

1972

By-Laws of The National News Council (Version #1)

The Twentieth Century Fund

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

Recommended Citation

The Twentieth Century Fund, *By-Laws of The National News Council (Version #1)* (1972).
Available at: <http://repository.uchastings.edu/nnc/15>

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.

either the broadcast representative or the consultant from each network must be a working journalist.

Initially, the network representatives will select the Chairman, and the Chairman and network representatives will jointly choose the public representatives; thereafter, the full Council (including existing members) will fill vacancies, except that the Chairman will not be entitled to vote on the election of his successor.

From its membership the Council will elect a Vice-Chairman to serve in the absence of the Chairman.

The Council will employ a Director to carry out the ministerial functions of the Council. The Director will hire his staff, including an assistant and clerical help. The Director will serve at the discretion of the Council.

Term of Office:

All Council representatives will serve for a term of three years and be eligible for re-election, except that public representatives other than the Chairman shall serve no more than two consecutive terms. The Vice-Chairman will serve in that capacity for one year and may be re-elected. The terms of office will be staggered so that, at the end of each year, the term of one public and one broadcast representative will expire.

Jurisdiction:

The Council will have jurisdiction to consider complaints that a specific news or documentary broadcast by a BNC member departs from professional standards of responsible journalism.



Such complaints may be brought by any individual or group whose conduct or statements are the subject of a particular broadcast, and, in the discretion of the Council, by any other person having a substantial interest in the matter who raises an issue the Council deems to be of significant public importance. Complaints from individual Government officials will be considered, but complaints from official Government bodies having legislative or regulatory jurisdiction over broadcasters would not, unless the broadcaster complained against so requests.

It is contemplated that such jurisdiction would include complaints concerning: inaccuracy, distortion and staging or other types of falsification, in the production, editing and presentation of news and public affairs broadcasts; unprofessional practices employed by newsmen in obtaining news and information. The Council would not ordinarily consider complaints of failure to cover, or excessive coverage of, particular news events, it being understood that the appropriate exercise of selective news judgments in the context of the network medium would not raise any issue of departure from professional standards except in the most extreme circumstances.

The Council will also have jurisdiction to consider complaints from broadcasters or others that concern governmental and private actions alleged to impair effective journalism or threaten freedom of the press. As to these matters, the Council will also be able to act sua sponte.

The jurisdiction of the Council will not extend to complaints primarily involving legal issues, such as defamation; complaints previously ruled upon by a court or administrative agency; complaints against the printed press; complaints about matters related to pending or anticipated proceedings before a court or administrative agency; complaints arising from entertainment or other non-news programs such as talk shows; stale complaints; or complaints against broadcasts of organizations who are not members of BNC.

The Council will not consider any complaint unless, upon an appropriate request by the broadcaster complained against, the complainant first executes a binding waiver, on his own behalf and on behalf of any group he claims to represent, of any right to bring a judicial proceeding against the broadcaster for damages or an injunction arising out of the same broadcast.

Procedures:

All complaints to the Council must be in writing and must first have been submitted by the complainant to the broadcaster for resolution. The complaint must state that the complainant is not satisfied with the broadcaster's response (or received no response), describe the alleged misconduct, identify witnesses, contain all relevant additional information offered in support of the complaint, and include copies of all correspondence between the complainant and the respondent broadcaster.

The Director and his staff will be responsible for the initial evaluation and analysis of complaints. Their role will

include engaging in the preliminary investigation necessary to verify basic facts; preparing a report and summary of each matter for Council action; and carrying out further investigation, analysis and opinion writing at the direction of the Council. The Council shall annually report on all business transacted by it and shall promptly publish its findings on each complaint by means of an appropriate press release.

Proceedings before the Council will be informal and non-public. Oral presentations will be permitted only in exceptional cases; normally, the Council will act on the basis of written presentations by the parties and material produced as a result of staff investigation. Neither the Director nor the Council may require the production of material not actually broadcast, but any such material may be furnished voluntarily. Upon request, any material furnished to the Council by any person shall be held in the strictest confidence and returned to such person when the Council's proceedings are concluded. The voluntary furnishing of material in confidence to the Council shall not be deemed to waive any legal privilege that may be applicable to any official demand for the production of such material.

All business shall be transacted by the full Council; the Council will, however, be empowered to establish committees, standing and/or ad hoc, to facilitate its functioning. All actions by the Council shall require a simple majority vote of all Council representatives present and voting at a meeting attended by at least four members qualified to vote on the

action. A Council member representing a broadcaster against whom a complaint has been filed will be disqualified from being present during consideration of, or from voting on, that complaint.

The Council will meet at least monthly.

All Council representatives, except the Chairman, will serve without compensation; public representatives, however, will be paid a meeting fee, a subsistence allowance, and travel reimbursement for each Council meeting attended. The Council will determine the remuneration to be paid to the Chairman, the Director and the Director's staff.

The Council will submit an annual budget, and all costs and operating expenses of the Council will be shared equally by the BNC corporate members.