

Teaching Transparency: A One-State Case Study of Sunshine Laws and the Journalism Curriculum

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This case study on journalism instruction in Tennessee seeks to gain insight on the instruction of sunshine laws in the journalism curriculum. Such laws are necessary tools for journalists, who gather public information to write their stories, either by attending open public meetings or by filing open records requests. Journalists generally learn more about sunshine laws in the professional newsroom. Research from this one-state case study identifies two issues, curriculum complications and faculty experiences, as reasons why these laws might not be covered rigorously. The results could reflect similar barriers in other journalism programs throughout the United States.

INTRODUCTION

The application of sunshine laws (also called open government or transparency laws) is extremely important for the journalist, who must practice the intellectual discipline of verification by gathering public information to write stories (Rosentiel, 2013). This can be accomplished either by attending public meetings or by filing open records requests. The crucial role the press plays in a free society underscores the need for competent and trained journalists to fulfill the responsibility of keeping a watchful eye on how public business is conducted, even in today's modern digital and socially electronic world.

This digital world also compounds state sunshine laws, creating a dilemma of what constitutes a record, which ones governments are required to keep and how long they're supposed to keep them (Eason, 2011). Handling

electronic documents, emails or how to handle newer technologies such as smartphones may not be addressed in some state laws, or the laws are changing frequently to reflect modern developments. These new issues present opportunities for college and university journalism programs to revisit their curriculum to determine if sunshine laws deserve more attention from journalism educators and students.

This challenge yields to the topic of whether journalism programs at colleges and universities educate their students adequately on the current evolution of open government laws. For universities whose journalism and mass communication departments, schools or colleges teach sunshine laws, the issue is among many surrounding journalism education today, especially as journalism curriculum continues a transformation to reflect what is happening in the professional industry. This research explores this issue by studying

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journalism instruction in Tennessee—where sunshine laws have been modified often in recent years—as a one-state case study to learn how educators and curriculum address the subject.

LITERATURE REVIEW

Discussion in this section is organized into two parts: how sunshine laws fit into the journalism curriculum and curricular modifications that impact how the instruction of sunshine laws is regarded. The literature review helps explain issues journalism educators have faced over time and will continue to confront, and how instruction of sunshine laws fits into the curriculum.

Sunshine Laws and the J-curriculum

Editors see knowledge of media law, an area that often includes sunshine laws in most journalism curriculum, as an important skill for a journalism graduate to have (Dickson & Brandon, 2000). In fact, editors thought journalism ethics, media law, and the media's impact on society were all more important than any of the newspaper management courses taught in a few programs (Arwood, 1993). Auman and Cook (1995) indicated educators and editors ranked legal concerns about the same, 11th and 12th respectively out of 25 skills deemed most important to teach.

Similar survey outcomes have shown media law as an important knowledge base for journalists to have. In a study by the Associated Press Media Editors and Virginia Commonwealth University, nearly all print and broadcast executives listed writing, reporting, ethics, and interviewing skills as important aspects of journalism training and government affairs, current events, and communication law were important journalism courses (Dickson & Brandon, 2000). Likewise, other research has shown that daily newspaper executives are significantly more likely to believe the broad topics of the mass communication field, media history, and media law were priorities (Dickson & Brandon, 2000).

Dickson and Brandon (2000) found the biggest gap between the journalism educators and

professional journalists surveyed for their study was over the importance of conceptual media courses (communication theory, media history) and professional media courses (media law, media ethics). Dickson and Brandon, in their same research, concluded journalism education has a greater purpose than producing news reporters; the field should prepare graduates for a variety of media and non-media jobs as well as for graduate school. Kelley (2007) said the ideal curriculum should train critics as well as reporters and writers, combining professional practice and other academic disciplines so that the journalist is educated as a whole (Kelley, 2008). However, Kelley added, there should be a tighter linkage between journalism education and democracy, upon which sunshine laws are based.

Recent Changes in Journalism Curriculum

Today, the main issue for many journalism schools is incorporating digital formats—blogging, websites, online content and social media—into an established and already packed curriculum, within an academic environment where the pace of change is slow (Hermida, 2010). Undoubtedly, social media, for instance, can help journalists reach audiences and seek ideas for stories and fresh perspectives on stories they are writing. Plus, journalism students are encouraged to be active on social media to their sources, demonstrating they are active participants in a conversation rather than just information seekers (Hermida, 2010). Literature and the news profession suggest new media technologies for the industry challenge the most fundamental truth in journalism, in which the professional journalist is the one who determines what the public sees, hears and reads (Deuze, 2001).

Despite pushing a tight curriculum, many journalism programs have modified—or even overhauled—their courses to reflect the incorporation of social media and other online tools into news gathering practices, or the curriculum has been changed so that the majority of the courses can apply to all different types of media, not just

print. Essentially, this is convergence journalism training in the academy. Convergence journalism suggests most programs with convergence curricula have implemented what could best be described as a multidisciplinary approach, which represents a lower level of integration across media. Duhe and Tanner (2003) indicated that 72 percent of surveyed school administrators said they thought it was important for curriculum to include cross-media learning. Lowrey (2003) found hiring trends in journalism were the driving force behind journalism educators changing curriculum and offering a program that produces highly qualified journalists who create quality work.

RESEARCH QUESTION

Just as changes have occurred in journalism curriculum because of the digital evolution, many states also have updated their sunshine laws for similar reasons. Tennessee was selected as the case study for this research because of the many changes the legislature has made to the statute addressing the state's sunshine laws. A number of modifications pertained to digital records, especially as some governmental units in Tennessee were largely left to set their own policies, leading to inconsistencies. Since its creation in 2008, Tennessee's Office of the Open Records Counsel has issued legal opinions on questions addressing digital records. For instance, these opinions have concluded emails to and from public employees are subject to the open records law, provided they share information relating to official government business. The same conclusion applies to city council members and citizen members of public boards. Similar confusions also existed in defining how many members are needed to make a meeting legal. A host of other challenges continue to surface. In 2013, for example, the Tennessee Office of the Open Records began fielding inquiries from citizens, journalists and record keepers on whether portable scanning devices are allowed under the state open records law. These

devices allow individuals to scan a public record to avoid copying charges.

Although this case study is limited to Tennessee, the issues and research stemming from this study may have some implications in other states and at other colleges and universities. It would seem that adding more instruction of sunshine laws into the journalism curriculum would be the simple solution to help the student aspiring to be a journalist. This one-state study explores the presence of sunshine laws in the journalism curriculum, specifically asking this question:

- RQ.** What are the barriers related to curriculum restructure / redesign / upgrading that would include more instruction about sunshine laws?

Method

Because literature about whether journalism school curriculum adequately addresses the topic of sunshine laws as a whole is lacking in scholarly works, this research employs qualitative research methods as a viable alternative (Tellis, 1997). This approach will lead to a more rich observation of the problem.

This case study focused on journalism programs in Tennessee. An online survey was used to identify the obstacles journalism schools encounter in offering greater instruction of sunshine laws in their curriculum. The Web survey received completed responses from journalism program directors and chairs from 12 colleges and universities. Seventeen schools—six four-year institutions in the Tennessee Board of Regents system, three institutions in the University of Tennessee system and eight private colleges and universities in the state—were invited to participate in the study between August and October 2011. Tennessee was selected for this case study because of the extensive changes made to Tennessee's sunshine laws in recent years. The Web link to the survey questionnaire on surveymonkey.com was sent to contacts in the journalism and mass communication

programs at the 17 schools that offer journalism programs. The researcher checked/reviewed each school's j-program on the institution's website. The researcher accessed 46 websites of all four-year, public and private colleges and universities in Tennessee. Of the 46 schools, 17 offer a journalism program leading to a bachelor's degree.

The online survey included both Likert-scale items and demographic questions developed by the researcher and was pilot-tested with 15 journalism faculty members and news professionals from Tennessee and Kentucky to gauge content validity. The researcher was satisfied with the results of the pilot study.

In addition, the researcher used journalism programs' websites and catalogs to review course descriptions for any indication of instruction in sunshine laws, with key words identified and coded. Key words included any media law concept: "libel," "privacy," "copyright," "freedom of information," "sunshine laws," "access to information," and "right to know." The researcher entered the keywords into an Excel spreadsheet, which was uploaded into the NVivo 9 qualitative text software to produce a weighted percentage. This information is useful to observe the overall kind of weight, if any, a curriculum gives to sunshine laws.

The researcher also randomly selected three journalism program and school chairs for interviews. The interviews featured loosely structured questions that asked respondents to discuss main obstacles journalism programs face in placing a greater emphasis on sunshine laws.

Interviewees were asked two main questions. Question 1: Should there be a greater emphasis placed on open government laws in journalism schools? Why? or Why not? Question 2: What are the main obstacles to incorporating additional instruction of these laws into the curriculum? Follow-up questions and discussions were developed based on their responses. The researcher entered interviewees' replies into NVivo 9 to sort and connect information into source classifications or themes.

Data.

The questionnaire was organized into three sections, including consent to participate (Section I), Likert-scale items to assess attitudes about the instruction of open government laws in journalism education (Section II), and demographics and information pertaining to the instruction of open government laws in the journalism program (Section III). The survey questionnaire included a consent form (Section I) approved by the Institutional Review Board. Those who participated in the survey had to agree to participate in the survey to proceed to the main sections of the questionnaire.

Section II containing Likert-scale items with responses from "strongly agree" to "strongly disagree," identifying attitudes of faculty members toward open government laws and their importance in the journalism curriculum. The questions were structured to ask respondents if the statements applied to journalism schools in general, rather than their specific school. The responses indicated whether faculty in the program demonstrated a consensus in some of their responses.

Although not exhaustive, some of the statements included the following: "Legislative changes to Tennessee's open meetings and open records laws are taught to journalism students"; "A separate course on open government laws should be included in the curriculum"; "Open government laws generally are ignored in journalism school curriculum"; "Journalism graduates with coursework in open government laws have an advantage in the job marketplace over journalism graduates without the coursework"; and "Instructors' lack of background in open government laws is an obstacle to increased emphasis on community journalism." Each statement provided five responses: strongly agree, agree, undecided, disagree and strongly disagree.

Section III included demographic data on each journalism program and was collected to aid in determining the extent of instruction related to open government laws in the program.

In addition, the responses provided data on the programs in general and the professional background of the school's faculty. Some of the items included the number of years of experience a respondent has in applying sunshine laws; the number of journalism faculty, both full and part time, at the institution; the number of faculty teaching in each program's news sequence; whether a media law course is required in the news sequence of the journalism program; and the number of class sessions are devoted to instruction on sunshine laws.

Analysis.

Descriptive statistics and content analysis were used to address the research question, while the three interviews helped to provide a deeper examination of the data. Descriptive statistics helped to tell the kind of obstacles present in the curriculum. IBM SPSS Software Version 20 evaluated the descriptive data. While this software also has add-on capability to analyze text, the qualitative software program NVivo 9 was used to sort and connect information into free nodes or themes. Queries in NVivo help examine the frequency in which words or potential themes occur. The researcher entered keywords and content from the course descriptions, as well as responses from the survey and interviews into NVivo to group the keywords by frequency count and identify certain themes. These themes are explained in the findings section.

FINDINGS

All 12 public and private institutions offered a media-law course or a similar course that notes, specifically, instruction of a legal aspect of media law. However, none of the course descriptions at these universities stated whether sunshine or open government laws were a major topic. Rather, the course descriptions listed some common areas of study, most notably the First Amendment, libel, privacy and copyright. Based on a word frequency count, "libel" and "privacy"

were the most popular topics cited in nine course descriptions, and "copyright" in eight course descriptions.

Based on the responses on the questionnaire and comments from the interviews, themes emerged about why sunshine laws have a limited presence in the curriculum. Two significant themes were identified as reasons for limited inclusion of sunshine laws in the curriculum—curriculum complications and faculty experiences.

Curriculum Complications

Overall, respondents are concerned with how well students understand sunshine laws, but an overwhelming response (88.9%) disagreed or strongly disagreed that a separate course in open government laws should be included in the curriculum. More than half (55.6%) agreed the study of sunshine laws is adequately covered in the journalism and/or mass communication sequence, and the structure of the curriculum would not afford increased instruction in sunshine laws.

Although respondents indicated their current curriculum structure would not afford them more classroom time for enhanced instruction in sunshine laws, editing and investigative reporting were the top two recommendations as areas that needed more emphasis in journalism curriculum, while the choice for open government laws was not ranked as greatly. Only two respondents ranked open government laws as an area of emphasis.

Specific interview responses to support this theme included "Not enough room in curriculum" and "Present curriculum is full and offers little opportunity to add new courses." One interview participant said a separate course in sunshine laws was not necessary:

I don't think you need a course on just open government laws, since we teach a law class, and I think it fits better in practical courses like advanced reporting

when students actually get to use the laws. But there probably isn't room in the curriculum to teach a whole on just that.

In addition, although most respondents said that journalism programs do not ignore open government laws in coursework, participants felt there were "too many open government laws to cover within instruction" and "frequent changes in the laws." See Table 1 for a detailed observation of responses. A second interviewee indicated that these changes are covered in coursework when appropriate:

I always include legal units in both my undergraduate and graduate classes where relevant to the mass communication content. In particular, where relevant, I emphasize state statutes such as defamation of character (called libel, slander or both varying by state), sunshine laws or open meetings acts. I also include the federal level Freedom of Information Act and in both federal and state cases I emphasize the exceptions to these laws.

Faculty Experiences

Questionnaire results indicate an instructor's limited background in open government laws is an obstacle to teaching sunshine laws. Of the 146 full-time faculty members teaching in journalism programs in Tennessee, 79 have experience with Tennessee's open government laws. Of

the 94 part-time faculty, 26 reported experience in using the laws.

Although most journalism faculty, according to the questionnaire results, have worked for daily or weekly newspapers or the wire services, respondents said a lack of "faculty understanding" and "properly trained journalism instructors" contribute to the problem of having weak instruction in sunshine laws. In addition, this theme can be observed in an interview response of a third participant who said faculty members who responded in agreement that a professor's limited background can be considered an obstacle to increased instruction of sunshine laws:

The open meetings and sunshine laws vary by state and it's somewhat of a problem for faculty with a doctorate from a different state who will likely shift jobs several times in their careers to keep pace with subtle differences.

This obstacle also can be observed in how much classroom time faculty spend on the laws. The majority of the respondents estimated they devote less than 5% in other journalism courses to teaching open government laws. Others estimated they devote between 5% and 10% or between 11% and 20% to the subject.

DISCUSSION

The results of this study provide some answers and guiding thoughts for the research question:

RQ. What are the barriers related to curriculum restructure / redesign /

Table 1

Reasons Respondents Believed Sunshine Laws Are Not Emphasized in the Journalism Curriculum.

	<i>N</i>	Min	Max	<i>M</i>	<i>SD</i>
There are too many open government laws to contain within instruction, since each state has its own "sunshine" version.	7	1	2	1.71	0.488
Frequent changes in the laws make it difficult to teach sunshine issues.	7	1	3	2.57	0.787
Open government laws are not regarded as highly important by professional newsrooms.	1	2	2	2.00	
Background of faculty doesn't include sunshine laws.	6	1	3	2.00	0.894
I do not think journalism programs ignore open government laws in coursework.	9	1	1	1.00	0.000

upgrading that would include more instruction about sunshine laws?

This study identified two obstacles that keep sunshine laws from being fully illuminated in the course work: curriculum complications and faculty experiences. As reflected in the literature review, the journalism industry has evolved so much that academic administrators and faculty are quickly beginning to overhaul the curriculum to mirror what is happening outside the classroom, particularly with ongoing advancements in technology and social media. In addition, the experiences of the faculty are limited, and the subject of sunshine laws is only one aspect—if at all—taught in the media-law courses. Legislative changes make it difficult to keep pace with instruction.

Most of the respondents indicated the application of open government laws is covered adequately in their journalism programs. While most of the respondents believed that the laws are not ignored in coursework, the majority of the course descriptions reviewed indicated the topic of sunshine laws does not carry as much weight as the concepts of libel, privacy and copyright, which are pursued more theoretically in the classroom. Furthermore, the majority of the programs in the study said they require their students to complete media law as a mandatory course for degree completion. However, the majority of respondents who said media law courses are required at their institution also indicated they do not follow closely nor teach the legislative changes made to the state's laws. This is reflected in the content analysis of the course descriptions, which indicate media-law courses are concentrating on the broad topics of libel, slander and copyright. This observation also is noticed in one participant's interview:

This is just not an area where I perceive there to be a big problem in journalism education. We could always improve, certainly, in all things, but we do teach this. Our students, for example, participate in Sunshine Week activities like asking

for documents at various offices and recording the response. There are other issues in journalism education, but this isn't a big one. This we understand, because it is not new.

Journalism faculty members devote little time—less than 5%—teaching open-government laws in their courses. Ironically, most faculty members surveyed said students who are taught these laws have a greater advantage in the job market over those students who lack knowledge of these laws. If that is true, improved instruction of open-access and sunshine laws should be considered as a more heightened component in the journalism curriculum.

Teaching open-government laws might be a challenge for many faculty. Journalism school and degree program directors reported a total of more than half of the faculty have experience with Tennessee's sunshine laws. However, as applied to other programs throughout the United States, many faculty might not be familiar with the open government laws in the state where they teach. Others might not understand the intricacies of the laws. Most respondents indicated an instructor's limited background in these laws is an obstacle for them to teach them effectively. When asked about the major obstacles to greater emphasis of these laws in the classroom, their responses support the finding journalism faculty might not be well versed in open government laws. Professional development, in the form of workshops with news professionals and other faculty and resources from state press associations, could help to minimize this barrier.

CONCLUSIONS AND RECOMMENDATIONS

While a separate course in these laws might not be necessary, as survey respondents indicated, more rigorous instruction might require a deep evaluation by the program or school. However, the emergent themes in this study, in many ways, are the reasons sunshine laws are not included more rigorously in the curriculum. Journalism programs across the United States are overhauling their curriculum, and state legislatures are

modifying their sunshine laws, both steered by digital demands. Therefore, the results from this study can be generalized to similar situations that might be occurring in other journalism programs. The journalism industry has evolved so much that academic administrators and faculty are overhauling the curriculum to mirror what is happening outside the classroom walls, particularly with strong advancements from technology and social media. Traditional courses in theory still prevail. In addition, the experiences of the faculty are limited, and the subject of sunshine laws is only one aspect—if at all—taught in the media law courses, with increasing legislative changes making it difficult to keep pace with instruction.

The findings in the study also support many of the trends discussed in the literature review and the tensions between academic and vocational. Journalism curriculum changes are under the influence of technological advancements, dominantly social media. Many journalism schools and programs are essentially making their own modifications. These observations impact whether and how sunshine laws are taught.

Journalism scholars could study significant differences and similarities in states' sunshine laws. One method of teaching sunshine laws is to assign an open-records audit (Stepanek, 2012), in which students are sent into the community to assess how well-public offices covered under the law actually comply with the statute. An open records audit provides the promise of producing the actual acquisition of various records, which, in turn, should demystify the process of governance for many students otherwise veiled from official workings, while providing a channel for potential future news pieces. Such an exercise will help students practice sunshine laws and understand the laws' theoretical basis.

In addition, college and university media can offer students, as practicing journalists, greater experiential learning situations involving sunshine laws. Many journalism skills learned in the classroom are better applied on the job, and

college newsrooms can create rich opportunities early for more in-depth instruction on sunshine laws. Advisers and sponsors can encourage students to use open records laws as newsgathering methods for their stories or have workshops that prepare students for scenarios involving potential open meetings violations.

Such lessons could foster a deeper understanding and working knowledge of the sunshine laws. Journalism law and ethics courses promote prudence and professional morality—theory to practice for students, and for journalism educators practice to theory. In the end, a strong curriculum should imbue students with the history, legal aspects and principles of journalism, engaging students in reading about and intensely discussing newsroom issues before they are faced with split-second decisions on the job (Day, 2002). There is no magic formula on how a journalism program should operate in all areas; any academic program requires intellectual rigor. In the spirit of sunshine laws, journalism programs should seek additional creative and practical ways to open the door wider for students to learn more about the need for transparency.

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