

THE SOCIETY OF PROFESSIONAL JOURNALISTS

BOARD OF DIRECTORS MEETING

SEPTEMBER 27, 2018

9A.M. TO NOON

ROOM: PACA

BALTIMORE HILTON

BALTIMORE, MD



"The people must know before they can act, and there is no educator to compare with the press." - Ida B. Wells



AGENDA

SOCIETY OF PROFESSIONAL JOURNALISTS

BOARD OF DIRECTORS MEETING

TIME: 9 A.M.-NOON

DATE: THURSDAY, SEPT. 27, 2018

ROOM:

HILTON BALTIMORE

STREAMED LIVE AT WWW.SPJ.ORG

1. Call to Order (*Baker*)
2. Roll Call (*Newberry*)
 - a. Walsh
 - b. Baker
 - c. Tarquinio
 - d. Gallagher Newberry
 - e. Kopen-Katcef
 - f. Bartlett
 - g. South
 - h. McClelland
 - i. Chagani
 - j. Harding
 - k. Steffen
 - l. Primerano
 - m. Schotz
 - n. Koretzky
 - o. McKee
 - p. Day
 - q. Radske
 - r. Williams
 - s. Gallagher
 - t. Otte
 - u. Meyers
 - v. Hall
 - w. Kissel
3. Old/New Business – *Executive session* (*Baker / Tarquinio*)
 1. EIJ Sponsorship & Task Force (*Alex/Patti*)
 2. Review of executive director's 6-month evaluation
 3. Region 10
4. Report of the SPJ President (*Baker*)
5. Report of the SDX Foundation President
6. Approval of Board Meeting Minutes (*Baker*)
 - a. April 14-15, 2018
 - b. July 21, 2018
7. Staff report
 1. Introduction of new staff (*Bethel McKenzie*)
 2. Update on FY19 budget (*Bethel McKenzie/Wong*)
 3. Update on projects (Google, Facebook, Scripps Leadership Institute) (*Messing*)
 4. Report from Journalist on Call (*Hicks*)

8. Action/Discussion Items
 1. Association Management (*Bethel McKenzie*)
 2. Chapter Financial Rules (*Bartlett*)
 3. Cuillier First Amendment Forever Fund (*Bethel McKenzie / Messing*)
 4. Amendment to new rules to regional funds (*Bartlett*)
9. Public comment period
 - a. *Public can make comments prior to the meeting at www.spj.org*
10. Committee Reports
 - a. Awards and Honors
 - b. Diversity
 - c. Ethics
 - d. FOI Committee
 - e. Membership Committee
 - f. Freelance Community
 - g. International Community
 - h. LDF Committee
11. Recognition of departing board members (*Baker*)
12. Adjournment (*Baker*)



MEMORANDUM

To: SPJ Board of Directors

From: Rebecca Baker

Re: September 2018 President's Report

Date: 09/1/2018

This has been a year of exciting change for the Society. We launched new projects and remained at the forefront of crucial issues affecting our industry, while offering the training and development that our members need to thrive in the fast-changing, every challenging field of journalism.

Since my last report, here are some of our accomplishments:

- **Becoming More Diverse.** SPJ now has the most racially and culturally diverse staff in the history of the organization, one that reflects not only the diversity of journalists around the world, but the communities they serve.
- **A Groundbreaking Position.** Rod Hicks, a longtime respected journalist with The Associated Press and other high-profile news outlets, was hired as our Journalist on Call. Rod represented SPJ at the National Association of Black Journalists' annual convention in July and is working on making connections with local officials and community groups to explain the important role ethical journalism plays in society.
- **Expanding Our Reach.** SPJ and Google News Initiative has been visiting 10 states over six weeks with free training on covering elections with data journalism, verification and fact checking techniques, and online safety and security for journalist.
- **Climbing the Hill.** SPJ continued to champion free press and First Amendment issues in Washington, D.C. this year. [SPJ Executive Director Alison Bethel McKenzie was part of U.S. Sen. Maggie Hassan's panel discussion](#) in June about the current state of the media and future of a free press. SPJ FOI Committee member Kathryn Foxhall spoke in July about obstructive public information officers at the Whistleblower's Summit on Capitol

Hill.

- **A Capital Fundraiser.** SPJ donated \$10,000 to the Capital Gazette Family Fund. \$6,500 of that came from sales of “I Back the First Amendment” T-Shirts, coordinated by Region 2 Director Andy Schotz, who also donated his \$1,000 from his regional director’s stipend. I donated \$1,500 from my president’s fund and our executive director made a personal donation of \$1,000. Future donations from T-shirt sales will go to The Capital Gazette Memorial Scholarship Fund.
- **Day of Giving.** We raised more than \$10,300 for SPJ programs during our second annual Day of Giving event.

And to recap what SPJ has accomplished since last September:

- * A new and improved Quill magazine and redesigned SPJ website.
- * Online resources for combatting sexual harassment in the newsroom
- * An FOIA email hotline (foia@spj.org) offering expert advice from SPJ members well versed in FOIA.
- * More than 3,000 K-12 students around the country who learned about the free press from a professional journalist through the #Press4Education project
- * A partnership with the Government Accountability Project to The Whistleblower Project
- * A partnership with Facebook to train professionals to teach Facebook tools for journalists around the country.
- * A #FreePressFriday social media campaign that continues to spread the word about the importance of a free press in democracy on Twitter, Facebook, Instagram and LinkedIn. Another social media campaign, “SPJ By the Numbers” offers statistics about the Society’s achievements.

Additionally, I attended a second meeting of Power Shift Project, an ongoing initiative by the Freedom Forum “to create workplaces free of harassment, discrimination and incivility, and full of opportunity, especially for those who have traditionally been denied it.”

I’m grateful for the support and encouragement you’ve given me during my year as president, and I look forward to seeing where the Society goes from here. For all that you do for SPJ and for journalism, you have my heartfelt thanks.

Sincerely,

Rebecca Baker



TO: SDX Board of Directors

FM: Robert Leger

RE: President's report

Sept. 28, 2018

This weekend brings plenty to celebrate in all that is good in journalism, but I'm excited about one in particular: Rod Hicks will join us for our meeting.

Rod is the first journalist on call. After our long journey in debating, massaging and fashioning a description of this position, you approved funding it a year ago. Executive Director Alison Bethel McKenzie made advertising, interviewing and hiring someone a top priority when she started at 3909 N. Meridian.

We were ready to announce Rod's hiring when the Annapolis newsroom shooting occurred. This is when he first impressed. He wasn't scheduled to begin work for two more weeks, but he volunteered to go to Annapolis. That's dedication. Rod learned much on that trip. He met with a number of people, including members of this board, and developed ideas on how to wear his particular parachute when similar big stories arise.

Rod will give us an overview of what he has done so far, where he sees the greatest opportunities and what we should expect from him in the year ahead.

Other highlights from the agenda:

- When we last met, the board briefly discussed the foundation's name and whether it is time for a change. A Sigma Delta Chi Foundation that supports the Society of Professional Journalists can be confusing to donors, which doesn't help as we seek to grow support from a broad range of sources. Staff was instructed to provide a report for this meeting on costs and ramifications. They would be negligible.

I hope we will enact the name change today. While "Sigma Delta Chi" honors our roots and our founders (and will continue to do so through SPJ's awards), it means little outside our circle. Any conversation with potential funders must begin with an explanation of the name and our connection to the Society, taking valuable time better spent pitching an idea or reason for donating to the Foundation. All our programming is branded as SPJ, so it makes sense to align our name with the organization we support.

- Treasurer Howard Dubin will have the latest numbers on our holdings. As of July 31, our total holdings stood at \$13.5 million, down \$178,000 since Jan. 1. Our holdings totaled \$12.6 million on June 30, 2017.
- We'll welcome new members to the board: Frank LoMonte, Dave Cuillier and Lynn Walsh. This board just keeps getting stronger and stronger.
- You'll elect a new president for the first time in six years. ("About time," I hear Dave Carlson saying.) We've accomplished a lot together, and I'm honored you gave me this opportunity to serve.

As always, thanks for all you do.

--30--



**MINUTES
BOARD OF DIRECTORS
SOCIETY OF PROFESSIONAL JOURNALISTS
APRIL 14, 2018
NCAA HEADQUARTERS – INDIANAPOLIS**

D R A F T

MEETING CALLED TO ORDER

The meeting of the Board of Directors of the Society of Professional Journalists was called to order at 1:10 p.m. ET on Saturday, April 14, at NCAA Headquarters in Indianapolis.

Those present were: President Rebecca Baker; President-elect Alex Tarquinio; Secretary-Treasurer Patti Newberry; Immediate Past President Lynn Walsh; Vice President of Campus Chapter Affairs Sue Kopen Katcef; Director At-Large Lauren Bartlett; Campus Representative Hayley Harding; Campus Adviser At-Large Leticia Steffen; Region 1 Director Jane Primerano; Region 2 Director Andy Schotz; Region 4 Director Tom McKee; Region 5 Director Michele Day; Region 7 Director Kari Williams; Region 8 Director Eddy Gallagher; Region 9 Director Ed Otte; Region 10 Director Donald Meyers; Region 11 Director Matt Hall and Region 12 Director Kelly Kissel.

Staff members present for the meeting were Executive Director Alison Bethel McKenzie, Associate Executive Director Tara Puckey and Communications Strategist Jennifer Royer.

PRESIDENT'S REPORT

President Baker highlighted the new Whistleblower Project that was launched during Sunshine Week, the creation of a FOIA hotline where the public and journalists can email us with FOIA questions, and the Press for Education campaign which matches journalists with K-12 classrooms to educate students on media literacy. The goal for Press for Education was to send journalists into 100 classrooms in a year. That goal was met in seven weeks. Baker recognized Becky Tallent of the J-Ed Committee, who worked for months developing curricula, forms, making matches and doing solicitations for volunteers.

SDX FOUNDATION REPORT

President Robert Leger referred the group to his report in the board packet. Acknowledged Baker and the committee and the tremendous work they did in searching for SPJ's new executive director. The SDX Foundation Board passed amendments to bylaws in its morning meeting. Leger has five days to notify

the SPJ Board by mail, and the board has 30 days to overrule those changes. Changes include eliminating references to “Executive Committee” and the approval of funding for the Journalist on Call. Leger acknowledged Michael Sanserino, new editor of Quill, and the tremendous job he did working with the advisory committee on Quill changes. The board also discussed a possible name change to something like the SPJ Foundation.

APPROVAL OF MINUTES

Upon proper motion by Katcef and second by Walsh, the board unanimously approved the minutes for Jan. 29, Dec. 11 and Nov. 4 meetings.

SPJ BUDGET

Executive Director McKenzie shared that revenue is 8 percent less for the budget ending July 31, 2019. The budget is negative \$45,000 going into 2019, but she wanted to stress that it does not include any additional fundraising by McKenzie or the new development director, who should be on board by mid-May. Staff is looking at cutting programs, salaries and trimming expenses. They and the Finance Committee will be diving in and making recommendations.

Newberry commented that all revenue is down – membership, awards, etc. Association management revenue is down \$47,000 as some of that work has left. Discussions about whether National Association for Hispanic Journalists and Native American Journalists Association will join us at EIJ in the future.

Upon proper motion by Katcef and second by Schotz, the board unanimously adopted the Fiscal Year 2019 budget.

CHAPTER ACTIVITY

Associate Executive Director Tara Puckey shared that William Paterson University in Region 1 and Georgia Southern University and Augusta University in Region 3 have met all charter application requirements and can be activated.

As in past years, regional directors and staff review chapter activity following annual reports (due May 31) and make inactive recommendations that will be presented to the board in September.

Upon proper motion by Katcef and second by Steffen, the board approved the William Paterson, Georgia Southern and Augusta University chapters.

GOVERNANCE POLICIES

Secretary-Treasurer Patti Newberry said she and President-elect Alex Tarquinio have been discussing creation of a working group to support the new governance plan. This group would define SPJ’s goals for the short and long terms as SPJ transitions from its current structure to the smaller board structure. There is a need to make it clear what is in effect now and what will be in effect in another year. Tarquinio said next year is a transitional year and will be a strange hybrid of the what we have currently and the new structure. Baker said it is important to clear up any confusion by posting what is in effect now and what the new bylaws will be.

REGIONAL FUND POLICIES

Director At-Large Bartlett pointed to the updated Regional Fund policies in the board packet. Baker thanked the task force for doing a lot of work in a short time and developing a comprehensive and thorough policy. It puts teeth in our best practices policy that was approved earlier, and it will help bring clarity and structure to all regional coordinators and treasurers now and in the future, Baker said. Secretary-Treasurer Gallagher said we need to assess where each of the 12 regions are as far as what accounts are held where and who has access to them. Schotz added we should find out what practices the current treasurers use. Primerano added that we need to be sure the Regional Directors/Regional Coordinators are working closely with the treasurer at all times. Board discussed centralizing regional accounts, but many banks are regional, which could pose some problems. Schotz, Baker and others agreed that the stronger wording will do more to deter “bad actors.” Katcef said it would be good practice to always have someone at headquarters who can access the accounts, so they are centralized but have some autonomy.

The proposal reads (Page 48, Item 2.a. in the board packet): “Within 45 days of his or her election, a Regional Director/Regional Coordinator (RD/RC) shall appoint an SPJ member in good standing in his or her region to the position of Regional Treasurer. A. If an RC doesn’t appoint a Regional Treasurer with 45 days of his or her election, he or she will be removed from that position. For RDs, this will be consistent with the requirements in Article Seven, Section Six of the bylaws.”

Bartlett read the amended language: If an RD/RC doesn’t appoint a regional treasurer within 45 days of his or her election or within 45 days of a regional treasurer stepping down, he or she should be removed from that position consistent with the bylaws.

The board also discussed Page 48, Item 4.a. of the board packet, which says: “Regional funds shall be held in a separate regional checking account and not comingled with any chapter account. A. The RD/RC and chapter presidents within each region shall have “read only” electronic access to the regional funds account.” They agreed the amended language should include “national secretary-treasurer...”

Walsh would hate to punish a regional coordinator if they did try really difficult to find someone.

Baker said knowing this is a requirement if an RD/RC can’t find someone, maybe they should consider ending the position. Important that they understand it is part of the job. If they have trouble we can try to help them with outreach and finding that person.

Baker made a motion to call the question.

Upon proper motion by Bartlett and second by Schotz, the board unanimously approved adopting the proposal with 2.a. amended as discussed and 4.a. should read “national secretary-treasurer...”

EXECUTIVE SESSION

Upon proper motion by Bartlett and second by McKee, the board entered executive session at 2:40 p.m. to choose the Fellows of the Society and discuss EIJ18 business decisions. Upon proper motion by Katcef and second by Primerano, the board exited executive session at 3:47 p.m.

LEGAL DEFENSE FUND

Hagit Limor, Legal Defense Committee chair, asked the board to consider contributing another \$5,000 to the Wetterling LDF case. The LDF already considered the case and approved \$5,000 to help get information in the case, brought by the parents of slain abductee Jacob Wetterling against the Stearns County Sheriff, seeking to block release of some investigative documents under the Minnesota Government Data Practices Act.

Upon proper motion by Katcef and second by Walsh, the board voted unanimously to approve an additional \$5,000 toward the case from the LDF.

DISASTER RECOVERY POLICY

Executive Director McKenzie explained that this policy surrounds data and information in SPJ's computer system and archives, how information is recovered and where information is stored and backed up. Policy is expected to be drafted by September.

NOMINATIONS COMMITTEE REPORT

As chair of the Nominations Committee, Immediate Past President Walsh said she is having a difficult time finding members to run for the board. A recurring theme is that it isn't the right time in their lives, whether it is because they have young children, or they're trying to get tenure, etc. Open spots include president-elect, secretary-treasurer, two regional directors at-large, and the Region 10 director. Baker said it is incumbent that board members help Walsh in this endeavor.

FIRST AMENDMENT FOREVER FUND

The fund has about \$220,000 in it, so former SPJ President Dave Cuillier said it's time to "take it out for a spin." Cuillier is willing to chair a working committee of five to seven members who can meet via email or video chat to discuss the best way to move forward with the fund. Baker explained that the FAFF is different from the LDF because it is a legal offense fund. We should be proactive in what we spend it on, including things like projects, lobbying, etc. Baker said suggestions and ideas are welcome.

EXECUTIVE SESSION

Upon proper motion by Primerano and second by Katcef, the board entered a second executive session at 4:25 p.m. to discuss a.) the next group of Fellows of the Society and b.) a question about a specific company's involvement in EIJ18 and c.) to get legal advice. Upon proper motion by Kissel and second by Katcef, the board exited executive session at 5:18 p.m.

After returning to regular session, the board voted on a motion by Region 1 Director Jane Primerano to take no action on a matter discussed in executive session. The motion passed, with four board members (Newberry, Bartlett, Steffen and Schotz) opposed. Fourteen board members voted in favor (Baker, Tarquinio, Walsh, Katcef, Harding, Primerano, McKee, Day, Williams, Gallagher, Otte, Meyers, Hall and Kissel).

RECESS

Upon proper motion by Steffens and second by Bartlett, the board voted unanimously to recess at 5:24 p.m. until Sunday morning, April 15.



**BOARD OF DIRECTORS
SOCIETY OF PROFESSIONAL JOURNALISTS
APRIL 15, 2018
NCAA HEADQUARTERS – INDIANAPOLIS**

The meeting of the Board of Directors of the Society of Professional Journalists was called to order at 9 a.m. ET on Sunday, April 15, at NCAA Headquarters in Indianapolis.

QUILL ENDOWMENT

SDX Foundation President Robert Leger explained that to codify changes in the endowment, the SPJ board should recommend the amendment in the board packet to the membership and support its enactment by delegates in September. To begin the process the board would have to send all Society members the text of the proposed amendment at least 60 days before the opening business meeting at EIJ 2018. Assuming that delegates approve the change, the next step would be for delegates to vote in 2018 to terminate the Quill Endowment. To delete Art. 14 from the SPJ bylaws, the board would have to send the membership that amendment 60 days before the 2019 convention. At the convention, delegates would have to vote for the second time to terminate the trust, effectively transferring the Quill Endowment assets into Foundation control. The final step would be to amend the SPJ bylaws to delete Art. 14 entirely. Following that vote, the Quill Endowment would no longer exist, and the Foundation board would manage the assets in its own right, no longer as trustees. No amendments to the SDX bylaws would be needed.

Upon proper motion by Bartlett and second by Katcef, the board voted unanimously to send changes in the endowment to members.

OLD/NEW BUSINESS

EIJ18 discussion included finding ways for Fellows of the Society to become more involved in EIJ. Scheduling of various regional meetings, how to improve the Student Union, etc.

Board of director's position profiles -- Upon proper motion by Walsh and second by Newberry, the board voted unanimously to approve draft guidelines for position profiles.

Upon proper motion by Walsh and second by Primerano, the board voted unanimously to approve draft policy for board appointments.

Upon proper motion by Walsh and second by Newberry the board voted unanimously to approve draft policy for reimbursement guidelines for board members. Discussion to add language that board members cannot "double dip," or receive a board stipend and get reimbursed by their chapter.

Walsh asked Harding to discuss the Save Student Media campaign started at University of Florida. She asked SPJ to acknowledge that there is a problem with the way student media is treated by colleges and universities and explained what student newsrooms would be doing to raise awareness. Baker said SPJ can share initiatives via social media. Harding said she is writing a blog post. There was also discussion about having a session at Excellence in Journalism 2018 in September. **Upon proper motion by Harding and second by Schotz, the board voted unanimously to support student media in its efforts.**

Upon proper motion by Baker and second by Primerano, the board voted unanimously to adjourn at 12:20 p.m. Sunday, April 15.



**MINUTES
BOARD OF DIRECTORS
SOCIETY OF PROFESSIONAL JOURNALISTS
JULY 21, 2018
ZOOM CALL**

D R A F T

MEETING CALLED TO ORDER

The meeting of the Board of Directors of the Society of Professional Journalists was called to order at 2:04 p.m. on Saturday, July 21, 2018, via Zoom call.

Those present were: President Rebecca Baker; President-elect Alex Tarquinio; Secretary-Treasurer Patti Newberry; Vice President of Campus Chapter Affairs Sue Kopen Katcef; Director At-Large Lauren Bartlett; Campus Representative Hayley Harding; Campus Adviser At-Large Leticia Steffen; Region 2 Director Andy Schotz; Region 3 Director Michael Koretzky; Region 5 Director Michele Day; Region 6 Director Joe Radske; Region 9 Director Ed Otte; Region 10 Director Donald Meyers; and Region 11 Director Matt Hall.

Staff members present for the meeting were Executive Director Alison Bethel McKenzie and Director of Communications and Marketing Jennifer Royer.

BUDGET

Bethel McKenzie said the biggest change in the fiscal year 2019 budget is that we have lost some association management revenue because some organizations decided not to stay with us. She explained that the salary line is lower for all the new hires compared to fiscal year 2018, and the building and utilities costs have gone down slightly. Reviews of the contract with the downstairs tenant are being done and plans are in the works to be more aggressive in bringing in more money through programs and events.

Newberry asked that when budget information is forwarded to the board, that some lines are included that show the partners we anticipate having for EIJ20 and EIJ21.

EIJ18

Tarquinio updated the board regarding the big change is that there will now be a super session on Capital Gazette. She said Katcef and Schotz have been invaluable and have done the heavy lifting on that session. There was discussion about moving regional and SDX Foundation Board meetings so everyone can attend the super session. Tarquinio said it is a matter of scheduling and space, but they are doing their best at moving meetings so the most people can attend. Bethel McKenzie said so far there are 407 hotel room nights booked. That's down from last year, but part of that could be attributed to so many attendees living within driving distance to Baltimore. Marketing of the conference has been ramped up and personal emails have been sent to journalists, professors and students in the region.

JOURNALIST ON CALL

Bethel McKenzie said the Journalist on Call was one of the toughest hires of her entire career because there were so many great candidates. Rod Hicks starts the JOC position on Monday and will spend a week at SPJ HQ and will speak at the Ted Scripps Leadership Institute. There will also be a staff gathering Thursday because HQ will be back at full staff with the start of the new membership manager. Hicks is also busy planning a town hall meeting the Tuesday before EIJ18 in Baltimore. He also went to Annapolis after the Capital Gazette shooting and met with several people, including Katcef.

TED SCRIPPS LEADERSHIP INSTITUTE

Bartlett asked for more details regarding changes to the Scripps program. Bethel McKenzie said it is totally revamped and will focus more on student leaders studying journalism in their junior and senior year of college rather than training for chapter leaders. Bethel McKenzie met with Scripps on Monday in Cincinnati and discussed the changes.

FACEBOOK AND GOOGLE PARTNERSHIPS

Bethel McKenzie and Marilyn Garateix, SPJ's new director of programs, met with Facebook on Wednesday at the NAHJ conference in Miami. We have signed a contract for 40 trainings and have completed 21 so far. There are several different ideas in the works and we're looking to scale up the project early next year.

Chris Vachon, former SPJ associate executive director who has been working on our Google partnership, is coming to HQ this week to begin training Monica Williams, SPJ's new education manager, on the program. Williams will begin managing the program, which has been very successful, with a goal of holding at least one training in every state.

REGION 10 UPDATE

Bethel McKenzie said there is no update. She has reached out to some Region 10 leaders and asked for the police officers' names and phone numbers, but has not heard back. She assumes they are still conducting their investigation into missing money.

REGIONAL FUNDS

There has been some discussion about the security of Mint, a system that allows third-party review of a bank account, but there is no answer to the question about liability if Mint is hacked. Bartlett said the task force is researching the liability questions and the board could give a conditional now or table it until the September meeting. The board decided to postpone its vote.

OLD/NEW BUSINESS

Going back to Scripps, Baker said she received a lot of leadership training from SPJ and it proved invaluable. If we can't do that through Scripps, how can we do it? Koretzky said with the smaller board it makes sense to have a 2- or 3-person task force to work with Bethel McKenzie on finding new ways to train SPJ leaders. The board can share the workload. Hall and Primerano said they would be on the task force.

Baker thanked everyone for taking part of their Saturday for this meeting and asked everyone to give Bethel McKenzie a round of applause for the work she has done so far. She told Bethel McKenzie the board is here to support her and help her, and asked that she doesn't hesitate to ask for the board's help if she needs it.

ADJOURNMENT

Upon proper motion by Bartlett and second by Meyers, the board voted unanimously to adjourn at 3:15 p.m. EDT Saturday, July 21.



Staff list

*Larry Messing, Director of Development (*May 2018*)

Tony Peterson, Creative Director

Jennifer Royer, Director of Communications and Marketing

*Monica Williams, Quill Editor and Training/Education Manager (*July 2018*)

*Rod Hicks, Journalist on Call (*July 2018*)

Christine Cordial, Program Director

*Basharat Saleem, Director of Conferences and Events (*June 2018*)

*Caroline Escobar, Manager of Memberships and Chapters (*July 2018*)

Billy O'Keefe, Web administrator

*Amy Wong, Director of Finance and Administration (*June 2018*)

Marina Cinami, Program & Communications Coordinator

Linda Hall, Office Manager

*Isaac Taylor, Communications Post-Graduate Intern (*May 2018*)



Budget notes

27 September 2018

TO: SPJ Board of Directors
FROM: Alison Bethel McKenzie, executive director
RE: UPDATES ON FY2019 BUDGET

Board Members:

In April of this year, the board approved the FY2019 budget with a deficit of \$41,963.44. Since the approval of the budget several things have happened, one will have significant impact on income: The loss of two association management clients.

In late-March, SPJ lost the following accounts:

- Accounting Services:
 - National Association of Hispanic Journalists (NAHJ) - \$14,675
 - Radio, Television, Digital news Association (RTDNA) - \$18,720
 - RTDNA Foundation - \$10,080

- Meeting Management:
 - ACES - \$11,000

TOTAL LOSS: \$54,475

The adopted budget also predicts declines in ad revenue, awards revenue and membership dues. To mitigate revenue declines, we anticipate closing the gap on the income as we work to secure additional income. In that vein, we will also look at possibly recruiting additional association management clients as we move forward.

Salaries are slightly down with the changes in staff.

Overall, we still anticipate a deficit at near projection amounts.

FY2019 budget

See attached email



JOURNALIST ON CALL
Submitted by Rod Hicks

First, I want to commend the SDX Foundation Board for creating this important and badly needed position and thank Alison Bethel McKenzie and all others involved for placing confidence in me to carry out its mission. I started this position two weeks early, just after hearing that a gunman had killed five people in the Capital Gazette newsroom in Annapolis, Maryland. Since then, I've talked to dozens of people about restoring trust in the news media, read numerous stories and reports and have begun plans to try to shift back people's belief in professionally reported news coverage.

Among my work so far:

Capital Gazette shooting

I went to Annapolis the day after the shooting with the primary goal of observing the reaction, but also to gauge whether residents linked this tragic event to how journalists do their job, engage people in discussions about media trust and express sympathy to the Capital Gazette staff on behalf of SPJ, if they were open to hearing for us. While the staff appreciated the offer, the tragedy was too fresh to accept such a visit. I did, however, speak briefly with reporter Phil Davis after a vigil for the victims.

Why Diversity Matters

I made a presentation at the Ted Scripps Leadership Conference about the value of newsrooms having a diverse staff and management team.

Restoring Trust in Journalism panel

I told the standing-room only crowd at this NABJ convention session that newsrooms need to do a better job explaining how they do their jobs and why their work is protected by the Constitution. Panelists also included Sally Buzbee, Executive Editor of The Associated Press, and Kevin Merida, Editor in Chief of ESPN's The Undeclared. New York Times Magazine writer Nikole Hannah-Jones moderated.

Town Hall on Freddie Gray coverage

The focus of this Sept. 25 event in Baltimore is on how the media covers social movements, such as the protests and other developments that followed the 2015 arrest and death of

Freddie Gray. The forum will probe the impact coverage can have on the public's trust of the press. A panel of local and national authorities, along with an audience of activists, police officials, journalists and others, will have an honest discussion and offer suggestions for improving coverage. Panelists include Wesley Lowery of the Washington Post and Gray family attorney Bill Murphy. Errol Barnett of CBS will moderate.

ALSO:

Developing a project to teach citizens how to identify biased or false stories, distinguish between commentary and reported news and other issues of news literacy. This would start as a pilot and later be implemented across the country using journalism organization chapters, local news organizations and college communications departments.

Developing a project to go into a community where trust in the media is low, hold a series of events and gatherings over the next year that will include honest dialog and various presentations and activities about the media. The hope is to increase participants' trust in the media and implement the project in multiple cities.



Aug. 8, 2018

TO: SPJ Board of Directors

FROM: Lauren Bartlett, Chair, Regional Funds Task Force

RE: New rules for chapter funds

As we evolve toward the new Board of Directors model with the Regional Directors rotating off the board and becoming Regional Coordinators, we wanted to develop ways to strengthen the rules for chapter treasuries.

Similar to the new regional fund rules the board adopted in April, we also believe it is important to add enforcement mechanisms.

To develop the rules, the task force brainstormed, using the 2013 chapter guidelines as a starting point. Then we did a beta test of sorts – each task force member contacted two chapters each for both the pro rules and the campus chapter rules. For the campus chapter rules, we also sought input from Sue Kopen-Katcef, Jeff South and Leticia Steffen. Once we got all of that feedback, we met and discussed it, updating the drafts based on the feedback. Then Andy Schotz, RD caucus chair, sent the updated drafts to the regional directors to circulate to chapters for their input. Then the task force met again and made some changes based on feedback. After that, the task force emailed the updated drafts to all board members for review and input. We met again and made some additional changes. The end result is the proposed rules.

We respectfully request your support for these new chapter funds rules.



Proposed rules—Aug. 27, 2018

SPJ Pro Chapter Finance Rules

Transparency about chapter operations is important for credibility among our members and the public, especially when it comes to your chapter's treasury. As a board member it is your legal responsibility to keep tight oversight on chapter funds — even if you aren't the treasurer. Pro chapters are required to follow these rules. By doing so, you will greatly decrease your exposure to misappropriation of chapter funds and other problems.

Income and expenses

- Require authorization from at least one board member other than the treasurer when another member spends under \$100.
- Require approval of at least two officers of any expenditure of \$100 or more; a majority board vote of any expenditure over \$200 (in person or electronic).
- Income and expenditures must remain separate in your records. If you receive \$100 for a pizza party and spend \$50, you received \$100 and spent \$50, not received a net of \$50.
- Using cash is strongly discouraged and should be limited as much as possible. Some cash transactions can't be verified, such as when someone uses cash to pay to attend an event. Documentation is required for all transactions.
- Avoid chapter debit cards unless state law bans the use of credit cards by the chapter; debit cards are too easily abused.
- If a credit card is necessary, check with your bank to see if you can restrict the card's use for large expenses only.
- If a chapter has a PayPal or similar account, have the treasurer transfer funds from that account to the chapter's general checking account after each event for which the PayPal or similar account is used. Have another board member monitor the account.
- If the board votes on a money matter directly affecting a board member (other than reimbursements), that board member should recuse himself or herself and leave the room to allow a full and frank discussion.
- When depositing funds in the chapter bank account, use a "For Deposit Only" rubber stamp or write "For Deposit Only" on the back of checks.

The treasurer's duties

Chapters must use the following financial records, which the treasurer will maintain:

— Either:

A paper check stub of each check written, or copy each check.

Or

A computer record (Excel or Quicken) of each check written, with a detailed breakdown of specific amounts for various purposes.

— Electronic and printed copy of each monthly bank statement.

— A file of receipts, each notated with the check number or other record of payment.

— Information needed for financial section of the annual chapter report to national.

— The chapter's federal (and state, if required) tax records, including Employer Identification Number and letter verifying tax-exempt status. SPJ chapters typically are subordinate entities of the national organization and are tax-exempt nonprofits, typically under Section 501(c)(6) of the IRS code. Some chapters are 501(c)(3). Know the difference.

— In order for each chapter to have a back-up of its records, a second copy should be kept by another board member designated by the majority of the board.

The treasurer prepares and/or files these reports:

— A report is due quarterly to the regional directors/regional coordinators, detailing income and expenses and sharing bank statements. The same information also will be required for each chapter's annual report.

— Monthly report to the chapter board, detailing income and expenses and sharing bank statements. This is required even if the board does not meet monthly.

— Financial section of annual report to national.

— Annual Form 990, EZ 990 or E-card 990 with the IRS.

— Any state or local forms required of nonprofits and tax-exempt organizations.

We recommend keeping critical records in a single three-ring binder as well as on your computer.

Training

— Each Regional Director/Regional Coordinator or chapter president will arrange for a training session for a new chapter treasurer. The training shall occur within 30 days of the president or treasurer assuming that position. National headquarters staff will provide training.

— Any other board member authorized to disburse funds may go through the training; chapter presidents are encouraged to be trained.

Account access/review

— Chapters are required to make their bank accounts transparent to their officers and RC. This can be done by providing copies of bank statements, with read-only access to bank accounts or through money management programs.

— The chapter president and treasurer must have direct access to the account. At least one other board member and the RD/RC must have read-only access.

Requirements

- Chapters must comply with financial record reporting rules within three months or they will lose the ability to apply for chapter grants.
- If chapters don't comply with financial record reporting rules within six months, they will be ineligible for national awards, will not be awarded delegates for the national convention and won't be able to receive new chapter dues. National headquarters would hold a chapter's dues until that chapter is compliant.
- If chapters don't comply with financial record reporting rules within one year, the national board may revoke the charter.

Budgeting

- Chapters are encouraged to create an annual budget. Preparing a budget can help your chapter plan for the year.
- A budget approved at the beginning of the year could eliminate the need to approve some individual expenditures throughout the year.

-30-



Aug. 8, 2018

TO: SPJ Board of Directors

FROM: Lauren Bartlett, Chair, Regional Funds Task Force

RE: Amendment to the new rules for regional funds

After the national board's videoconference board meeting on July 21, the task force met to address the concerns raised by requiring the use of a money management system for regional funds and the specific issues raised about Mint.

The goal of the requirement has been transparency. The proposed amendment requires transparency but gives regions the choice on how to provide it.

We request that board members support this amendment.



Adopted April 14, 2018

Proposed amendment in red:

REGIONAL FUND OVERSIGHT

Each region has varying traditions for raising and spending regional funds. Determining how regional funds can be used is left up to the regions with the understanding that regional funds may be used only for SPJ purposes and not for anyone's personal benefit.

1. The national Secretary-Treasurer will have oversight responsibilities of regional treasuries on behalf of the national Board of Directors. The national Secretary-Treasurer will work with Regional Directors/Regional Coordinators (RDs/RCs) and Regional Treasurers.
2. Within 45 days of his or her election, a Regional Director/Regional Coordinator (RD/RC) shall appoint an SPJ member in good standing in his or her region to the position of Regional Treasurer.
 - A. If an RD/RC doesn't appoint a Regional Treasurer within 45 days of his or her election or within 45 days of a Regional Treasurer stepping down, he or she should be removed from that position consistent with the bylaws.
3. The RD/RC shall notify the SPJ executive director, the national Secretary-Treasurer, all chapter presidents of the region and the incumbent Regional Treasurer of the name, chapter (if affiliated) and contact information of the new Regional Treasurer. The incumbent Regional Treasurer shall notify SPJ headquarters, the national Secretary-Treasurer, the RD/RC and the new Regional Treasurer of the amount in the regional fund.
 - A. The incumbent Regional Treasurer also shall provide all bank records to the new Regional Treasurer.
4. Regional funds shall be held in a separate regional checking account and not co-mingled with any chapter account.
 - A. **Regions are required to make their bank accounts transparent** to the national Secretary-Treasurer, RD/RC and chapter presidents within each region. **This can be done by providing copies of bank statements or with electronic access to bank accounts – either through “read-only” accounts or through money**

management programs. ~~shall have “read-only” electronic access to the regional funds account~~

- B. Electronic banking is encouraged in lieu of traditional banking, such as writing checks, to reduce the chance of external theft from the accounts.
 - C. The Regional Treasurer shall keep a file of receipts each noted with the date and form of electronic payment used.
5. SPJ headquarters shall schedule training for Regional Treasurers within 60 days of the RD/RC elections.
- A. Regional Treasurers must complete training or they will be removed from the position.
6. The RD/RC shall make a quarterly report of regional income, expenses and fund balance, including monthly bank statements, to the national Secretary-Treasurer.
- A. Reports are due 14 days after the end of each quarter. The national Secretary-Treasurer will review all reports, including monthly bank statements, and respond to RDs/RCs within 21 days after receiving the reports with any questions.
 - B. If RDs/RCs don't provide quarterly reports, including bank statements, they should be removed from that position consistent with the bylaws.
7. Each RD/RC is strongly encouraged to make a monthly report of regional income, expenses and fund balance, including monthly bank statements, to all chapter presidents in the region. The RD/RC may delegate this to the Regional Treasurer.

Using regional funds

8. The RD/RC shall request disbursement of funds in writing to the Regional Treasurer with a clear explanation of the purpose of their use. Either letter or email requests showing date and time the request was sent shall be acceptable support. If the RD/RC is requesting reimbursement for expenses already incurred, then an expense report supported by itemized receipts must be submitted to the Regional Treasurer. SPJ has a sample expense report that can be used.
- A. The regional treasurer shall keep all records — either electronically or hard copy — for a period of at least three years.
9. Payouts of regional funds should be made electronically. There shall be no cash payments. Handwritten checks are discouraged.
10. If the Regional Treasurer is not satisfied that an expense request is legitimate, then he or she shall notify the national Secretary-Treasurer.

Implementation

11. The first set of quarterly reports are due to the national Secretary-Treasurer after the second quarter of 2018.
12. Headquarters staff shall schedule training for Regional Treasurers within 45 days of adoption.

-30-



Aug. 8, 2018

TO: SPJ Board of Directors

FROM: Lauren Bartlett, Chair, Regional Funds Task Force

RE: New rules for chapter funds

As we evolve toward the new Board of Directors model with the Regional Directors rotating off the board and becoming Regional Coordinators, we wanted to develop ways to strengthen the rules for chapter treasuries.

Similar to the new regional fund rules the board adopted in April, we also believe it is important to add enforcement mechanisms.

To develop the rules, the task force brainstormed, using the 2013 chapter guidelines as a starting point. Then we did a beta test of sorts – each task force member contacted two chapters each for both the pro rules and the campus chapter rules. For the campus chapter rules, we also sought input from Sue Kopen-Katcef, Jeff South and Leticia Steffen. Once we got all of that feedback, we met and discussed it, updating the drafts based on the feedback. Then Andy Schotz, RD caucus chair, sent the updated drafts to the regional directors to circulate to chapters for their input. Then the task force met again and made some changes based on feedback. After that, the task force emailed the updated drafts to all board members for review and input. We met again and made some additional changes. The end result is the proposed rules.

We respectfully request your support for these new chapter funds rules.



Proposed rules—Aug. 27, 2018

SPJ Pro Chapter Finance Rules

Transparency about chapter operations is important for credibility among our members and the public, especially when it comes to your chapter's treasury. As a board member it is your legal responsibility to keep tight oversight on chapter funds — even if you aren't the treasurer. Pro chapters are required to follow these rules. By doing so, you will greatly decrease your exposure to misappropriation of chapter funds and other problems.

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-30-

DATE: Aug. 19, 2018

TO: SPJ Board

FROM: David Cuillier, FOI Committee member, spjdave@yahoo.com

RE: First Amendment Forever Fund Implementation

This memorandum outlines the implementation strategy to begin making use of the endowed First Amendment Forever Fund, which stands at about \$200,000 today, generating about \$10,000 per year for projects. I've provided the three previous memos regarding the fund. More information is online, as well, at <https://www.spj.org/firstamendmentforever-faq.asp>.

In consultation with Alison, Rebecca, Alex, Danielle and Hagit, we came up with the following (OK'd by Rebecca and Alex, and open to further adjustments/suggestions from the board):

1. **Committee Creation.** The president appoints a five-member Forever Fund Committee by Oct. 1, 2018, to solicit initial advocacy proposals, vet them, and approve any up to \$5,000. Any proposals of \$5,000 or more would be approved by the SPJ board at in-person meetings or through online meetings (same as LDF grants). The committee also could help in raising awareness and donations for the fund. The committee will start small and focused (similar to LDF) to remain nimble to handle requests throughout the year. The committee will comprise the LDF chair, FOI Committee chair, myself, a staff member (Larry Messing), and an outside expert in the First Amendment advocacy funding world, such as a representative from the First Amendment Institute at Columbia (Director Jameel Jaffer) or Knight Foundation (Nick Swyter, program manager for First Amendment issues).
2. **Purpose Defined.** The purpose of the fund is to proactively advance press freedom as protected by the First Amendment. That could include improving public policy and statutes at the federal/state level (e.g., federal shield law, state public record laws), enhancing press access to the judiciary, assisting efforts to improve case law through precedent-setting litigation, exposing those who would undermine or attack journalists, and educating the public and key lawmakers about the importance of a free press in a democracy. Examples of worthy projects could include:
 - Create an app that helps besieged journalists (e.g., closed meetings, arrested).
 - Parachute advocates into a state where press freedom, public records laws, or student journalists are threatened, such as the Blackhole award presentation that helped reverse the Utah Legislature gutting its public records law.

- Send a delegation of press leaders to Washington, D.C., to talk with key lawmakers about a federal shield law and generate public support.
 - Create curriculum or public awareness education campaigns to increase support for press freedom.
 - Fund press-freedom awareness activities piloted by chapters or universities that have potential for widespread adoption.
3. **Project Criteria.** When evaluating projects, the committee will take into consideration four key factors (a funded project should satisfy at least one or more of the criteria):
- *Broad impact* on preserving press freedom beyond just one individual or organization.
 - *Long-term impact* on preserving press freedom.
 - *Increased public awareness*, support and trust in an independent watchdog press.
 - *Focused attention* on the fund that could attract additional support, either direct financial contributions or in partnerships and collaborations.
4. **Process.** The structure and process will include the following:
- At the end of each fiscal year, accumulated interest revenue from the endowment is put into a separate account. That amount is provided to the committee as the budgeted amount available for the upcoming fiscal year.
 - Project proposals can be accepted year-around, going to the committee chair, who then distributes to the committee for discussion. Any grants under \$5,000 could be approved by the committee. Larger proposals must secure SPJ board approval.
 - The committee also can work with other groups, such as the FOI Committee, chapters, or other organizations to develop project proposals for implementation.
 - Grant recipients are required to provide quarterly updates and a final report at the completion of the project. An update is provided to the board annually in the annual conference board packet.
 - Committee members work with staff to solicit contributions to the endowment, including estate gifts.

David Cuillier
 FOI Committee
 spjdave@yahoo.com



COMMITTEE REPORTS

1. SPJ Awards and Honors Committee
2. Diversity Committee
3. Ethics Committee Report
4. FOI Committee Report
5. SDX Development Committee Report
6. SPJ International Community
7. J-ED Committee Annual Report
8. Membership Committee Strategic Plan and Fall Board Meeting Report 2017-2018
9. LDF Committee Report



SPJ Awards and Honors Committee

Annual report

August 17, 2018

The Awards and Honors Committee is: Andy Schotz (chairman), Sue Kopen Katcef of the University of Maryland, Heather Lovett Dunn of the Cronkite School at Arizona State University, Jay Evensen of Deseret News, Jason Parsley of the South Florida Gay News and Pat Duggins of Alabama Public Radio.

- The committee's main work and function is reviewing SDX Awards, Mark of Excellence Awards and the New America Award. That process will get underway soon, giving us time for discussion leading up to our annual meeting at EIJ. This year, we will particularly focus on the judging process and screening entries that don't follow the rules.
- The Awards and Honors Committee continues to run the SPJ chapter contest judging swap. I took that role over this year from Sarah Bauer Jackson, and it seemed to go well.
- On behalf of the committee, I work closely throughout the year, as needed, with Christine Cordial, SPJ's awards coordinator.
- The committee has talked about doing a survey to gather feedback about our contests, and it even created a draft. We decided to wait for the optimal time to do it. It probably will happen in February or March.
- SPJ is continuing to work with the Family Travel Forum on its annual Teen Travel Writing Scholarship competition. For the third year, I will be helping with the judging in early September.
- The Kunkel Awards for video game journalism are continuing under the supervision of Michael Koretzky, who has handed off the administrative duties of running the contest.

Respectfully submitted,

Andy Schotz

Chairman, SPJ Awards and Honors Committee



Diversity Committee

Dori Maynard Fellowship The Diversity Committee has chosen six diversity fellows to receive scholarships to attend September's convention in Baltimore. The fellowship drew seven applications and should widen its pool of applicants in the following year.

Diversity Hiring Guide The Committee workshopped this in collaboration with HQ and an edited draft has been submitted.

An excerpt: SPJ's Code of Ethics states that journalists are charged with giving "voice to the voiceless," and to "boldly tell the story of the diversity and magnitude of the human experience. Seek sources whose voices we seldom hear." We need to increase diversity to be able to accomplish these tenets.

5. EIJ Conference Panel

The following panel has been accepted for EIJ 2018 — Hiring managers: Diversity isn't a pipeline problem. It could be you. Friday, Sept. 28, 3-4 p.m.

This moderated discussion will chronicle the experience of Tahera Rahman, the first full-time on air broadcast reporter in the U.S. to wear a hijab, and the manager who hired her.

Moderator: Will Federman, executive editor, The Tylt Speakers: Tahera Rahman; Mike Mickle, WHBF/KLJB

6. Other Conference Planning

The Committee has a dedicated meeting time at EIJ 2018 Sept. 28, 10:30-11:30 am. The Committee would like to use that time to introduce Dori Maynard Fellows to SPJ leadership. The Committee also is interested in planning a series of social events at the conference and will firm up details on its August conference call.

7. New Member

The Committee has a new member, Pashtana Usufzy. She is a freelance journalist who previously worked for the Las Vegas Sun and Las Vegas Review-Journal. Her membership was recommended by Sandra Gonzales.



Ethics Committee Report

Fall 2018, Andrew M. Seaman August 23, 2018 Committee Chairperson

Old Business

The Ethics Committee spent much of its times this year educating about the Society's Code of Ethics through conference appearances, blog posts and the Ethics Hotline.

Several members of the ethics committee presented sessions at their regional conferences, which continue to serve as an excellent opportunity to reach local journalists.

The Ethics Hotline continues to be an incredibly popular resource for journalists and the public. Fortunately, staff at headquarters does a good job of filtering and triaging questions. It's difficult to know how many calls and emails we receive since questions are often submitted to the Ethics Hotline through headquarters. Committee members also often directly receive questions. I personally believe the rate of calls is increasing.

Ethics Week was again a success. SPJ's billboards debuted in Times Square on Monday, April 23. The eye-catching graphics run several times each hour on the jumbotrons located around 3 Times Square. Quill then ran a piece Tuesday about the complicated relationship journalism has with transparency. SPJ hosted a webinar through headquarters on Wednesday about the Code of Ethics. Lynn and Andrew hosted the hour-long discussion. At its peak, we had 30 people watching the webinar – including a few classes. We also had nearly 60 people sign up to take part, which is pretty good compared to past webinars. We held a Twitter chat from noon to 1 p.m. EDT on Thursday. SPJ then published a short ebook about journalism ethics on Friday. The highlight is a piece by Dr. Chris Roberts. He describes how the public can – civilly – challenge journalists and news organizations about their editorial practices. Lynn then appeared on the Jim Bohannon show on Friday night.

New Business

The committee is currently working with headquarters to craft a curriculum for its election trainings that will happen around the country. The plan is to have an introductory video play about the SPJ Code of Ethics. Then, a 10-minute presentation about responsibly covering elections. Finally, a 5-minute question and answer session will follow.

As you should know by now, I'll (Andrew) will be stepping down as the ethics committee chairperson after four years. I'll do my best to pass along some best practices to my successor. I will obviously be available to answer any questions.

I want to thank all you on the board for your help over the years. I especially want to thank Jennifer at headquarters who is an amazing person and partner over these many years. I also want to thank Lynn Walsh for helping me through the years – especially these past few months as I've changed jobs and got ready to hand over charge of the committee.



FOI Committee Report

Over the past six months, the Freedom of Information committee has continued its mission of advocating for greater government transparency and reporters' access to the truth.

FOI Committee member David Cuillier has been working diligently in creating a proposal for the First Amendment Forever Fund endowment, which could dedicate hundreds of thousands of dollars to the purpose of advancing press freedoms.

During Sunshine Week the committee launched the Whistleblower Project. In partnership with the Government Accountability Project and with contributions from the Project On Government Oversight and ExposeFacts, the committee produced an ambitious project that included 20 pieces of content. In total, 18 people from the committee, GAP, and SPJ HQ contributed to the project in a number of different capacities.

<https://www.spj.org/whistleblower/index.asp>

The project explained the basics of whistleblowing, the laws that exist to protect whistleblowers and the laws that need to be passed to better protect them. It also informed reporters how they can safely work with whistleblowers, detailed how whistleblowers are retaliated against, and profiled or featured dozens of different whistleblowers and reporters that work with them.

The committee also co-hosted an excellent panel during Sunshine Week that included two high-profile whistleblowers from the Veterans Affairs office and the Nuclear Regulatory Commission, as well as reporters from the Washington Post and the Government Accountability Project. It was live-streamed and attended by dozens of reporters, government whistleblowers, and members of the public. I also promoted the Whistleblower Project during a live-streamed event at the Newseum the week before Sunshine Week.

The project received a lot of great feedback from whistleblowers, open government organizations, reporters, and journalism professors.

We will be holding another panel during EIJ this year discussing the project and the importance of whistleblowers and the dangers they face. I will be moderating the panel of Dana Gold and James Risen, director of the Press Freedom Defense Fund and former award-winning New York Times reporter. It will also feature James Kidney, the former Assistant Chief Litigation Counsel

for the U.S. Securities and Exchange Commission who blew the whistle on the SEC's failure to investigate large Wall Street banks after the 2008 financial crash.

During Sunshine Week, myself and fellow committee member Lynn Walsh engaged in SPJ's FOIA twitter chat where we talked about the Whistleblower Project and public records-related matters with other prominent investigative reporters.

We gave the annual Black Hole Award to the Trump administration and awarded several other state agencies dishonorable mentions. <https://www.spj.org/news.asp?REF=1554> And committee member Hilary Niles created a survey evaluating the state of FOIA in Vermont. Over the next six months, I would like the committee to begin another ambitious project that will impact open government efforts in areas that are not often addressed. The committee will begin discussing topics for next year's project at EIJ.

I would like to continue expanding the committee and providing new opportunities for its members to engage in projects and initiatives they are passionate about. I would also like to forge new partnerships with other open government organizations to help us in our efforts.



SDX Development Committee Report

The committee held a teleconference in August with Larry Messing, the new director of development for SPJ and the SDX Foundation.

Larry discussed his role and that of the committee in working together to expand donations, foundation contributions and other fundraising activities. Committee members will be asked to:

- Help build connections to the fundraising community.
- Occasionally meet with potential funders to share the SPJ/SDX Foundation story.
- Assist with fundraising events.

Currently the following grant proposals are being pursued:

- Joyce Foundation (\$40,000): Submitted proposal for a “Publishers’ Retreat,” which will provide development and training opportunities for publishers of African American newspapers.
- Scripps Howard Foundation (\$50,000): Proposal for an updated Scripps Leadership Institute, which will focus on undergrads beginning stints as school newspaper editors or radio/TV station news directors.

Campaigns Underway

- An email campaign was started in August to SPJ members and donors to encourage making a monthly donation.
- Attendees at EIJ are being asked to make a donation via their mobile phones. In addition, donation forms are available throughout the event.

Other

- Committee members agreed fundraising in general stands a better chance of success if it is tied to specific projects.
- Alex Jones suggested culling from the Internet and other sources names of individuals and organizations who have spoken out for a free and independent press and against efforts to undermine the news media. They could be potential contributors to the Journalist on Call, Legal Defense Fund and other projects.

- It was agreed the time is right to aggressively seek out donor support for journalism programs that counter the constant vilification of the news media by President Trump and his supporters who see journalism and journalists as enemies of the people.
- Bill Ketter, Chair
- Members: Alex Jones, Russ Pulliam, Michael Bolden, Robyn Davis Sekula



SPJ International Community

SEPTEMBER 2018 / Community Update

Agenda

Supporters/Followers/Members

1. Facebook Page: 681 Followers
2. Facebook Group: 418 members
3. SPJ members (international): get number/list from headquarters?

Updates

4. EIJ: Sent one our panelists to Don Kirk's session (Kim Barker). Organizing a book signing after with Kim Barker. Will follow up with Don to confirm he finalized with Kim. Link to our international Community

Meeting: <https://www.facebook.com/events/327972147776738/>

5. Barker's publisher not able to provide books at event. Will need to let members know to buy book prior to the meeting. Will provide Amazon link on the FB event link.

6. Zaher Al Daher - International Member - gained asylum in France. International Community members in France have helped him get acclimated. We advocated for him to be in Maison de Journalists and got accepted. Discussing with Maison de Journalist about the international community fundraising and sponsoring a room for a journalist. LINK to the quote sent to me about their costs for their program per journalist. Here are links sent by Zaher as his update from his time in France: <http://www.france24.com/fr/video/20180730-tout-a-ete-detruit-le-recit-dun-photographe-syrien-refugie-a-paris>; SPJ is mentioned in this link → <https://www.oeil-maisondesjournalistes.fr/2018/08/21/syrie-journaliste-exil/>

Fall/Winter Goals

7. Confirm Maison de Journalist collaboration. Discuss with headquarters re: logistics and permission.

8. Reach out for members to help with social media, events and etc. Aim to recruit 2-3 members. Will be restructuring IC admin. Updates to be given in the Fall/Winter.
9. Brainstorm EIJ topics for 2019 in December.
10. Members have asked about updates regarding the women's series. Will discuss during EIJ to do another one for 2019.



MEMORANDUM

TO: Rebecca Baker, SPJ President
Jennifer Royer, SPJ Director of Communications & Marketing

FROM: Becky Tallent, SPJ J-Ed Chair

DATE: Aug. 13, 2018

SUBJECT: J-ED COMMITTEE ANNUAL REPORT

Since the April report, the Journalism Education Committee has continued working on #Press4Education in two specific areas:

1. We have continued to match teachers and professionals. To date, we have matched 129 teachers and pros since late February, 10 of those matches have been in August as teachers prepare for the start of the school year. JEA is again promoting the program and teachers are asking for volunteers at an increasing pace. A note: we stopped matching in late May and resumed again in early August due to the end of the school year.
2. During the summer, the committee conducted a survey of pros who participated in the program to get their feedback. While 100 percent of the respondents said they would do it again, we found out that about 10 of our matches did not work because the teachers never replied to the journalists when they tried to set up a time to come talk or the volunteers did not understand they were supposed to contact the teacher. We are working that issue out with JEA's help and we are being much more specific in instructions to volunteers. As to the actual presentations, the most popular topic were Media Literacy/Fake News, Data Reporting, Editing and Reporting Basics. Legal Issues and Ethics also had several requests.

Some other findings from the survey, where 34 percent (19 of 55 volunteers participated [originally we had 60 volunteers email addresses, but 5 emails bounced back], with a +/- 2.5% margin of error), were:

- Most (75%) of the volunteers said they did not realize the J-Ed Committee had materials ready for them to use even though it was included in the message to them.

- The majority 73.68% said they only did one presentation while the rest did two or more, one person reporting four or more.
- Ninety five percent said they visited high school classes, the rest were junior high/middle school.
- About half (47.37%) had classes in the 15-25 student range; 36.84% had 15 students or fewer; 31.58% had classes 25-35 students in size and 5.25% had classes larger than 35 students.
- The responses showed 47 % of the teachers worked with the volunteer, the remaining 53% of the teachers did not assist in any way.

Some of the comments from the volunteers about what was the best thing about the presentation included:

- Educating students that working in journalism is still possible, challenging and worthwhile.
- I was thrilled to help the teachers & students. I was mostly looking forward to answering questions the students had.
- The real interest and spark that these students expressed; also, I appreciated the fact that they articulated their appreciation of the info I provided.
- the look on the kids' faces
- The students were engaged and asked meaningful questions.
- Inspiring young journalists. Spreading the word about SPJ.
- Hearing from the students! They all were very curious about journalism and had great ideas on how to cover their school. Another thing I learned was how limited these students are in what they can cover.
- The conversation with students about journalism.
- Getting a sense of the kids' level of writing and reporting and interacting w/them on how their stories in the school newspaper could be improved.
- Seeing the fine work and enthusiasm of the students. The teacher is hard-working and very dedicated. Seeing and hearing how smart the students were already, and realizing that this effort is enormously helpful to them as it helps give them tools to tell real news from fake news.
- I felt like the students learned more about journalism and our First Amendment rights.
- The ability to know that the future of journalism is in good hands.

Some of the things we as a committee learned: There needs to be a stronger emphasis on the materials already developed, plus volunteers need to understand they and the teacher need to make arrangements, this is not a date set up by the committee. I believe we have worked these issues out.

Thanks are sent to the SPJ staff members, especially Linda Hall, who generously helped us when we did not have a volunteer in an area by sending us a list of all SPJ members in that city or state. There were a lot of massive email sends to members when we needed a volunteer is

areas such as Orlando, FL., Northern California (Thanks Matt Hall), New York and Nebraska. Also thanks to volunteer Alex Veeneman who handled almost all of the Skype/Zoom/Google Hangout presentations. Finally, committee member Jeff South took the initial step this August by sending out a notice to all the journalism teachers in Virginia about #Press4Education, several other committee members may be following suit.

Our overall finding will be highlighted during EIJ18 with a session where we talk about the program and how more people can become involved. Speakers will be JEA President Sarah Nichols and committee members Jeff South, Kym Fox and Mac McKerral with Becky Tallent moderating. For the session, and also for the future, this summer we have developed an FAQ on the program and flyers encouraging people to sign up as volunteers.



Membership Committee Strategic Plan and Fall Board Meeting Report 2017-18

Updated August 17, 2018

Goal: The SPJ Membership Committee will work to help SPJ become the premier organization for all journalists of any medium, race, ethnicity, ability, age, location, sex or sexual orientation. The membership committee will work in concert with staff, board, chapter leaders and other volunteers to attract new members, retain existing members and cultivate a culture of inclusiveness. By doing this work, the membership committee will support the work of journalists everywhere, whether members of SPJ or not.

PAST EFFORTS TO CONTINUE

Strategy: Target lapsed members.

Tactic: Send letter or e-mail to former members whose membership has lapsed.

Draft a letter to members who have left SPJ.

This was successful in early 2016, with 276 letters going out, along with another 8,000 e-mails (low or no cost) and 75 members re-joining.

4/2/18 This letter went out, as I received e-mails from several lapsed members explaining why they decided to drop – or who had questions about renewing. I have asked for updated info from staff on how this performed. (I only requested this on March 28, so this is on me for not asking sooner.)

8/17/18 With our staff changes, I do not know how this did, and I don't think we can know. This should be done annually, though, as it usually does help us get a few folks back who are lapsed.

Strategy: Raise the profile of SPJ in social media and emphasize inclusiveness and diversity.

Tactics:

- Held #SPJ4all event again November 14, 2017, encouraging everyone who is a member of SPJ to post a selfie and use our hashtag on Facebook, Twitter and Instagram. Promote the event so that chapters/individuals are prepared and ready. The very simple idea is that we use the #SPJ4all hashtag to indicate that all journalists (and supporters of journalism) are welcome in SPJ.

Note: #SPJ4all is an annual event in which we ask people to post a selfie or photo in a newsroom and post it in social media with the #SPJ4all hashtag. We are using this to indicate SPJ is open

and available for all people, regardless of race, sexual orientation, gender, ethnicity, etc. We started doing this a few years ago, and it's very simple, but effective. It is not tied to any kind of donation appeal. It is simple awareness. I would love to see this continue again in Fall 2018.

11/21/17 This occurred. I had asked for numbers from staff on how this performed, but it is tough to track because not everyone makes their posts public.

I have two observations:

1. This year, staff asked people to do a short video explaining why they are in favor of diversity and post it for SPJ4all. I advised against that, mainly because we're a print-oriented crowd and I didn't really think that people would embrace it. The other thing that's tough about it is that most people can't really articulate WHY diversity is important. It just is, and it's obvious. I think our participation was down because we tried to ask people to do something that was too hard for our print-oriented membership. Should more people be comfortable on camera? Should our folks be more willing to do interviews? Absolutely, but we have to remember we're asking them to do something for us, so we have to make it as simple as possible. Selfie and a hashtag was simple for folks to do, and I think we should have stuck to it. I'd like to see us go back to that next year, or something else equally simple.
2. While I don't have any numbers on how this did, I did notice this year that people were posting about this who I didn't know. The first year we did this, it seemed to me cajoling people I knew into participating; the second year it got a little bit bigger, and this year it seemed to take on a life of its own. My hope is that we'll continue to do this, as it seems to have caught on.

Strategy: Encourage chapters to connect with potential members who are in their geographic area but not part of their individual chapters.

Tactics:

- Offer more training for chapter leaders on how to use the tools under leaders that can help them manage their membership. Ensure that chapter leaders know they can obtain lists of potential members from SPJ headquarters.
- Offer ideas for innovative programs that attract new members and connect with existing members for pro/college chapters (two different types of programs, most likely).
- Encourage chapters to consider reducing or eliminating local dues if or when possible.

3/29/18 I have personally encouraged chapters to do this when possible, but I don't think there is anything in place nationally or any kind of concerted effort.

EFFORTS TO PURSUE

Strategy: Assess our marketing to members.

Tactics:

- Evaluate printed brochures for clarity, attractiveness. Consider outside firm for design if needed. Consider full color.

- Evaluate web site portal for joining and re-do it.

Note: this was assigned to a volunteer last year who never completed the task. With staff changes, the timing didn't seem right to get it done this year, either, but this very much needs to be done.

Strategy: Better market to students who are members of college chapters and work to retain them as members.

Tactics:

- Market to students to emphasize our post-grad rate. Membership committee to write language, provide images of student journalists for mass e-mail to students.
- This past year, we created form on our web site that students can complete that will e-mail someone (family/friend) and ask for SPJ membership as a gift. Does anyone know it is there? Promote it through social media, marketing to students/grads.
- Ask campus chapter leaders at all SPJ campus chapters to identify graduates or recent graduates who can be connected with pro chapters in their area. Provide that information to pro chapters and ask them to connect to the students and offer them the opportunity to join the pro chapter and participate.

Strategy: Diversify the membership of SPJ by reaching out to HBCUs, non-English publications, individual journalists of color as well as transgender, bisexual and gay journalists and associated groups.

Tactics:

- Create a baseline for diversity by adding race, sex, etc. boxes to our membership form. *This was supposedly in the works but I don't believe this ever happened. .*
- Identify HBCUs by state and assess what needs those in leadership positions have of SPJ and what we as an organization can do to help foster the next wave of journalism students. *I attempted to do this but got very little feedback.*
- Continue to work with NABJ, NAHJ, Unity and other organizations on partnership efforts, including Excellence in Journalism. Consider this at the chapter level as well. Propose that members of other organizations be brought into the makeup of our organization as advisory members to committees, without pushing them to join SPJ.
- **Ask SPJ committee chairs to assess the makeup of their committees and work to bring on people of diverse backgrounds. (I believe this really needs work and attention.)**

Please note that this particular item requires buy-in from the board and high level staff. I think this should be tackled after EIJ, if the new membership chair would like to pursue it.

TWO MORE ITEMS FOR CONSIDERATION

About 18 months ago, I created a document that I wanted to see us work into the web site. I tried repeatedly to get someone to add it in. It was designed to function as a "how to get involved in SPJ" guide. We don't ever articulate anywhere how you can get involved in SPJ, and we need that. The concept would be that this isn't so much a document you read from top to

bottom as a “how to” guide that’s heavily hyperlinked. You could read the intro, and then if you were a student, you’d click on a “Are you a student?” line and it would take you to the section for students that explains that there are college chapters, and pro chapters, and you can be active in either one, and that there are opportunities at the national level for you as well... etc. I know we need this. But I can’t seem to advance it to get it onto the web site, and that’s frustrating.

I believe the biggest problem we have with membership is that we don’t onboard people well at all. Tara and I, and then Chrystal, were working on a series of onboarding emails. You’d get one per month for a couple of months and that would help you know more about us and how you can benefit from SPJ involvement. This is a much needed tool.

I hope that whoever is membership chair after me might pursue these items with involvement and help from staff. Due to the changes since April, I’ve been reluctant to push too much, as I’m sure staff is swamped with just trying to get their hands around everything and I know the EIJ push is huge right now.



LDF Committee Report

August 17, 2018

To: President Rebecca Baker
From: LDF Chair Hagit Limor

The LDF Committee has been busy with 15 new cases since April, for a total of 39 cases in 2017-2018 through the date of this report. I'm listing short descriptions below. (Inevitably more cases will come in between now and convention but publication deadlines for the report are nigh.)

We also are looking at changes in our income stream, with the elimination of the silent and live auctions, the first of which HQ determined to be cost inefficient, the second of which was shelved due to the timing of internal staff changes. We earned \$3,129 on the silent auction at last year's convention, with an additional \$2,650 in the live auction for a total of \$5,779. With a change in leadership, hopefully we will come back next year with new thoughts about fundraising for LDF.

Here are the cases which we've supported since our last report. (Thanks to Mark Bailen, our attorney for his initial summaries.)

March 26 - *Wetterling / Minnesota Public Records*

The LDF committee approved that the full board consider an additional \$5,000 to support a coalition of ten media and government transparency organizations, including the Minnesota Chapter of SPJ, in an appeal of a public records act case vs. privacy rights of a victim's parents. The LDF Committee had approved an initial \$5,000 and the full board added the extra funding at the April meeting. On April 20 a judge issued a summary judgment ruling in favor of the media intervenors in the Wetterling case, saying there's no constitutional right to informational privacy in Minnesota that can be used to override the public data classification of the Data Practices Act. The family of the boy at the center of the case is appealing this decision.

April 3 - Idaho Supreme Court - *Verity v. USA Today* – Libel by Implication

The Committee joined an amicus brief on behalf of Gannett (Tom Curley) to support *USA Today* and two Tegna-owned television stations in the Idaho Supreme Court, in a "libel by implication" case. We funded \$1500 toward the effort.

Libel-by-implication means that even if each statement in a publication is literally true, a plaintiff can sue for libel claim if there is an *implication* that can be drawn from the statements that is false. Some states have barred altogether libel-by-implication claims, while others allow them only if the plaintiff can show that the defendant *intended* to convey the false implication. The lower court in Idaho found that such intent could be inferred in this case because the publications omitted more flattering facts about the plaintiff. This is a dangerous precedent that would improperly expand the libel-by-implication doctrine and essentially allow the courts to second guess a news organization's editorial decision-making. The amicus brief argues that Idaho should bar libel-by-implication claims or not allow such claims to proceed absent strong, concrete evidence showing that the defendant intended to convey a false meaning. Courts across the country have grappled with libel-by-implication cases. This is a good opportunity for strong advocacy on the issue before a state's highest court.

April 13 - RCFP/CNPA Amicus Brief in *PPOA v. City of Pasadena*, Los Angeles Times

No new action but good news when the Second District Court of Appeal in California issued [its opinion in Pasadena Police Officers Association v. City of Pasadena](#). The Court reversed the trial court's ruling that the *LA Times* was not entitled to recover its attorneys' fees from the PPOA under California's private attorney general statute. We had signed onto the initial brief last year hoping to deter frivolous reverse-CPRA cases. This should make it easier for requesters who prevail to recover fees in reverse-CPRA cases that do go forward.

April 16 - Courthouse News Service v. Brown - Access

We joined Courthouse News Service (CNS) in an amicus brief regarding a court clerk's failure to provide immediate access to newly filed civil complaints. CNS is challenging the refusal of the Circuit Court of Cook County to provide contemporaneous access to newly filed civil complaints, as required by the First Amendment. [The Northern District of Illinois granted](#) CNS's motion for a preliminary injunction, and the clerk of court appealed. The clerk has filed [her opening brief](#) in the 7th Circuit, and the Judicial Council of California has filed [an amicus brief](#) in support of the clerk.

RCFP's amicus brief argues that the First Amendment affords the public a contemporaneous right of access to civil complaints and that such access to newly filed civil complaints benefits the public by promoting understanding of the judicial system, allowing the news media to report on complaints when they are most newsworthy, and promoting the accuracy of such news reporting.

May 28 - RCFP Amicus Brief: *Overbey v. Mayor & City Council of Baltimore/Baltimore City Police Department* – gag orders

We joined an RCFP amicus in the 4th Circuit supporting an online media outlet, the "Baltimore Brew," which is challenging the practice of the Baltimore police to include "non-disparagement" clauses in their settlement agreements in cases involving police misconduct. This effectively precludes parties to the settlement from talking publicly about the case. The amicus argues that Baltimore Brew should have standing to challenge this practice in

court, and supports a strong public policy against these types of gag orders on victims of police misconduct.

June 11 WBTV-TV (Charlotte) – gag order

The Committee approved \$5,000 to support a reporter at WBTV in his legal challenge to court orders sealing search warrants, challenging an accompanying gag order in North Carolina state courts. Reporter Nick Ochsner made the initial records request, but a number of other media organizations then formed a coalition to push for the unsealing and to fight the gag order. Lawyers for the media coalition filed motions to intervene in the criminal proceeding and got redacted versions of some of the search warrants, while appealing to the court of appeals.

Information from the search warrants showed state law enforcement authorities issued them to get evidence at the county sheriff department offices about Jason Reid, a candidate running for Catawba County Sheriff (and the current sheriff's son). The state was investigating charges that Reid allegedly stalking and harassed a former girlfriend. It appears there may be been some favoritism to the sheriff's department by the court as the orders were quickly and quietly issued. This is a link to Nick's May 4 news

report: <http://www.wbtv.com/story/38117690/search-warrants-unsealed-in-jason-reid-investigation>.

The trial court didn't follow proper procedures for sealing court records and issuing gag orders, violating existing law. Our support supports enforcement of the fairly strong law in North Carolina on sealing records and gag orders. It also serves the broader public purpose of countering special treatment for public officials in public records cases.

June 19 - Amicus Brief - Manuel Duran Ortega

We signed on to an amicus brief supporting Manuel Duran Ortega, a journalist facing detention and deportation by U.S. immigration authorities. The Southern Poverty Law Center represents Mr. Duran Ortega. In May SPJ and 25 other media organizations signed onto a letter demanding his immediate release. In this brief, we argue that Mr. Duran Ortega's motion to reopen should be granted because of substantial evidence that the conditions in which journalists in El Salvador operate have materially changed since his *in absentia* removal order was entered in 2007. The brief also argues that Mr. Duran Ortega's motion to reopen should be considered in the context of the Government's flagrant violations of his First Amendment rights to speak freely and to be free from retaliation for that speech. The matter raises important legal issues for journalists in the U.S. and internationally, highlights for the Board of Immigration Appeals the important rights at stake, and puts the Board on notice that this matter can and will have broader impact than the typical immigration appeal.

July 8 - Higginbotham v. Sylvester Letter Brief – Police retaliation vs Newsgathering

We signed onto an amicus letter-brief arguing for a First Amendment balancing test (the "Mt. Healthy" test) to analyze if there's unconstitutional retaliation when the police arrest a journalist engaged in newsgathering (or any other citizen exercising his/her First Amendment rights). We previously signed onto a 2nd Circuit amicus brief arguing to recognize a First

Amendment right to film the police in public. This brief supports his rights to do so from a public place despite evidence that Higginbotham when he climbed on top of a phone booth to film the events and initially refused to get down when ordered to do so by the police. Police said he was behaving in a manner that was dangerous to himself and others. This letter-brief supports protections for journalists.

July 16 - RCFP Emergency Amici Letter - *Los Angeles Times* - Prior Restraint

We signed onto letter from the RCFP regarding a federal district court in Los Angeles issuing a prior restraint against the *LA Times*, ordering it to remove anything from an article it had published that referred to the contents of a sealed plea agreement. The *LA Times* had obtained a copy of the plea agreement from PACER where it was (inadvertently) publicly available. The underlying case involved a corrupt police officer who had tipped off the Mexican Mafia about an upcoming operation; after the article was published, without serving the *LA Times*, the officer's attorney filed for a TRO, which was granted by the district court.

July 27 - *Simmons v. AMI et al* - Libel

We joined an RCFP amicus brief submitted to the California Court of Appeal focusing on whether calling someone “transgender” is libelous per se. The brief argues that courts have recognized that defamatory meaning must be considered in light of current social norms, and just as calling someone “black” or “gay” is no longer considered defamatory, misidentifying someone as transgender should also not be considered capable of a defamatory meaning. The underlying matter was dismissed at the beginning of the case because the trial court was able to rule, as a matter of law, that the label “transgender” was not defamatory. A narrow view of what is capable of conveying a defamatory meaning is critical in enabling media defendants to get early dismissal from libel cases. We want to affirm the importance for courts to consider changing social norms in their analysis of defamatory meaning. The lower court did so here, and the brief encouraged the California Court of Appeal to affirm that ruling. A contrary ruling could chill reporting about transgender people and issues.

Aug 3 *In re Murphy-Brown* – gag order

We joined another RCFP amicus brief asking the 4th Circuit to vacate a gag order entered by the Eastern District of North Carolina in 26 related nuisance suits brought against hog farms in North Carolina run by Murphy-Brown. The district court entered the gag order shortly before the end of the second trial, after some potential jurors in both the first and second trials said they had read news coverage about the case (though there was no issue seating a jury). The federal court judge issued gag orders preventing trial participants (parties, lawyers, witnesses, etc.) from commenting on the cases to the press. The brief argued that the gag order impeded the ability of journalists to report on these cases, which concern matters of significant public interest and importance related to North Carolina’s \$2.9 billion hog industry and the environmental impact of its waste management practices.” A positive ruling from the Fourth Circuit would provide precedent to restricting gag orders.

Aug 7 - *Perry v. Hollingsworth*

We joined this RCFP amicus brief to support KQED in a 9th Circuit case involving the unsealing of videotapes of the 2010 trial about California's Proposition 8 – the same-sex marriage ballot initiative. The video of the trial has been under seal since 2010, and a judge recently ruled that the videos cannot be released until 2020. This amicus brief supports immediate release and public disclosure of the videos of the trial. The brief calls for timely public disclosure, transparency and access to court records.

Aug 13 - RCFP Amicus Brief - *Sun Sentinel* Contempt Proceedings

We joined an amicus brief to support the South Florida *Sun Sentinel* and two of its reporters facing a contempt proceeding for publishing a story on unredacted documents released by the Broward County School Board about the Parkland shooter. The Board had intended for the documents to be redacted prior to release but due to a technical glitch, the redacted portions of the documents could be made visible. The Board asked the court to begin contempt proceedings against the newspaper and the reporters for publishing information that was intended to be redacted in the documents. The attached brief argues that news organizations and reporters should not be held liable for mistakes made by the producing parties, and to hold otherwise would violate the First Amendment.

Aug 15 - *The Philly Declaration* – application for reimbursement of records fees

We agreed to pay \$947 upon a request from Austin Nolen, the managing editor of *The Philly Declaration*, a Philadelphia alternative news site to cover a legal expense that the site incurred while seeking documents under the Pennsylvania Right to Know Law. The site wants records showing the contract between the City of Philadelphia and the federal Immigration and Customs Enforcement ("ICE") to allow ICE access to the City's online criminal arraignment e-filing system that processes arrests in Philadelphia County. ICE can use that database to learn about non-citizens arrested in Philadelphia. There are questions as to whether this arrangement violates Philadelphia's sanctuary city policy. The Declaration was able to get the documents, albeit over the District Attorney's objections, which created the legal expense. The Declaration was the first to report on the details of the arrangement between city and federal officials because it fought to obtain the documents under the Right to Know Law. There are undoubtedly similar situations in cities across the country so this sets helpful precedent for public disclosure of such arrangements.

August 17 RCFP Amicus Brief - *Clark County Coroner v. LVRJ* - Open Records

We joined an amicus brief prepared by RCFP in support of an open records case in Las Vegas brought by the *Las Vegas Review Journal*. The newspaper won a lower court ruling requiring the disclosure of juvenile autopsy reports, but the Coroner's Office has appealed to the Nevada Supreme Court. Like the *Wetterling* case in Minnesota (where SPJ supported the disclosure of the investigative files in a very sad kidnapping case), this matter pits openness and public disclosure against privacy interests of sympathetic parties. As the brief argues, access to these materials is essential to reporting on matters of public concern, including matters where there has been child abuse or other potential misconduct.

For those wanting a complete record of all the 2017-2018 cases, here are the summaries for the first half of the year through the April Board Meeting.

Cases for first half of year:

8/15/17 FOIA Letter to NY Governor Cuomo

The committee signed a letter to New York Governor Cuomo, urging him to sign into law an amendment that would make an award of attorneys' fees mandatory in NY Freedom of Information Law (FOIL) cases when an agency is found to have had no reasonable basis for withholding the requested documents. The amendment strengthens the fee-shifting provisions of FOIL. While this amendment will not prevent the State from continuing to fight and appeal adverse decisions, the new legislation saves the time and expense of briefing why fees should be awarded.

8/30/17 Access Nat'l Veterans Legal Services Program v. U.S.A

The LDF committee joined the Reporters Committee for Freedom of the Press in an amicus brief challenging the federal courts' practice of charging fees for access to the PACER system that exceed the actual cost of operating the system. PACER is the federal court electronic filing system. It provides public access, via the internet, to all court filings. If exhibits are filed separately, it can cost \$30 or more to view a complete document with exhibits. Recently, PACER fees have generated substantial profits for the courts far in excess of costs of operation. The amicus brief emphasizes the importance of ready access to court records to the news media's ability to inform the public of matters of public concern, argues that statutory limitations on the cost of PACER records are consistent with the First Amendment, and argues that costs in excess of those allowed by statute hinder the news media and public's ability to access court records.

9/4/17 Public Records *The Kernel Press v University of Kentucky*

We joined an amicus brief prepared by the Student Press Law Center in support of the student newspaper *The Kernel* at the University of Kentucky, in a public records case that argues against an overexpansive view of the federal law, FERPA – designed to protect student privacy of educational records – as the university seeks to prevent disclosure of records relating to a faculty member who resigned over sexual harassment allegations. A favorable ruling could be helpful in other contexts regarding public records requests and FERPA. The university denied access to the professor's CV and the severance agreement he signed, calling them "educational records" subject to FERPA. This is an egregious misuse of "student privacy" to conceal the university's response.

9/15/17 Prior Restraint - WPTA-TV

We approved funding for WPTA-TV in Fort Wayne, Indiana to appeal a court order prohibiting the station from broadcasting portions of the court record that it legally obtained. The station is fighting a judge who issued an order precluding the station from airing the audio recording of a sentencing hearing. The court has acknowledged that the law requires the court to provide access to the audio tape, but it nonetheless has issued a prior restraint preventing broadcast of the tape on the air, setting a terrible and potentially far-reaching precedent.

9/19/17 Open Government *Giuffre v. Maxwell*,

We joined an RCFP amicus brief seeking to unseal records in a case in New York federal court. Alan Dershowitz had been accused by financier Jeffrey Epstein of sexual abusing a victim of sex trafficking. The issue here involves the District Court’s overly broad sealing order. The amicus brief supports Dershowitz’s arguments that the court failed to follow the proper procedures for sealing and has otherwise improperly conducted the proceedings with “overwhelming secrecy.” The case stands for the basic principles of open government that are central to SPJ.

9/20/17 Reporters’ indemnification rights *Gizmodo Media* (which acquired *Gawker*)

You may recall that SPJ took a leading position in the *Gawker* bankruptcy proceeding to support obtaining third party releases for the *Gawker* journalists who would be losing their indemnification rights from the company after the bankruptcy. The Judge referenced the previous brief in his approval of the bankruptcy plan, and the *Wall Street Journal* and *Forbes* both wrote favorably about the amici’s participation. Now we further supported *Gizmodo* journalist Ryan Goldberg, who previously worked for *Gawker* and was sued for libel in state court, along with *Gizmodo*, over an article that *Gawker* published well before the bankruptcy. *Gizmodo* and the reporter have asked for relief from the bankruptcy court judge and the amicus brief supports that request.

9/20/17 Public Records *The College Heights Herald v Western Kentucky University*

We supported funding the student newspaper at Western Kentucky University in a lawsuit the University filed to prevent disclosure of records regarding faculty and staff sexual misconduct. WKU sued the *Herald* over its public records, much like the previous case we joined in support of the University of Kentucky student newspaper, the *Kernel*. The *Herald* made the same requests to 8 universities in Kentucky. Six of the 8 produced documents. Only WKU and UK refused. The Attorney General of Kentucky ordered WKU to produce the documents, *in camera*, to the AG’s office for its review. In order to prevent this from happening, WKU filed a lawsuit against the newspaper, cutoff all funding to the *Herald* and has prevented it from using any school funds to pay for the lawsuit against the University. The case addresses whether the federal law, FERPA – designed to protect student privacy of educational records – prevents disclosure of records relating to faculty and staff members who resigned over sexual harassment allegations.

9/20/17 FOIA – Jeff Stein v US

We supported funding attorney Kel McClanahan in a FOIA lawsuit on behalf of journalist Jeff Stein seeking documents from the CIA, Dept. of Commerce, Dept. of Education, Justice Dept., State Dept., Office of Director of National Intelligence and OPM concerning the security clearance process for Trump nominees. Judge Tanya Chutkan has pressed the government agencies to comply with the FOIA requests, including the CIA, which had been dragging its feet. The lawsuit is an effort to enforce open government, which cuts across political lines.

9/27/17 Public Access - Inauguration Protester Arrests

We joined an amicus brief prepared by the RCFP supporting public access to documents in criminal cases involving the arrests of protesters at the Trump Inauguration in January. The

brief argues to reverse a protective order that prevents public disclosure of materials produced in discovery by the government, including photographs, body worn camera, and police paperwork. The documents here, including video, were gathered by the authorities in connection with alleged crimes committed by protesters in a public space. There are limited (if any) privacy rights at stake and strong public policy reasons for disclosure.

10/2/17 Shield/Fair report privilege/libel law. - *Friedman v Bloomberg*

We joined RCFP in a defamation case brought by a former employee of a hedge fund, Dan Friedman, who sued the hedge fund and Bloomberg over statements the fund made to Bloomberg after Friedman sued for wrongful termination. The fair report privilege – codified in New York under its Civil Rights Law – shields journalists from liability for news reports on judicial proceedings and other official or government records, so long as the report is fair and accurate. The fair report privilege is one of the most important privileges for reporting on official government actions, whether in the courts or otherwise.

10/5/17 False Arrest - *Dan Heyman*

Reporter Dan Heyman was arrested last May in the West Virginia State Capitol building for trying to ask then-Secretary Tom Price a question. We worked then to help line up First Amendment counsel on a pro bono basis, and now that the charges have been dropped, we approved funding for his attorney.

10/11/17 Gag Order *In re National Security Letter*

We joined RCFP to ask the U.S. Court of Appeals for the 9th Circuit to rehear a decision that upheld the constitutionality of the national security letter (NSL) statute. The NSL statute gives the FBI broad authority to gag recipients of NSL letters and bar them from disclosing any details of the NSL letters they get. The brief focuses on the heavy burden that prior restraints historically must satisfy. Ordinarily, in matters involving a prior restraint of core speech under the First Amendment, the Supreme Court has required the reviewing court to show solid evidence of necessity. This decision required the government to show only “some reasonable likelihood of harm” – not solid evidence of necessity. If left unchallenged, this new standard articulated by the court could be used in other prior restraint cases to the detriment of the press and the public.

10/13/17 Gag Order *WXIA vs state of Georgia*

We joined another amicus brief in a separate gag order case. This time, a trial court judge imposed a gag order on the lawyers and all of the trial participants in a high profile criminal trial in Atlanta. Two Georgia television stations appealed the gag order to the Georgia Supreme Court. The brief argues that the trial court did not follow proper procedures for imposing such a broad restraint on speech. It highlights the high burden that must be met under the law to impose such a gag order and argues that “[b]y preventing the media and public from obtaining information about the case from those with the most knowledge and accurate information, the Gag Order reduces the amount and quality of public information regarding matters vital to self-governance.”

10/17/17 FOIA *Broward Bulldog v FBI*

Florida newspaper *Broward Bulldog* and its reporter, Dan Christenson filed a FOIA with by a the FBI for records about the agency’s investigation into possible involvement by a Florida-based family of Saudi nationals in planning and/or financing the 9/11 terrorist attacks. The trial court granted summary judgment to the FBI. We joined an amicus brief in an appeal seeking reversal, and ultimately, an order requiring the FBI to perform a more thorough search and to produce unredacted versions of documents. The brief argues that the compelling public interest in the subject matter outweighs the minimal privacy interests, and that summary judgment is not proper based on the evidence in the record.

9/27/17 Open Records *The University Daily Kansan v University of Kansas*

We approved \$2,000 to support litigation by the student newspaper, *the University Daily Kansan*, to enforce its public records request under the Kansas Open Records Act (KORA). The newspaper asked for records of sexual harassment complaints reported to the university “between May 1, 2012 [and the present]” including any such incidents that were reported by a student. KU denied the requests claiming, among other things, that they were overbroad. The newspaper then submitted a follow-up, more narrowly tailored request. KU again denied the request. The newspaper is suing for the records.

11/22/17 Public Records *The Virgin Island Daily News*

We funded the *Virgin Island Daily News* in pursuing a public records case against the Government of the Virgin Islands. The newspaper sought records about a government audit of a loan program by the local Economic Development Authority that found insufficient management and oversight of the \$10 million loan portfolio resulting in an 84% delinquency rate for the loans. The requests sought a current list of the loans administered by the authority, including the names of the borrowers and the amount of each loan. The Authority denied the request, saying the information sought amounted to trade secrets which would give unfair advantage to competitors and yield no benefit to the public. The government is also arguing that the public records act does not apply to the Authority because it’s separate from the government. A positive ruling could have impact beyond the USVI, as many states have similar “trade secret” exceptions and quasi-governmental “Authorities”. Further, the information sought has broad public interest, particularly now that the federal government is providing hurricane assistance to the islands, which also placed the newspaper under financial strain.

12/1/17 Confidential Sources – *Illinois v. Van Dyke*

We joined a RCFP amicus to quash a subpoena to freelance journalist Jamie Kalven in Chicago. Kalven did extensive reporting on the 2014 shooting by Chicago police of Laquan McDonald (for which Kalven won a Polk award), including revealing how the Chicago Police Department’s official accounts of the death of McDonald were false and misleading. The Chicago police officer who is now charged with the murder of McDonald is seeking information about Kalven’s confidential sources. Remarkably, the police officer’s lawyers were permitted to file under seal their opposition to Kalven’s motion to quash the subpoena so the amicus brief cannot respond to the officer’s specific arguments; instead it attempts to address the possible

arguments, and sets forth the demanding standards required to compel a journalist like Kalven to reveal his sources.

12/8/17 Public Records Act – *Minnesota SPJ et al*

We funded a coalition of ten media and government transparency organizations, including the Minnesota Chapter of SPJ, to intervene in a Minnesota public records act case regarding a kidnapping and murder story from 1989 for which a man confessed last year. Now that the criminal investigation is closed, the investigation files are subject to public disclosure but the child’s family has sued to prevent disclosure of a small subset of the documents – 168 pages of thousands in the files. They are arguing a constitutional right to privacy under the U.S. and Minnesota state constitutions. The case addresses whether there are federal or state constitutional rights to privacy that would establish an exception to disclosure under the MGDPA

1/12/18 Disclosure of electronic communications *United States v. Microsoft*

We joined RCFP in support of Microsoft before the Supreme Court to fight a warrant requiring Microsoft to disclose electronic communications it stores in Ireland. The amicus brief emphasizes that news media organizations and journalists working around the world rely on technology, including email and cloud-based storage services. It urges the court to consider how the outcome in this case could encourage demands for information from reporters by foreign governments. Finally, it argues that the press routinely relies on protections codified in U.S. law that make critical distinctions between different types of legal process, such as subpoenas and warrants, and raises concerns about the erosion of these distinctions in this case.

1/18/18 Retaliation *Addison v. City of Baker City*

We joined an amicus brief supporting journalist Brian Addison, who has sued Baker City, Oregon and its police chief in a retaliation case. The reporter claims the police chief retaliated against him for an editorial he wrote critical of the police department. The district court denied the City and police chief’s motion for summary judgment in part, finding that there were sufficient facts to support a retaliation claim and the defendants were not entitled to qualified immunity. The City and the police chief have appealed. This case uses Section 1983, the federal civil rights statute that provides a cause of action against state actors who violate a person’s constitutional rights. It has been used a number of times by journalists and news organizations to protect First Amendment rights when a government official, acting under the color of state law, attempts to punish them for their criticism of the official.

1/23/18 Public Records *National Conference of Black Mayors v. Chico Community Publishing*

We joined RCFP in an amicus brief in a California Public Records Act (CPRA) case. At issue is whether a government agency can bring a “reverse” CPRA action to prevent disclosure of records in response to a public records request, and whether a news organization that prevails in such reverse CPRA lawsuits should be entitled to attorneys’ fees. In this case the *Sacramento News & Review* requested emails from Sacramento Mayor Kevin Johnson and his staff. The trial court denied the request for attorneys’ fees even though the news organization prevailed in the

case when the court denied the government's claim for relief and ordered the records to be disclosed. The brief holds that "reverse" CPRA actions should not be allowed and if they are, then the requesting party should be entitled to its attorneys' fees if it prevails.

1/30/18 Public Records *Sander & FAC v. State Bar of California*

We joined RCFP in support of a California Public Records Request (CPRA) case brought by a professor and the First Amendment Center (FAC) involving information regarding admissions to the California State Bar. The California Supreme Court already has determined that there is a right of access to data on admissions to the state bar provided that the privacy interests of applicants can be protected (in other words, anonymized data would be ok). The court in this case denied the CPRA request because it ruled that anonymizing the data would essentially require the state bar to create a new record, which is not required under CPRA. The brief argues that the redaction and anonymizing of records is critical to reporting in a number of areas (beyond state bar admissions) such as school test scores and fraudulent Medicare reimbursements, and the ruling that such anonymizing creates a wholly new document should not be permitted to stand.

1/26/18 Public Records *Central Dauphin SD v. Hawkins, et al*

We joined the Brechner Center for Freedom of Information and the Student Press Law Center (SPLC) to support a reporter and TV station in a Pennsylvania public records case for surveillance videos shot on a school bus. The trial court ruled in favor of disclosure, but the School District appealed. The amicus brief focuses on the School District's argument that FERPA would sanction the school if it discloses the video. The brief says that's incorrect because FERPA liability does not attach if the disclosure is in compliance with a court order, as it is here. It is important to clarify this point so FERPA will not be used to bar legitimate state public records requests.

2/8/18 Public Records/Two-party consent *Perkinson v Garrett County, Maryland*

We approved an LDF request from a freelance journalist in West Virginia. Kendall Perkinson is seeking audio records of 911 calls in Garrett County, Maryland under a Maryland Public Information Act request. He's challenging whether Maryland's wiretap statute prohibits the dissemination of the recordings absent the consent of both parties (Maryland is a two-party consent state). A legal opinion from the County lawyer claims that while interception (or taping) of emergency calls is permitted under the statute, dissemination is not addressed and therefore, in the County's view, is not permitted. Some counties in Maryland release the audio while others, such as Garrett County, do not.



Election Candidates

Here are the candidates as of 8/22/18:

President - Elect

Patti Newberry

Secretary-Treasurer

Matt Hall

Nerissa Young

At-Large Director – two year term (two individuals will be elected)

Mercedes Vigon

Tess Fox

Robin Sherman

Mike Reilley

At-Large Director – one year term (two individuals will be elected)

Yvette Walker

Michael Savino

Region 10 Director

Don Meyers

Non-board positions:

Regional Coordinator: Region 1

Jane Primerano

Regional Coordinator: Region 4

Paul Kostyu

Regional Coordinator: Region 5

Amy Merrick

Regional Coordinator: Region 7

Leah Wankum

Regional Coordinator: Region 8

Bal Joshi

Kathryn Jones

Regional Coordinator: Region 9

Ed Otte

Rhett Wilkinson