

and undisciplined behavior. Injustice should be greeted with protest and careful, courageous strategic action. But the end goal must remain always in view: As King said so simply, “A world where men and women can live together” (Nussbaum 2016, 249).

Macro Issues

1. Evaluate this statement: Sexual harassment is an expression of power that has been confounded with sex.
2. How might news organizations that have been plagued by sexual harassment and other forms of misogyny develop the “forward-looking projects and feelings” of which Nussbaum speaks?
3. Is Nussbaum’s approach too idealistic for the current cultural climate? If your answer is yes, what alternative do you believe might be effective?

CASE 4-E

WHOSE FACEBOOK PAGE IS IT ANYWAY?

AMY SIMONS

University of Missouri

Barrett Tryon joined the *Colorado Springs Gazette* staff in April 2012. He was hired to help draw users to the newspaper website, providing updates on breaking news and enterprise stories.

Tryon was no stranger to the Colorado Springs market. He’d spent more than a decade working for KRDO-TV, an ABC affiliate. In 2011, he won an Emmy for “Best Newscast” in a medium-sized market. That same year, the station’s website—of which Tryon was the managing editor—was given the award for best website by the Associated Press. On his station bio, he is described as “the face behind KRDO.com and KRDO’s Facebook and Twitter pages.” As the face of those pages, Tryon drew in more than 200 new followers to the station’s sites each week.

If there was one thing Barrett Tryon was confident he knew, it was how to use social media responsibly.

That’s why what happened to him at the *Gazette* surprised so many.

It started with a *Los Angeles Times* story published on June 12, 2012, announcing Freedom Communications Holdings Inc.’s sale of



Figure 4.2. Barrett Tryon

the *Orange County Register* and six other newspapers to a Boston investment group. One of those papers: the *Gazette*.

Tryon posted a link to that story to his Facebook page, along with a pull quote highlighting his employer's direct involvement.

Three hours later, Tryon's boss, Carmen Boles, told him via email that the Facebook post was a violation of Freedom Communications's social media policy, stating the *Los Angeles Times* article "does not meet our standards of factual information." Soon after, in a second email, she included this passage:

Freedom Communications, Inc.'s Associate Handbook/Confidentiality and Proprietary Rights policy prohibits you from posting disparaging or defamatory . . . statements about the company or its business interests, but you should also avoid social media communications that might be misconstrued in a way that could damage the company's goodwill and business reputation, even indirectly.

Tryon maintained he was acting within his rights under the First Amendment, telling his boss in an email, "it's on my personal account, and from an LA Times article, I'm not removing it."

The email exchange continued for several hours, and Boles told Tryon that corporate human resources would be handling the matter. Tryon, standing his ground, told Bowles "it's only natural for someone to be interested in something that directly affects you. . . . I think there's a huge difference between saying 'eff off' versus pulling a quote. But, since I violated the policy, I'll deal with the consequences."

The human resources department scheduled a meeting with Tryon for June 14, 2012. That meeting never happened because, Tryon told the *Colorado Springs Independent*, he insisted on bringing an attorney. Instead, Freedom Communications put him on administrative leave without hearing his side of the story. Meanwhile, the paper's decision ignited debate over the ethics and legality of social media policies.

Almost all news organizations and professional associations have some kind of social media policy or guideline. Many, such as NPR, the *New York Times*, and the *Roanoke Times*, even make them public. Most read like a list of common sense reminders: identify yourself as a journalist and a representative of your newsroom, maintain standards of confirmation and attribution, maintain copyright by linking to content instead of reposting, assume anything you post is public, etc. Some, such as the Associated Press and ASNE, urge journalists not to break news on social networks, but to do it through conventional publishing channels, and to keep "company confidential information confidential."

According to the National Labor Relations Act, which gives workers the right to organize, unionize, and bargain collectively, some of these widely shared guidelines might be illegal. In response to Tryon's case, Poynter.org published a memo issued by the National Labor Relations Board that ruled the following social media policy provisions unlawful:

- "Avoid harming the image and integrity of the company."
- "Do not express public opinions about the workplace, work satisfaction or dissatisfaction, wages, hours or work conditions."
- "Don't comment on any legal matters, including pending litigation or disputes."
- Instruction not to "reveal non-public company information on any public site."

"I really want to emphasize this—I think this is so important—is that this is not an effort for me to slam the *Gazette*, to slam Freedom Communications, to slam the new owners, 2100 Trust. That's not what I'm doing," Tryon told the *Colorado Springs Independent*.

"I'm standing on principle that what I posted absolutely was not breaking any type of social media policy; I didn't interject any opinion. And the fact of the matter is it was on my personal account; I have a vested interest in what's happening with the new owner; and like anyone else in the country, if they were getting bought out by a new company would damn well do your research—as a reporter, or not—to look into that new company."



Figure 4.3. Twitter.com/tryonb



Figure 4.4. Twitter.com/tryonb

On June 19, 2012, about a week after Barrett Tryon posted the *Los Angeles Times* story to his Facebook page, his bosses at Freedom Communications called him with an offer to reinstate him. Tryon resigned from the newspaper instead. He announced his decision to followers on Twitter, referencing a hit song by the musical group, Gotye.

"I think after I realized there was support from so many people locally and nationally that I'm not really interested in working for an organization [where] we would even have this conversation; that there was never a dialogue to begin with—and that's unfortunate," he told the *Colorado Springs Independent*. "I hope that the takeaway is that people realize that, if you do have a social-media policy in place, it's important that you know what it is, and how it can be interpreted or misinterpreted."

Micro Issues

1. Did Barrett Tryon violate Freedom Communications' social media policy?
2. Was Freedom Communications within its right to demand Tryon remove the post from his Facebook page?
3. What risks do employees take when posting about their employer on social media? A competitor? A news story that has already been published or broadcast?

4. What loyalties did Tryon's boss demonstrate in how she handled her initial objections to the first Facebook posting?

Midrange Issues

1. Should news organizations expect employees to follow social media policies and guidelines on their personal accounts?
2. Evaluate the social media policy that suggests that news should not be broken on social media but through more traditional channels.
3. What, if any, types of social media posts should be fireable offenses for a journalist?

Macro Issues

1. Should news agencies publish their social media policies for public view?
2. Is there such a thing as "private" social media presence for a journalist? Should anything published under a journalist's name uphold all journalistic standards?
3. Tyron said he had a First Amendment right to publish on his Facebook page. Evaluate this claim ethically. Does the First Amendment trump professional loyalty in this case?
4. Do news organizations that promote their websites and encourage employees to use social media set themselves up for these sorts of conflicts? How might they be avoided?

CASE 4-F

WHERE EVERYBODY KNOWS YOUR NAME: REPORTING AND RELATIONSHIPS IN A SMALL MARKET

GINNY WHITEHOUSE
Eastern Kentucky University

Everybody is a source when you're covering an agricultural town with a population under 12,000.

But Sunnyside Police Sergeant Phil Schenck had not been a source for Jessica Luce when he asked her out for a date during a Halloween party in 1999. Luce had worked as a general assignment reporter at the *Yakima Herald-Republic* for almost a year. Sunnyside, Washington, was