

3-30-1976

The National News Council, INC. Rules of Procedure for the Committee on Freedom of the Press and Grievance Committee

The National News Council, Inc

Follow this and additional works at: <http://repository.uchastings.edu/nnc>

Recommended Citation

The National News Council, Inc, *The National News Council, INC. Rules of Procedure for the Committee on Freedom of the Press and Grievance Committee* (1976).

Available at: <http://repository.uchastings.edu/nnc/42>

This Article is brought to you for free and open access by the Judicial Ethics and the National News Council at UC Hastings Scholarship Repository. It has been accepted for inclusion in Formation of the National News Council by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

3

THE NATIONAL NEWS COUNCIL, INC.

Rules of Procedure for the
Committee on Freedom of the Press
and the Grievance Committee

I. Introduction

1. The National News Council, Inc. is concerned primarily with the freedom, fairness, and accuracy of news reporting by the national print and electronic news organizations, namely, the nationwide wire services as well as supplemental wire services, syndicates, the national news magazines, broadcast networks and newspapers significantly national in character. The Council will, however, concern itself with the freedom, fairness, and accuracy of news reporting in all media, whether national or local in initial circulation, if the matter in question is of national significance as news or for journalism and the Council has available to it the necessary resources. The Council concerns itself with editorial comment only insofar as allegations of fact are in dispute.
2. The Council has established a Committee on Freedom of the Press to consider complaints from the news media concerning the restriction of access to information of public interest, the preservation of freedom of communication, and the advancement of accurate and fair reporting of the news. The Council has also established a Grievance Committee to consider complaints about the accuracy and fairness of news reports.
3. In all proceedings, the Council and its committees shall respect confidentiality of news sources and of confidential materials acquired in gathering news.

II. Filing a Complaint

4. Any news organization or any owner, director, manager, officer, or employee of a news organization, and the Council's Executive Director, may bring a complaint to the Committee on Freedom of the Press against any person, or organization, public or private, believed to be acting to restrict the freedom of any national news organization to gather and disseminate news. Any person or organization, private or public, including the Council's Executive Director, may bring a complaint to the Grievance Committee against any national news organization, but not against any employee thereof.
5. A complaint must be filed in writing, stating the name and address of the complainant, the precise grounds of the complaint, and the facts relating to it.

6. A complaint must be filed within 90 days following the conduct, action, or publication of material complained about. In his discretion, the Executive Director may extend the 90-day period for filing a complaint.

III. Further Proceedings

7. Upon receipt of a complaint that appears meritorious, the Council's staff shall send a copy of it to the news organization or to the person or organization complained against, with a request that it file with the Council within 20 days a written reply to the complaint. Upon its receipt, the staff shall forward the response to the complainant.
8. If a complaint is resolved by agreement between the parties at this stage or at any other stage while the complaint is under consideration by the Council or by a Council committee, the Council or the committee shall take no further action.
9. If a complaint that appears meritorious is not resolved by the parties, a factual inquiry concerning the complaint shall be conducted by the Council's staff.
10. If the Council's staff decides not to forward a complaint to the party complained against or to a committee because the complaint is not filed timely or because the complaint is outside of the Council's purview or because of other reasons, the staff shall so inform the complainant and the committee and give its reason. A party dissatisfied with the staff's decision may ask the appropriate committee to review the decision.
11. The Council or a committee may in its discretion refuse to consider a complaint (1) if court or administrative action or arbitration based on the same subject matter is pending, or (2) if it requests and a party refuses to sign a waiver, satisfactory to the Council, of his or her right to bring such action in the event that the Council considers the complaint and issues a written decision on it, or (3) if it requests and a party refuses to sign a waiver, satisfactory to the Council, of libel and slander claims against anyone who provides the National News Council with information concerning the complaint, against the Council, its members and staff, and against the media for publication of information acquired by the Council concerning the complaint or included in the Council's report.

IV. Referral to a Committee

12. The complaint and other materials gathered during the factual inquiry shall be forwarded by staff to the appropriate committee

which shall decide whether a complaint may be disposed of on the basis of written statements submitted by the parties and a staff report or whether a public hearing is required.

13. If a committee decides that a hearing is not necessary for the proper consideration of a case, it shall so notify the parties and give them an opportunity to submit additional written material.
14. If a committee decides that a hearing would be useful to the proper consideration of a case, it shall so inform the parties and send written notice giving the time and place of the hearing.
15. All parties shall have the opportunity to appear in person or to be represented at a hearing. Each party shall have the right to engage counsel, to call and examine witnesses, to cross-examine witnesses called by other parties, and to present other evidence.
16. A committee shall have discretion to call witnesses not called by the parties, to request the parties to provide additional evidence, and to receive and consider written evidence.
17. A committee shall receive only such information as is voluntarily disclosed to it, and shall have no power to compel the production of evidence by any party or witness. A committee shall not request or receive in confidence information which is relevant to the consideration of a complaint.
18. A committee shall keep its proceedings as informal and flexible as possible consonant with fairness to all parties. Legal rules of evidence shall not be controlling.
19. Meetings of a committee, including hearings of complaints at which parties or witnesses give testimony, shall be open to the public and to coverage by both print and electronic media. Internal staff and committee papers shall not be public.
20. A committee shall decide each case on the basis of the evidence before it and will be free to decide a case despite the fact that the person or organization complained against refuses to reply to a complaint or participate in a hearing or because information is withheld on the grounds of confidentiality.
21. A committee by a majority of its members voting on the question at a meeting at which a quorum is present at the time of the vote shall make its recommendation to the Council as to the disposition of a complaint.

V. Referral to the Council

22. The Council shall consider each recommendation of a committee in public sessions open to coverage by both print and electronic

media. The Council by a majority of its members voting on the question at a meeting at which a quorum is present at the time of the vote may accept, reject, or amend the recommendation of a committee, or may return the complaint to a committee for further proceedings or recommendations. The Council shall transmit a written report of its final action to the parties and at the same time shall make public the report.

23. Within fifteen days of the day the Council mails notice of its decision to the parties, a party may ask the Council to reopen the case for further consideration except that a party who has declined to participate in a public hearing shall not be permitted to ask for reopening of a Council decision. The Council shall consider the request at its next regular meeting. The request shall be granted if it is favored by a majority of the Council members voting on the question at a meeting at which a quorum is present at the time of the vote.