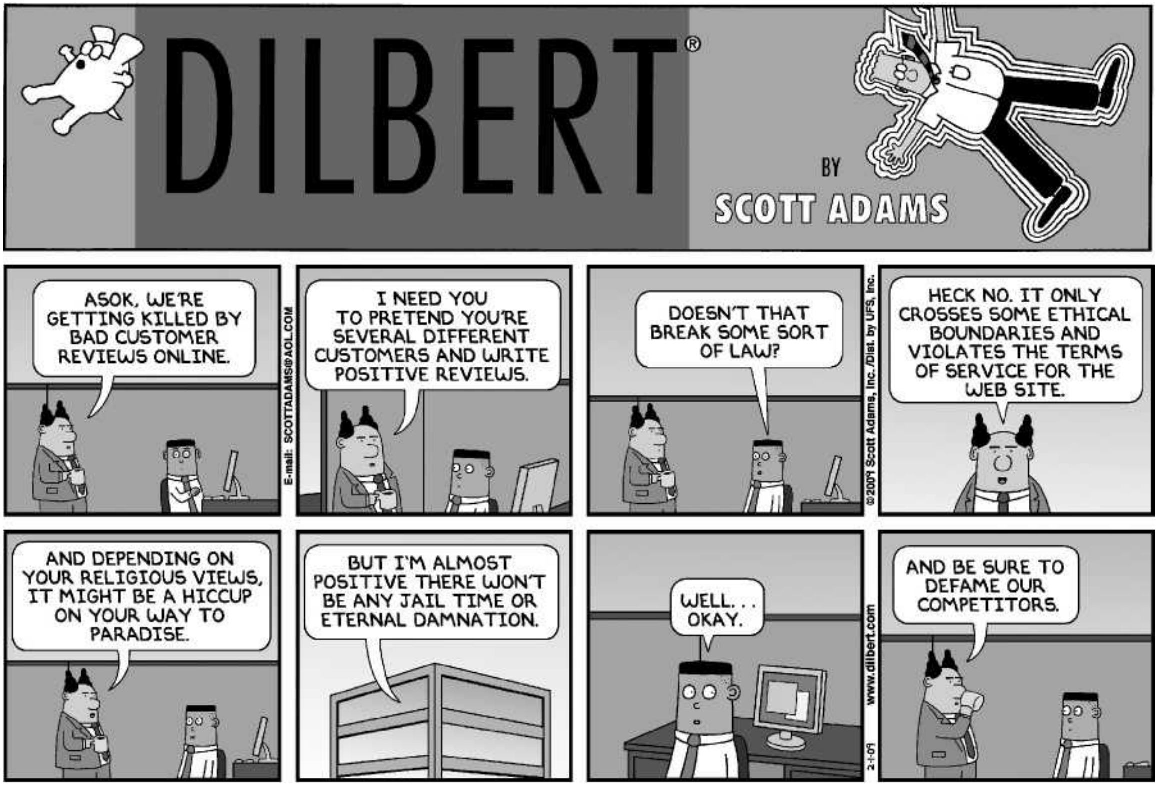
The stronger a public's identity with the organization, the stronger its reaction will be to what the organization is saying and doing. Primary publics perceive themselves as having shared values with the organization. Any violation of these values is often reacted to very strongly and personally.

Relationships can be considered at three different levels: developmental level, sometimes called the cultivation stage, the maintenance level and the quality level or strength of the connection of an individual to the organization.

To have a strong connection to the organization, people need to feel they have easy access, are being listened to in a positive way and are responded to honestly and fairly. The underlying consideration is trust in the organization and the credibility of its communications, both created by transparency.

Transparency is an expectation of openness and disclosure of information that significantly affects all publics. The Internet provides multiple opportunities for any organization to develop unique and personal connections. These are easy to establish, but require high maintenance.

Nevertheless, the quality of an organization's relationships with its publics is a measure of good management. Even those who may not agree with the organization should respect it.



Source: Dilbert, © by Scott Adams, United Feature Syndicate, Inc. 2-1-09

Adversarial Groups

Maintaining connections with and respect from adversarial groups is critical and, therefore, their reactions are anticipated in the planning process and closely monitored thereafter. Adversarial groups may include regulators, competitors, special-interest groups and activists concerned about certain aspects of society (the environment, endangered species, animal rights and so on). These groups typically perceive themselves as having a different, not shared, set of values. That's not always the reality, but it is almost always the perception. For this reason, adversarial groups exhibit little tolerance for "mistakes" or "poor policy decisions."

Although the closest publics may respond quickly and personally to something they don't like or something they see as a violation of shared values, they are much more forgiving than adversarial publics. These two groups set the boundaries within which an organization must operate to be successful. Understanding their ethical standards and values is, therefore, crucial to planning and setting policies.

Exercises

Situation: You are the vice president for corporate communication at Enodyne, a conglomerate. You are in a corporate board meeting, having just finished presenting the budget for next year, when an emergency phone call from Ben McConkle—the public relations director of a subsidiary, Fielding Works, which manufactures industrial solvents and other chemicals—advises you that a Fielding transport on its way to a toxic waste dump had an accident near North Platte, Nebraska, about three hours ago. The truck turned over three times and several containers of toxic chemicals ruptured, posing high danger to people on the scene and to people within a 5-mile radius, depending on the speed and direction of the wind. No one was seriously injured, but the driver and his companion suffered minor abrasions and bruises. The driver is Burl B. Benton, 33, an employee of 10 years with a spotless record. The companion is Helene A. Haven, 30, a female nonemployee. McConkle wants quick guidance on how to handle inquiries, especially those related to these facts: (1) tests showed that Benton and Haven had been drinking; (2) neither was legally drunk; (3) tests showed that Haven had traces of cocaine in her system and (4) McConkle has not yet notified Mrs. Benton and her two children of the accident. McConkle needs your advice now, not later, because the news media will pick up these facts very soon.

1. What guidance will you offer McConkle? Is your guidance fully responsible to Enodyne, to the driver and his family, to the driver's companion and her family, to the people in the area of the accident and to others? How so? Why so?
2. Write a one-page summary of the ethical problems involved in this situation, and explain how they might affect you as a PR writer.
3. Write a one-page summary of the potential legal problems in this situation, and explain how they might affect you as a writer.

PART 2

Writing Principles

Remember that all readers, listeners and viewers of PR writing are volunteers! Make their experience rewarding.