



Corporation for Public Broadcasting Request for Proposals

White Paper on Concepts in Tension: the Challenge of Ensuring Both Objectivity and Balance and Editorial Independence

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Closing Date: November 16, 2007 at 5:00 PM (Eastern Time)

Please submit proposals electronically on or before the closing date. CPB reserves the right to reject proposals that are submitted after the closing date.

1. Overview

Congress has mandated that the Corporation for Public Broadcasting (“CPB”) is responsible for developing a “comprehensive policy and set of procedures,” that, among other things, provide for regular review of national public broadcasting programming through a lens focused on the issues of objectivity and balance¹.

While promoting objectivity and balance criteria in programming, CPB also must adhere to a statutory directive to assure that public broadcasters and organizations involved in producing, acquiring or distributing programs have maximum freedom from interference with, or control of programming content. Navigating between these various directives has not been easy.

CPB is seeking proposals to conduct research regarding objectivity and balance in broadcasting and to develop a publishable quality white paper (“White Paper”) which will explore this dilemma and offer potential solutions that CPB staff could implement, with specific reference to the concerns raised on this issue by CPB’s Inspector General.

This White Paper will assist CPB in its statutory obligation regarding “objectivity and balance” in relation to the evaluation of publicly-funded programming. The findings will be presented to the CPB Board of Directors, and may be discussed at a colloquium on objectivity and balance planned for early 2008.

2. Background

The Public Broadcasting Act of 1967 (“PBA”) mandates that CPB is responsible for the full development of a public broadcasting system that makes available programs of “high quality, diversity, creativity, excellence, and innovation,” and that are “obtained from diverse sources.”² The PBA also directs that all programs (and program series) of a controversial nature must be made available “with strict adherence to objectivity and balance.” The Public Telecommunications Act of 1992 expands on the PBA, and charges CPB’s Board of Directors with establishing a “comprehensive policy and set of procedures,” that, among other things, provide for regular review of national public broadcasting programming for objectivity and balance.³

While fostering objectivity and balance in programming, CPB must also assure that public broadcasters and organizations involved in producing, acquiring or distributing programs have maximum freedom from interference with, or control of, program content. This role as a “firewall” - ensuring public service media’s independence from politics - must be taken into account when considering how to determine definitions of “objectivity and balance” and the establishing of any review thereof. Because the PBA prohibits CPB from producing, scheduling or disseminating programs on its own, CPB

¹ References to “objectivity and balance” should be broadly defined to include related issues such as editorial integrity, editorial standards, fairness, accuracy, transparency, and accountability.

² 47 U.S.C. 396, Subpart D (g)(1)(A).

³ P.L. 102-356, Section 19.

must meet its objectivity and balance mandate through other statutorily authorized functions related to programming, such as funding, research, training, and communication.

CPB has engaged in specific activities to address balance and objectivity mandate in the past, including:

- In September 1994, CPB funded the development of *Decisions...Decisions...: A Guide to Developing Standards of Editorial Integrity and Responsibility for Public Broadcasting Stations*. The guide was developed by the College of Journalism and Mass Communications at the University of South Carolina. It was the result of a survey of station practices, a colloquy comprising individuals from academe, the media, and public broadcasting, and development of a resource bibliography of books and articles on editorial integrity and responsibility. The guide was designed to serve as a point of reference for stations to use in creating their own guidelines or standards of editorial integrity and responsibility.⁴
- In 1995, CPB funded a conference on Public Radio Journalism and the creation of *Independence and Integrity: A Guidebook for Public Radio Journalism*, a practical guide for developing journalistic standards. It included checklists, case studies, discussions of differing standards, and recommendations of books and manuals.⁵
- From 2002 to 2004, CPB funded workshops organized by Best Practices in Journalism, to raise awareness of editorial integrity and objectivity and balance issues in programming.
- In January 2004, CPB and National Public Radio (“NPR”) issued the updated guidebook *Independence and Integrity II: The Updated Ethics Guide for Public Radio Journalism* which was designed to assist public radio journalists who regularly confront difficult editorial and ethical choices.⁶
- On April 5, 2005, by resolution of the CPB Board of Directors, the CPB Office of the Ombudsmen was established.⁷

In November of 2005, CPB’s Office of Inspector General (“OIG”) determined that CPB had not done enough to fulfill the established Congressional mandates. The OIG’s *Report of Review* points out the challenge CPB management faces:

⁴ A copy of the guide can be found at:

http://www.cpb.org/aboutcpb/goals/objectivity/Decisions_Decisions_1994_Guide_to_Developing_Standards_of_Editorial_Integrity.pdf.

⁵ A copy of *Independence and Integrity: A Guidebook for Public Radio Journalism* can be found at:http://www.cpb.org/stations/reports/cpb_pubradio_ethicsGuideI.pdf.

⁶ The updated guidebook can be found at http://www.cpb.org/stations/reports/cpb_pubradio_ethicsGuideII.pdf.

⁷ The text of the resolution can be found at:

<http://www.cpb.org/aboutcpb/leadership/board/resolutions/resolution.php?prm=463>

It is...important to understand CPB's complex and sometimes contradictory role in carrying out its responsibility to act as a "heat shield," to prevent political interference, and to address objectivity and balance issues in public broadcasting programming. The 1978 amendments to the PBA prohibited CPB from producing programs, scheduling programs for dissemination, or disseminating programs to the public.⁸

The OIG laid out what it considered to be the clear intent of Congress:

The Senate floor debate on June 2, 1992...required...CPB to not rely solely on public comments to assess objectivity and balance, but to also conduct their own reviews of national programming on a regular basis.⁹

Regarding this subject, Senator Inouye said:

[it] is intended to assure that, to the extent that the Board identifies... areas in which the Corporation could do more [to] facilitate the full development of public telecommunications, it takes those areas into account in awarding certain programming grants For example, if the Board's review of national public broadcasting programming or its analysis of public comments reveal a dearth of programs on a particular issue, from a particular perspective, or serving a particular audience, the Board can direct the Corporation to solicit proposals or fund programs under these program funds that will fill the hole or correct the imbalance..."¹⁰

The OIG concluded in its *Report of Review* that "when the Board finds a lack of objectivity and balance in national programming the Board can direct CPB management to take action to fund balancing programs." Consequently, the OIG recommended that CPB's Board

[e]stablish formal policies and procedures for conducting regular reviews of national programming for objectivity and balance. This policy should be developed in conjunction with all significant stakeholders in the public broadcasting community to ensure transparency and agreement on the criteria to be used to evaluate objectivity and balance.¹¹

As a part of CPB's effort to address the OIG's recommendation, CPB consulted with the deans of the nation's top schools of journalism as well as with public broadcasters including NPR and the Public Broadcasting Service ("PBS"). This consultation with the journalism deans and the public broadcasters will continue as CPB develops its response to the OIG.

This White Paper is expected to be a series of seven (collectively, "the White Papers"). The other topics of the series will include:

⁸ CPB Office of Inspector General, REPORT OF REVIEW, Review of Alleged Actions Violating The Public Broadcasting Act of 1967, as Amended [Report No. EPB503-602, November 15, 2005], p. 4.

⁹ REPORT OF REVIEW, p. 5

¹⁰ See *Congressional Record*, June 2, 1992, p. S. 7342.

¹¹ REPORT OF REVIEW, p. 37

- Objectivity and Balance: Conceptual and Practical History in American Journalism
- Objectivity and Balance: Today's Best Practices in American Journalism
- Objectivity and Balance: How Do Readers and Viewers of News and Information Reach Conclusions Regarding Fairness and Balance?
- Public Media: Journalism When Government Supports the Enterprise
- Best Practices in Assessing Objectivity and Balance
- Expectations for Balance and Objectivity in Multi-Platform Distribution - Traditional and New Media

CPB plans to integrate the findings of these white papers as it continues to respond to the Inspector General's *Report*.

3. Project Deliverables

The primary deliverable for this project is a White Paper on the topic of (and to be named) "Concepts in Tension: the Challenge of Ensuring Both Objectivity and Balance and Editorial Independence", which should include the following:

- Review of the legislative and Congressional hearing history for CPB related to the issues of objectivity and balance and editorial freedom. For convenience of research, access will be granted to CPB's legislative history files.
- Review of the concerns raised by CPB's Inspector General related to objectivity and balance and the monitoring of programming airing on public media.
- Discussion of the apparently competing demands between monitoring programming related to objectivity and balance and the need to protect the editorial integrity and freedom of content producers.
- Recommendations on how CPB can better respond to the Inspector General's concerns specifically and the related Congressional mandates in general.

CPB is seeking several white papers, some of which focus specifically on other topics. Therefore, we request that the following **not** be included in the focus of this White Paper:

- A legal interpretation of the legislative or statutory language. This paper is to be directly related to the public policy and editorial integrity issues, not a legal analysis. Note that references can be made to previous legal interpretations to provide historical context, but the scope of this paper should not be constrained by the previous legal opinions or commentary.

4. Qualifications

Interested individuals wishing to respond to this RFP should have an extensive journalism background. Preference will be given to those who are currently involved in academia, as in a journalism school or department, and those who are analysts and scholars for policy institutes focusing on the media and journalism standards.

5. Budget

The total amount allotted toward the creation of this White Paper is \$12,500. This is the final amount, and is not negotiable.

The selected grantee for this project will receive 50% of the grant amount upon signing a negotiated grant agreement, and the balance will be delivered upon receipt of the **completed**, approved White Paper.

6. How to Respond

Responses to this RFP must include the following:

- Name of chosen topic clearly indicated in the title;
- Description of how research will be approached and presented;
- Statement of qualifications of applicant;
- Resume(s) of all personnel involved in the Project; and
- Three references (familiar with applicant's research, analysis and drafting/communication work).

Applicants should know that the final product (White Paper) **must** include the following:

- A complete bibliography; and
- A list of other relevant resources on the topic covered, including web sites, blogs, professional organizations, and conference proceedings.

The White Paper must be submitted in PDF and MSWord formats.

CPB reserves the right to request additional clarification of the content and references in the White Paper and may edit the White Paper for purposes of publication or presentation.

CPB is the sole owner of the White Paper.

Applicants may respond to the RFPs for the other white paper topics.

7. Proposal Submission

Proposals for this Project are due to CPB no later than November 16, **2007, at 5:00 p.m. EST.**

The awards are scheduled to be announced by December 7, 2007.

8. Timeframe

A first draft of the White Paper is due 60 days after execution of a signed contract between the selected applicant and CPB.

The final White Paper must be completed and delivered to CPB 75 days after execution of a signed contract between the selected applicant and CPB.

The findings of the White Paper may be included in a CPB sponsored colloquium planned for early 2008. The author(s) of this White Paper may be invited to participate in this colloquium, exact date and location to be determined.

9. Proposal Policies

CPB is not responsible for loss or damage to the material submitted by any applicant. Any submission to CPB shall become the property of CPB (not including any intellectual property rights contained in such submission), and CPB is not required to return any submitted materials to any applicant. CPB is not responsible for any violation of copyright, trademark, patent, trade secret, or other rights that may result from disclosure made by response to this RFP.

Solicitation by CPB of proposals does not constitute an agreement by CPB to extend funding to any party for the project under consideration. CPB may, in its sole discretion, elect not to pursue this project in any manner.

By submitting a proposal, each applicant grants to CPB the right to duplicate, use, disclose, and distribute all of the materials submitted for purposes of evaluation, review, and research. In addition, each applicant guarantees that the applicant has full and complete rights to all of the information and materials included in the proposal. Each applicant also guarantees that all such materials are not defamatory and do not infringe upon or violate the privacy rights, copyrights, or other proprietary rights of any third party.

10. Conditions of Agreement

If a proposal is selected for funding, applicants will be required to sign a binding agreement. Until the selected applicant and CPB have signed an agreement, no express or implied commitment has been made to provide financial support to the Project or to the selected applicant. Applicants are not authorized to commence work until the agreement is fully executed. If a selected applicant opts to commence work, they do so at their own risk. No oral or written statement other than the signed, written agreement will govern or modify the relationship between the applicant and CPB.

The selected applicant must be able to comply with a number of requirements that will be included in the operative agreement. These requirements include but are not limited to:

- A. Representations and warranties that, among other things, any work undertaken by consultant on behalf of CPB shall be non-defamatory and shall not violate or infringe upon the privacy rights, copyrights, or other proprietary rights of any third party;
- B. Covenant to indemnify CPB against any loss resulting from breach of any of the guarantees contained in the agreement.
- C. Covenant to maintain, during the term of the agreement and for a period of three years thereafter: (i) all financial records related to the services provided, which records shall be accessible to CPB, and to the U.S. Comptroller General or other representatives for examination and audit purposes; and (ii) a complete file of all subcontracts and other agreements, licenses, clearances, and other relevant documents related to the work undertaken. In addition, ensure that any subcontractors or consultants it employs for services relating to the agreement also maintain such records for the period specified and under the same terms.
- D. Compliance with equal employment opportunity and nondiscrimination laws and policies;
- E. Documentation as to actual costs, and provide supporting detail demonstrating that all costs are reasonable, necessary and allocable to the requirements and objectives of the work undertaken; and
- F. All research and materials created, developed, compiled or produced pursuant to or as a result of this project (including but not limited to all reports) will be considered ordered and commissioned by CPB as works made for hire under the copyright laws, and made in the course of services rendered. CPB will have sole and exclusive rights to all reports and other deliverables under the agreement.

Other material terms and provisions will be set forth in the documents provided to the applicant that successfully completes the selection process.