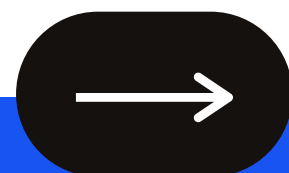


**The Nestor Agency**

# Employee Handbook

This handbook contains our company's ethical standards and guidelines for all employees. For additional questions, please contact your direct supervisor, or an HR representative.







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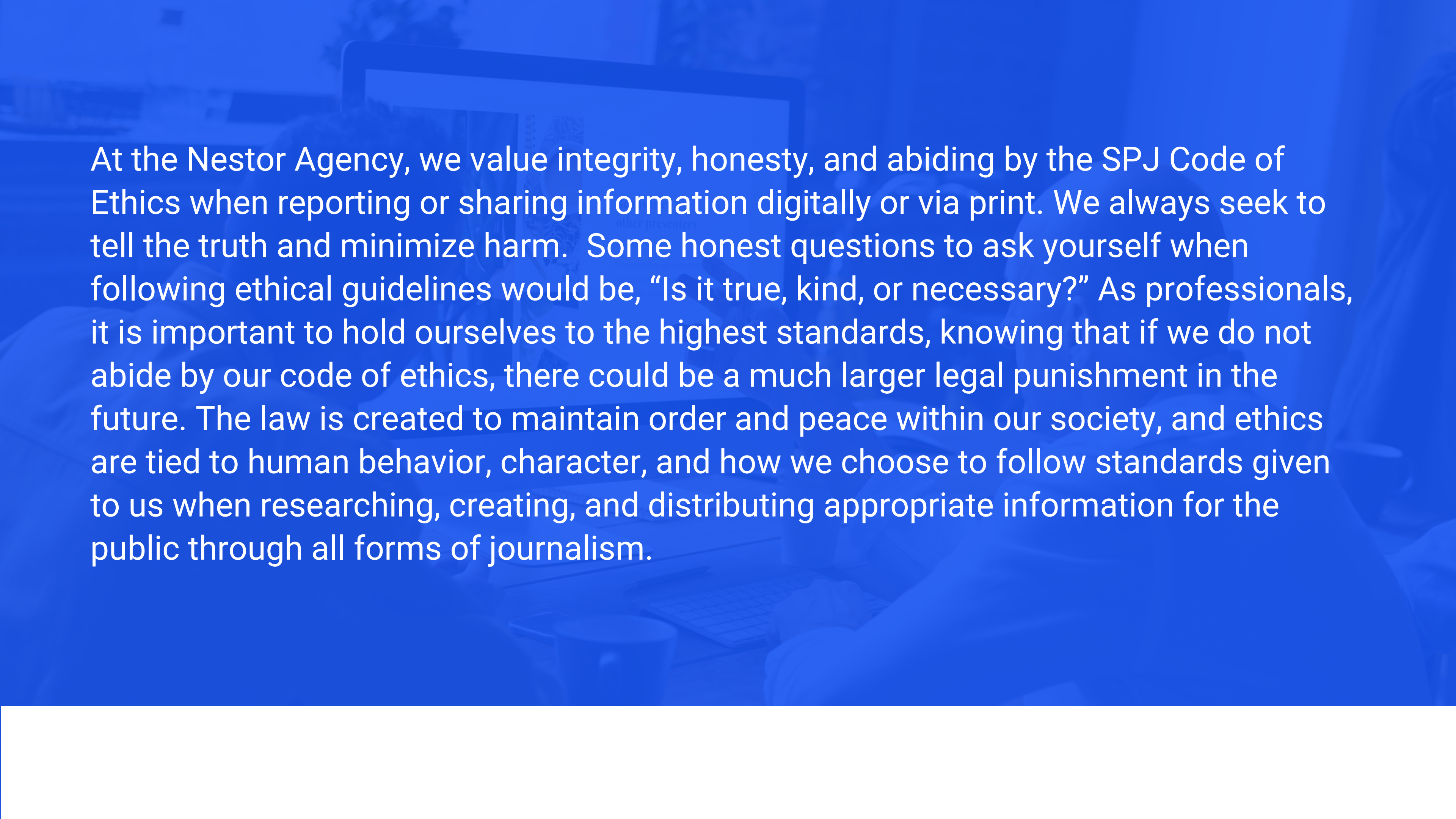
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# I. Part One

# Introduction

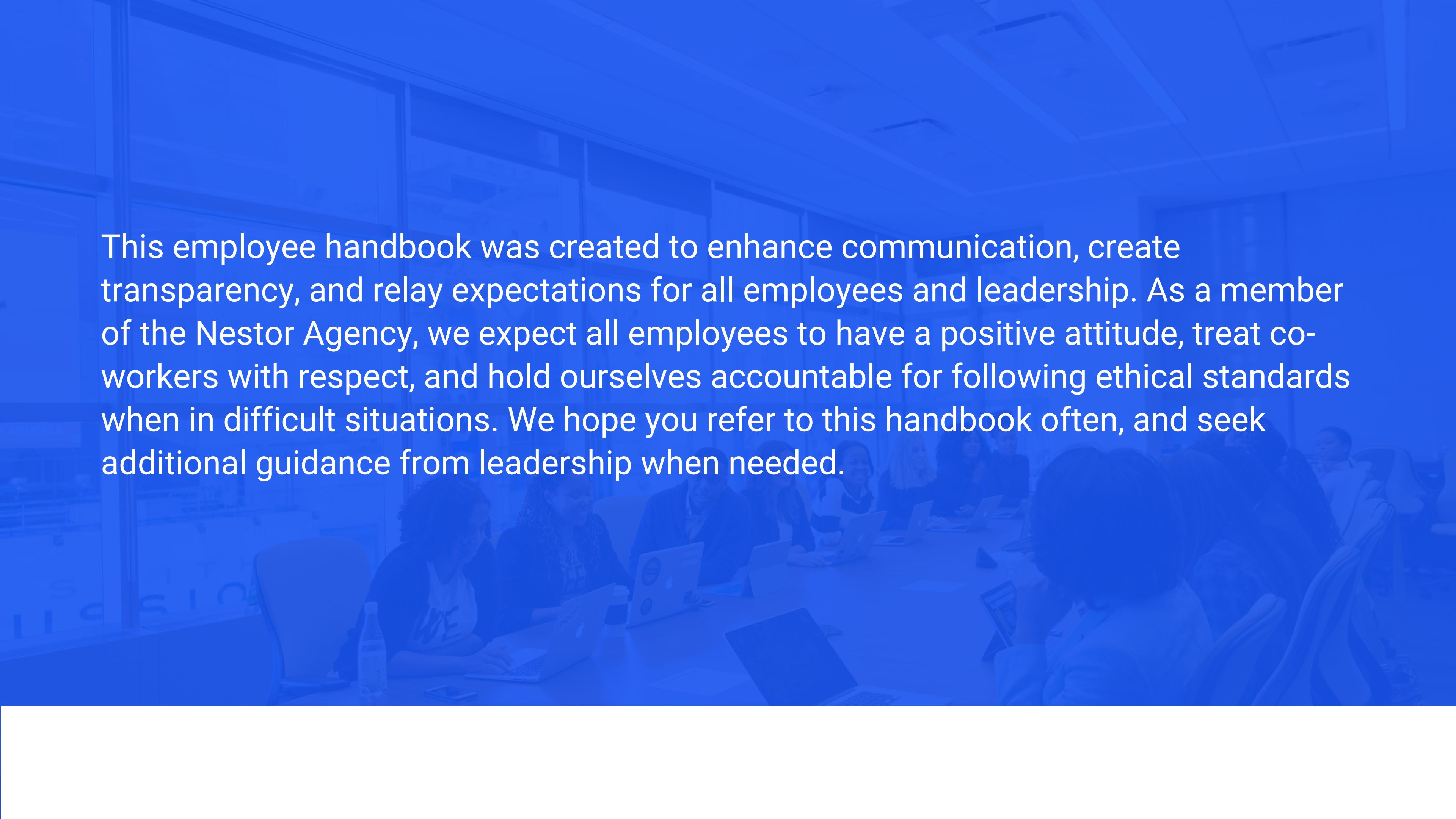






At the Nestor Agency, we value integrity, honesty, and abiding by the SPJ Code of Ethics when reporting or sharing information digitally or via print. We always seek to tell the truth and minimize harm. Some honest questions to ask yourself when following ethical guidelines would be, “Is it true, kind, or necessary?” As professionals, it is important to hold ourselves to the highest standards, knowing that if we do not abide by our code of ethics, there could be a much larger legal punishment in the future. The law is created to maintain order and peace within our society, and ethics are tied to human behavior, character, and how we choose to follow standards given to us when researching, creating, and distributing appropriate information for the public through all forms of journalism.





This employee handbook was created to enhance communication, create transparency, and relay expectations for all employees and leadership. As a member of the Nestor Agency, we expect all employees to have a positive attitude, treat co-workers with respect, and hold ourselves accountable for following ethical standards when in difficult situations. We hope you refer to this handbook often, and seek additional guidance from leadership when needed.



# II. Part Two

# Laws and Regulations

This section will provide an overview of key laws and regulations that impact digital communications.





There are many types of law that come from different sources. The two most important forms of law are **criminal** and **civil**.

1

**Criminal law: a local, state or federal government can bring action against an individual or organization for the commission of a crime. Ex: harassment, defamation of character, defamatory libel, etc.**

2

**Civil law: punishment is normally minor compared to a criminal case. These disputes mostly deal with private rights and can normally be settled within court. Ex: trademark infringements, website or social media privacy issues, etc.**

3

**"The vast majority of cases are civil, although criminal cases attract the most attention in mass media" (Moore et al., 2018).**



# The First Amendment (Freedom of Speech) & Prior Restraint

**The First Amendment of the Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances" (U.S. Const. amend. I).**

**Prior restraint** occurs when the government attempts to stop the dissemination of information based on the potential harm it may cause. The government normally has to present a strong case for the court to approve any limitations of releasing said information.



# Libel

Defamation in written form is known as libel. This can be written in print or online and normally damages a person's reputation or standing within their community.

# False Light

"A tort concerning privacy that is similar to the tort of defamation. The privacy laws in the U.S include a non-public person's right to protection from publicity which puts the person in a false light to the public" (DLMP, 2021).

# Copyright

Copyright law is for the benefit of authors so they have the power to control how their creative expressions are copied, distributed, and performed. It applies to creative works such as ads, books, newspaper and blog articles, software, TV and internet programs, musical compositions, recordings, emails, and any other original expression.

# Appropriation

**"Appropriation** is the action of taking something for one's own use, without the owner's permission.  
"Normally a person profits from the use of the name of the person" (Find Law, 2018).







# **Landmark Cases & Their Impact on Digital Communications Today**



## ***Pittsburgh Press v. Pittsburgh Commission on Human Relations (1973)***



In the 1960's the city of Pittsburgh enacted an ordinance that banned sex discrimination for employers for a broad range of occupations (Moore et. al 2017, pg. 215). In this 1973 case, the Pittsburgh Press had permitted many employers to place help wanted ads in the paper's classified section under specific male and female categories. This promoted a sense of sex discrimination and there was a question whether this should be shielded by the First Amendment. The Pittsburgh Commission on Human Relations charged the newspaper with violating ordinance and ordered the Press to comply with the law (Moore et. al 2017, pg. 215). The Court deemed the advertisements different from freedom of expression, and that the advertisements in question were "purely commercial advertising," which is not protected by the First Amendment (JUSTIA, US Supreme Court, n.d.).

**The Court ruling changed digital communication practices and law by reassuring that commercial speech is not constitutionally protected, even within a newspaper. It also helped guide the direction for eliminating sex-designated ads where the employer or advertiser is free to make a hiring decision only on gender.** This also helped Pittsburgh prohibit employment discrimination and utilizing an illegal employment practice. Years later, as you can see most applications now have a gender column, but there is an employment discrimination law where all genders should have the same opportunity to be hired and can file a wrongful termination lawsuit if discrimination is suspected now in 2021. Thankfully, this case shaped the importance of combating discrimination and fighting for fair employment for all people.



## ***Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council (1976)***

This 1976 case was special because it set the tone for commercial speech decisions. The Supreme Court held that truthful commercial speech, was now protected by the First Amendment. Although this was a non-media corporation, the Court ruled that a state could not limit pharmacists' right to provide information about prescription drug prices. According to the Court, "individuals should be permitted to make their own choices based on information freely in the marketplace" (Moore et. al, 2017, pg.218). Justice Harry A. Blackmun noted that "the particular consumer's interest in the free flow of commercial information may be as keen than his interest in the day's most urgent political debate, and that free flow of commercial information is dispensable" (Hudson, n.d., para 3). Blackmun noted that any misleading, false, illegal commercial speech could still be regulated. This also opened the gates for active promotion of prescription drugs, liquor, cigarettes, and other products that they previously did not allow or encourage. This was more in favor of the consumer having the ability to be well informed and the communication lines should remain open for the consumer's best interest.

**The ruling impacted digital communication practices and law by allowing truthful commercial speech to be protected by the First Amendment.** It set up the future to allow advertisers the rights to the dissemination of price information for active promotion of cigarettes, prescription drugs, liquor, and other items. As we all know, ads for prescription drugs did appear in consumer magazines and newspapers in the 1990's. According to Moore et. al (2017), the pharmaceutical industry spent more than 5.4 billion annually in 2015 on direct-to-consumer advertising, or DTDC advertising. There are ads for pricing for products everywhere you look, on the SuperBowl, on Facebook and social media advertisements, geo-targeted emails, and other forms of digital communication. Amazon and Apple are two large companies that consistently promote their prices for healthcare-related products. Publix, CVS, and Walgreens all promote pricing for pharmacy-related items online, and have acquired their own digital apps to offer discounts, coupons, and other ways for consumers to save and this has become a normal way of advertising.





## ***Brown v. Entertainment Merchants Association (2011)***

In this case, the U.S. Supreme Court ruled that a California law prohibiting the sale or rental of violent video games to minors violated the First Amendment. A group of video game and software companies challenged the law in federal court, noting the concept of obscenity. According to (Hudson, 2018), Justice Antonin Scalia rejected the state's argument that violent video games could qualify as obscenity. It was said that the state of California failed to show a connection between exposure to violent games and the harmful impact on children. The Supreme Court ruled in *Brown v. Entertainment Merchants Association* that it is unconstitutional to bar children from buying or renting violent video games, saying government doesn't have the authority to "restrict the ideas to which children may be exposed. According to a New York Times article written about this case in 2011, Justice Antonin Scalia said: "Like the protected books, plays and movies that preceded them, video games communicate ideas – and even social messages – through many familiar literary devices (such as characters, dialogue, plot and music) and through features distinctive to the medium (such as the player's interaction with the virtual world)," Justice Scalia wrote. "That suffices to confer First Amendment protection" (Liptak, 2011).

More mature-rated video games have come out since 2011, games that are rated "M" for mature audiences that include popular titles like *Grand Theft Auto*, *Call of Duty*, *Halo*, and games that encourage violent acts and murders. The impact to digital communication in this case would be the allowing of more violent video games to be created and sold to minors for the past ten years since. Minors are being exposed to violence in many forms of digital communications like YouTube, video games, social media, news articles, movies, television shows, music videos, and the list goes on. **This case was monumental because many politicians, scholars, and the general public started to see that video game science was not as clear as some had tried to advertise it as being like the APA (American Psychological Association).** Many are still trying to determine whether violent video games are a problem for society. Since the First Amendment protects many forms of media, the censorship possibility was a threat to not only the video game industry, but other forms of media. "The Supreme Court has said that restriction of speech, even accessible to minors, is dangerous to democracy unless there is evidence that the speech presents a present danger to the health of society" (Ferguson, 2016). Hopefully, the laws will tighten up and have a greater protection for minors in the near future.

# Best Legal Practices

1. When creating hiring ads on LinkedIn, Glassdoor, Indeed, or any other job form, be sure to include the antidiscrimination language, and encourage all genders to apply. Do not use any terminology that alludes to the position only being for a specific gender.
2. When engaging on social media, be sure to not use any gender bias language, and always be an advocate for diversity and inclusion.
3. When developing paid advertisements on Facebook or other social media platforms, try and be inclusive with different ethnicities within photos for those ads. For example, use men, women, different nationalities, etc.
4. When advertising items online that have had some negative response or consumer issues/feedback, do your research before executing a PR appropriate crisis-response. Seek to find a solution to the consumer's problem and keep lines of communication open.
5. Do not post misleading information or any information that can be harmful to the consumer. Always put their best interest at the forefront of every decision.
6. Any clips for promos, commercials, or advertising videos should not contain sexual content, nudity, or any type of obscenity that could be viewed as inappropriate by the law.



# III. Part Three

## Ethical Guidelines

This section will share some ethical best practices from staff, while also reviewing other common codes of ethics.



**When you're a communications professional, it is important to think outside the box and from the viewer or reader's perspective.**

**Sissela Bok, a philosopher, said the first step in her ethical decision-making framework is to “consult your own conscience about the “rightness” of an action, and then ask: “How do you feel about that action” (Patterson & Wilkins, 2019, pg.6)?**

The ethical guidelines on the next few pages will help guide you in the right direction when making important decisions about content.






**Common Ethical Values  
found in the PRSA  
Code of Ethics**

- **Advocacy**
- **Honesty**
- **Expertise**
- **Independence**
- **Loyalty**
- **Fairness**

**Common Ethical  
Values found in the  
SPJ Code of Ethics**

- **Seek the truth and report it**
- **Minimize harm**
- **Act independently**
- **Be accountable and transparent**





## Commonalities & differences between PRSA and SPJ Code of Ethics

Based on the common themes between the PRSA and the SPJ codes of ethics, you can determine that some of the most important principles are **honesty, accountability, being an advocate for who you represent, and minimizing harm by showing compassion, being transparent, and protecting private information when needed.** Since you are serving the public, being open to explaining your decisions and acknowledging mistakes when they are made, can help you maintain credibility and authority within the industry.

The big difference between the SPJ and the PRSA, is that the PRSA members are clearly held accountable for their actions and will kick a member out if they do not abide by the codes presented to members. The SPJ is more flexible and has debated the issue of holding its members accountable. They prefer to publicize and explain the principles instead. It is to abide by the same high standards you would expect from co-workers and employees in the communications industry.

# Ethical Guidelines for The Nestor Agency

## 1. Always be an advocate for those you represent.

*Guidelines: You serve the public interest by acting as a responsible advocate for the brand you represent. You provide an honest voice within the marketplace of ideas and facts, and only share truthful content.*

**For example:** When cross-sharing content on social media, always be sure to fact-check the post to verify that the information is accurate.

## 2. Be accountable and transparent.

*Guidelines: You are responsible for your actions, and ethical choices when presenting information to the public. It is your duty to respond quickly to questions about accuracy, clarity, and fairness.*

**For example:** When you post a story online that is not 100% clear to the reader and you are questioned about the intent whether in an email, publicly on the post, or in a private message, be open and honest with your intent and explain further if needed.

## 3. Always treat subjects, colleagues, and members of the public and human beings deserving of respect.

*Guidelines: Always show compassion for those who may be affected by harassment on social media, provide bad reviews due to a bad customer experience, or those who are victims of a sex crime. Weigh all consequences of publishing content that directly impacts a person's life in a negative way. Avoid publishing information that is highly-sensitive or personal.*

**For Example:** Your boss approaches you with an opportunity for a viral story. When doing your research, you find that the person is in the middle of a lawsuit and is a current victim of a harassment crime on social media. Considering all angles you could approach the situation, your morals and ethics determine this is not a story you feel comfortable publishing. You then present your information to your boss and politely decline with justified reasons as to why this is not a good story to promote.



# Best Ethical Practices for Creating Digital Content

1

Do your research before posting any story online and fact-check. This is highly important in today's world of the internet where anyone can post something, even if untrue.

2

Whenever you're working on a project, be sure it is original work. Adhere to the copyright law and ensure your images are not taken from other publications without being sourced properly.

3

Always tell the truth and minimize any harm to your reader/audience. Ask yourself, is this worth sharing, posting, etc. if it hurts x, y, or z? Put the public's best interest first, in your decision making process.

4

Take ownership for your actions, always. If you receive negative feedback on social media, via email, or somewhere else about an article or post you've shared as the author, review the issue, apologize, and try to correct the situation.

# IV. Part Four Case Study

This section will cover a case study that you can refer to when making ethical decisions as a communication's professional.



# A Controversial Dilemma--Case 4-E: "***Whose Facebook Page is it Anyway?***" & First Amendment Rights



This case discusses Barrett Tyron, a former Emmy winning journalist who was known to the Colorado Springs market. In April 2012, Tyron worked at the Gazette and made a personal decision to share a Los Angeles Times story announcing Freedom Communications Holdings Inc.'s sale of the Orange County Register and six other newspapers to a Boston Investment Group, one of the papers being the Gazette (Simons, n.d,pg. 119-121). To Tyron's surprise, his boss told him that the Facebook post was a violation of Freedom Communication's social media policy, and that the Los Angeles Times article he shared "did not meet their standards of factual information" (Simons, n.d, pg. 120).

There was a lot of back and forth with his boss in regard to his post on his personal Facebook page being protected within his First Amendment rights, and ultimately, Tyron received a lot of local and national support for standing his ground about not removing the post off his personal Facebook page. After being placed on administrative leave for his decision to not remove the post, about a week later, Freedom Communications called him with an offer to reinstate him. Tyron resigned from the Gazette, stating "I'm not really interested in working for an organization where we would even have this conversation." He continued to state: "I hope that the takeaway is that people realize that, if you do have a social-media policy in place, it is important that you know what it is, and how it could be interpreted or misinterpreted (Simons, n.d. pg. 122).

This topic is worth studying because as a communications professional, it is important to know your company's policies and understand ethically what you should or should not post on your accounts. The ethical issues I believe that are being questioned in this case is the way that Tyron shared information tied to his company being bought out on his personal account. In relation to the SPJ Code of Ethics under "Be Accountable and Transparent", the journalist was accountable and transparent when sharing the article on his personal account and did not use any opinionated language or defamation of his employer's name by sharing that content, and then he also provided clarity to his boss on why he felt justified in posting that information on his personal Facebook page. Therefore, should every workplace have a clearly defined social media policy so that there is no gray area on what can and cannot be posted?



# Case 4-E & Communication's Case Law: **False Light**

In relation to Case 4E, there are more direct ways in which a company's social media policy can be written for an employee like Tyron, to avoid **false light** charges. As an Emmy winning journalist, Tyron thought he understood the company policy, and shared content that he felt did not hurt the company. However, his employer disagreed, felt that his post placed the organization in a **false light**, and placed him on administrative leave, only to be call him back after all the community support he received to be reinstated. He declined.

For **false light** to be proven, each of the following must be found to be present to win the case:

- The information must be false.
- The information must be known to be false by the person who issued the information.
- The information must be “highly offensive” to most people.
- The information must be harmful to the person claiming “false light.”

In his resignation, Tyron stated: I’m not really interested in working for an organization where we would even have this conversation.” He continued to state: “I hope that the takeaway is that people realize that, if you do have a social-media policy in place, it is important that you know what it is, and how it could be interpreted or misinterpreted (Simons, n.d. pg. 122).

As a win-win solution to this issue, the Gazette would have benefited from a clearly defined social media policy. I have researched a few companies that seem to have this policy under control, one being *The Washington Post*, and another great example being *The New York Times* employee handbook.

*For example: The Washington Post’s social media policy clearly states “Personal pages online are no place for the discussion of internal newsroom issues such as sourcing, reporting of stories, decisions to publish or not to publish, personnel matters and untoward personal or professional matters involving our colleagues. The same is true for opinions or information regarding any business activities of The Washington Post Company” (Inside Social Media, 2009, para 8).*





# Legal Best Practices

These can also be applied to the case study 4-E

**Always be an advocate for those you represent.**

You serve the public interest by acting as a responsible advocate for the brand you represent. You provide an honest voice within the marketplace of ideas and facts, and only share truthful and original content.

**Assume everything you write online and share on social media, will become public. Only generate authentic content.**

In order to avoid false light issues, copyright infringements, or other legal issues, be sure to follow our company's social media standards such as: generating new content, avoid using other's images or video without providing the source, etc.

**Keep internal deliberations and personal opinions about your workplace confidential.**

If you have an issue with the company, please seek assistance from HR or your direct supervisor. Do NOT write negative things about The Nestor Agency on the internet. This includes social media and personal accounts. We take these things very seriously.

**Anything you share online is a representation of The Nestor Agency.**

As a communication's professional, you are representing The Nestor Agency. As a journalist, everything you say or write can be viewed in light of your connection with our organization.



# Existing Ethical Codes related to Case 4-E



Here are a few existing ethical codes that can be applied to the controversial dilemma within **case 4-E**. Since Tyron was an experienced journalist who shared content on his own Facebook page with *good intention* and (solely to share some exciting information about his company on his personal page), you can apply the following ethical codes to his behavior throughout the situation. I think as a media professional, Tyron took the following into consideration before he made his post public. He was also honest and transparent after posting, when he was approached by his employer about the situation. Therefore, these existing codes below relate well to the media profession of journalism and can be applied to this case.

- "Endeavoring to verify the authenticity of user-generated content before publishing or distributing it, holding it to the standards that are equal or equivalent to those maintained for content acquired through other means" (Online News Association, n.d.).
- "Seek the truth and report it". Provide context. Take special care not to misrepresent or oversimplify in promoting, previewing, or summarizing a story (SPJ Code of Ethics, 2014).
- "Minimize harm". Balance the public's need for information against potential harm or discomfort (SPJ Code of Ethics, 2014).
- "Be accountable and transparent." Respond quickly to questions about accuracy, clarity, and fairness (SPJ Code of Ethics, 2014).



# Ethical Best Practices

These can also be applied to the case study 4-E

**Engage with readers, but professionally.**

It's important to engage with those who read your content but do not get into internet wars with those who continuously comment negative thoughts on our social media accounts. Use caution when responding, and do not diminish the credibility of our agency.

**Always seek the truth and fact-check all content.**

This is important not only to your own credibility, but to our brand and organization. If you decided to share content online, please ensure it is accurate, true, etc. Verify all information before reporting elsewhere.

**Be transparent and correct mistakes when you make them.**

Admit when you're wrong, and correct the situation. Delete any posts that are incorrect and publicly admit to any mistakes made.

**Consider the the emotional state and safety of the public/viewer of any video content.**

How will the content you are presenting, impact the viewer's family, friends, etc. Always try to minimize harm.

**If something feels wrong, it most likely is. Use your best judgement and seek additional guidance if needed.**

Always use your best judgement when making decisions. Ethics are important at The Nestor Agency. When in doubt, reach out to a supervisor.





# The Future of Digital Communication and Our Organization

Having clearly defined guidelines and ethical best practices can help eliminate any gray area an organization may face when employees post on their own social media accounts. While many items are protected within First Amendment rights, it is helpful to understand the social media policy put in place to ensure all parties are on the same page. Social media and other forms of digital communication are prevalent in our daily lives, and only growing more popular. With Twitter, Facebook, and Google being the most common forms of shared news, abiding by legal and ethical standards can help guide an employee in the right direction when making decisions. Case 4E- (**Whose Facebook Page is it Anyway?**), shed light on an important need in 2021, which is a company policy that directly states rules and regulations for social media and online conversations. We hope this handbook helps guide you in your journey toward better communications not only as a professional, but a valued member of The Nestor Agency.





# References

Erstad, W. (2018, October 29). Civil Law vs. Criminal Law: Breaking Down the Differences. Civil Law vs. Criminal Law: Breaking Down the Differences | Rasmussen University. <https://www.rasmussen.edu/degrees/justice-studies/blog/civil-law-versus-criminal-law/>.

Ethical Journalism. (2021). Retrieved 21 March 2021, from <https://www.nytimes.com/editorial-standards/ethical-journalism.html#>

Ferguson, C., 2017. Violent Video Games and The US Supreme Court: The Legacy of Brown v EMA (2011). [online] HuffPost. Available at: <[https://www.huffpost.com/entry/violent-video-games-and-t\\_1\\_b\\_10430874](https://www.huffpost.com/entry/violent-video-games-and-t_1_b_10430874)> [Accessed 5 April 2021].

Hudson, D., 2018. Brown v. Entertainment Merchants Association. [online] Mtsu.edu. Available at: <<https://mtsu.edu/first-amendment/article/1382/brown-v-entertainment-merchants-association>> [Accessed 5 April 2021].

Hudson, D., n.d. Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc.. [online] Mtsu.edu. Available at: <<https://mtsu.edu/first-amendment/article/214/virginia-state-board-of-pharmacy-v-virginia-citizens-consumer-council-inc>> [Accessed 5 April 2021].

Liptak, A., 2011. Justices Reject Ban on Violent Video Games for Children (Published 2011). [online] Nytimes.com. Available at: <<https://www.nytimes.com/2011/06/28/us/28scotus.html?searchResultPosition=5>> [Accessed 5 April 2021].

Mezey, S., 2009. Pittsburgh Press Co. v. Pittsburgh Commission on Human Relations. [online] Mtsu.edu. Available at: <<https://mtsu.edu/first-amendment/article/208/pittsburgh-press-co-v-pittsburgh-commission-on-human-relations>> [Accessed 5 April 2021].

Moore R. L., Murray M. D., Farrell M., & Youm K. H. (2017). Media Law and Ethics. [MBS Direct]. Retrieved from <https://mbsdirect.vitalsource.com/#/books/9781351982900/>

ONA Social Newsgathering Ethics Code – Online News Association. (2021). Retrieved 21 March 2021, from <https://journalists.org/tools/social-newsgathering/>

Patterson P., Wilkins L., & Painter C. (2018). Media Ethics. [MBS Direct]. Retrieved from <https://mbsdirect.vitalsource.com/#/books/9781538112595/>

Public Relations Society of America. (2015). PRSA member code of ethics. Retrieved from [www.prsa.org/AboutPRSA/Ethics/CodeEnglish/#.VcdvUUXxjoA](http://www.prsa.org/AboutPRSA/Ethics/CodeEnglish/#.VcdvUUXxjoA)

SPJ Code of Ethics - Society of Professional Journalists. (2014). Retrieved 15 March 2021, from <https://www.spj.org/ethicscode.asp>

Washington Post's social media policy - Inside Social Media. Retrieved 21 March 2021, from <https://insidesocialmedia.com/social-media-policies/washington-posts-social-media-policy/>



The Nestor Agency Employee Handbook, 2021.