



Interstellar
Creative

Supplemental Guide

Prepared for:
Dr. Kyan Ware
New Employee

Southern New
Hampshire University
COM 530
Law & Ethics
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Prepared by:
Amber Broadwell
Interstellar Creative Web Design

creativecomsteam@interstellar.com





Interstellar
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Amber Broadwell created this document and the creative assets for an assigned project.

<https://www.amberbcreative.com/>

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What is a Supplemental Guide

Welcome to Interstellar Creative Web Design and Media Services. We are excited to have you join our team as a new employee! The Legal team and I created this supplemental guide to accompany the introduction chapter of the official Interstellar Creative Style Guide. The introduction chapter in the original guide discusses First Amendment attributes such as creative expression and the artistic process when creating digital content. After further discussion with our onboarding team, we decided it would be crucial for everyone to understand the history and protections afforded to us by the First Amendment.

Effective communication in the workplace is not just about speaking clearly; it is about ensuring your message is heard and understood. – Sheryl Sandberg

How to use this Supplemental Guide

This guide will discuss the following:

- [First Amendment](#)
- [Landmark Court Cases and Statutes](#)
- Best [Legal](#) and [Ethical](#) Practices
- [Case Study: Artificial Intelligence](#)

The guide should be used to support and assist in creating digital media content. It also provides a brief explanation of the First Amendment and how to apply it to your creative process.

If you have any questions or suggestions to contribute to the guide, please contact me or the Communications team at creativecomsteam@interstellar.com or the Legal team at legal@interstellar.com.

Laws and Regulations

What is the First Amendment?

According to the website Constitution Annotated (n.d.), the First Amendment states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” It was adopted into the Bill of Rights in 1791 (Cornell Law School, n.d.).

As a Communications professional, you must understand the rights and principles of the First Amendment, including the consequences of misusing it. The First Amendment can protect you and others in four ways.

First Amendment protects:

Freedom of speech, religion, the press, and the right to assemble and petition the government.

First Example

- Federal and local governments cannot censor private speech, even if it disagrees with or allows one entity to express a view while not allowing the other to do the same, also known as ‘viewpoint neutrality’ (ACLU, 2024). A good example of viewpoint neutrality is when the federal court finds a state’s anti-panhandling law unconstitutional (ACLU, 2021). If Boy Scouts are allowed to sell popcorn in front of Wal-Mart to raise money, then the government cannot make it illegal for homeless people to ask for money. However, a public entity or private citizen is allowed to censor speech or discipline the offending person if they disagree or receive damages to their reputation. A good example is spreading vicious lies about your ex-employer or an ex-friend on social media.

Second Example

- Public Schools, the police department, and city hall are considered local government, so private citizens have the right to express themselves by petitioning and protesting these and other regional and federal agencies (ACLU, 2024). This allows groups, such as the 2017 Women’s March on DC or the George Floyd protests, to express their frustrations with the government by safely protesting. The founder of the Women’s March has a website



(<https://www.womensmarch.com/>) that critiques the government in its blog posts and features a section on upcoming protest events.

Note for the Second Example: Government employees (both local and federal) can express their personal political views on their own time, provided they do not interfere with their job and refrain from using their official authority to express their opinions (ACLU, 2024). While the 'Hatch Act' does not affect local government employees, it must be followed by federal employees. The 'Hatch Act' was passed in 1939 to limit the political activities of federal, some state (D.C.), and local government employees working with federally funded programs. This ensures that federal programs are conducted nonpartisan and protect federal employees from political bias, such as promotions based on merit rather than political affiliation (U.S. Office of Special Counsel, n.d.).

Landmark Court Cases and Statutes

Gateway Grill Inc. et al. v. Davenport

Gateway Grill of Pittsburg, PA, sued Davenport for defamation and interfering with business relationships when she accused the restaurant of shorting her paycheck when the COVID-related pay change (\$2.83 to \$7.25) was not reflected on her and some other employees' checks on her and the company's Facebook (Santoni, n.d.). Before Gateway Grill Inc. could contact its payment processor, Automatic Data Processing Inc., Davenport's posts had spread throughout the area. Ultimately, both parties decided to settle out of court.

O'Connor-Ratcliff v. Garnier

The Garniers (Petitioners) are parents of children in the Poway Unified School District in California. The petitioners frequently posted critical comments about the newly elected District Board of Trustees, O'Connor-Ratcliff, and Zane (Respondents) on the respondents' social media pages (Oyez, n.d., sec. Facts of the Case). The new Trustees created personal Facebook and Twitter pages for their school board campaigns. However, once elected, the respondents updated their social media accounts to reflect their official titles, using them to post about school district business and news (Oyez, n.d., sec. Facts of the Case).

Following numerous comments from petitioners, the respondents blocked the parents in October 2017 (Oyez, n.d., sec. Facts of the Case). As a result, the petitioners sued the respondents, arguing that the social media pages were for the public to express their opinions. Since the petitioners were blocked, the respondents violated their First Amendment rights to freedom of speech and the right to petition the district board (Oyez, n.d., sec. Facts of the Case).

The district court and later the U.S. Court of Appeals of the Ninth Circuit agreed with the petitioners; however, they received no damage claims, only declaratory and injunctive relief (Oyez, n.d., sec. Facts of the Case).

Moody v. NetChoice LLC

In 2021, cases from Florida and Texas raised constitutional challenges due to state laws regulating how content is moderated on social media platforms (Fisher, 2025). The Attorney Generals in both states believed that Conservative viewpoints were being



discriminated against. The lower courts (5th and 11th U.S. Circuit Court of Appeals) issued differing injunctions in each case. Consolidated to *Moody v. NetChoice, LLC* in 2024, Justice Elena Kagan relied on the ruling for *Miami Herald Publishing Co. v. Tornillo* of 1974, which invalidated Florida's claim while also finding an error in the 5th Circuit's review of Texas's case (Fisher, 2025). Per Kagan, the state should not interfere with private speech to "advance its own vision of ideological balance" (Fisher, 2025). History of Section 230 (47 U.S.C. § 230) of the Communications Decency Act of 1996.

Cubby, Inc. v. CompuServe, Inc. & Stratton Oakmont, Inc. v. Prodigy Servs. Co.

Section 230 of the Communications Decency Act of 1996 protects online platforms (social media platforms, websites, etc) from lawsuits based on third-party content (U.S. Department of Justice, 2023). It also confirms their decision to remove user-generated content without issue. Congress created it in the early 1990s in response to two court cases in New York.

In 1991, Cubby, Inc. sued CompuServe, Inc. (a precursor to the internet, offering forums, games, and email before America Online, or AOL) for libel due to a writer's defamatory comments (Electronic Frontier Foundation, 2022) about the company. However, CompuServe was found not liable for the writer's comments, as they do not review content posted on their forums, and therefore are not responsible for the libelous posts made by users.

The second New York case, *Stratton Oakmont, Inc. v. Prodigy Servs. Co.* occurred four years later, with a different outcome for the defendant. Since Prodigy moderated its messaging boards and deleted offensive posts, the court found that it was acting similarly to a publisher, making it responsible for all the postings on its site (Electronic Frontier Foundation, 2022). The company must stop moderating the site if it wants to avoid liability. In reaction to the second decision, Congress believed companies like Prodigy should be able to develop ways to moderate their websites without fear of being liable for what users post on messaging forums.

Introduced by two representatives, the Cox-Wyden Amendment became Section 230, which encourages free speech on the Internet and allows online services to implement standards for monitoring content and child safety (Electronic Frontier Foundation, 2022).

However, in 1997, the Communications Decency Act was struck down by the Supreme Court; however, Section 230 survived due to its promotion of free speech.

Impact of the First Amendment and Section 230

Since the creation of the First Amendment and Section 230, companies have been cautious about controversial topics, implementing strong moderator policies, more straightforward community guidelines with transparency, and removing anything that could make them liable, such as features or sections (Electronic Frontier Foundation, 2022). There have also been enhancements to user reporting options and the responsible use of algorithms.

The First Amendment and Section 230 have impacted the Internet and social media platforms, but employer-to-employee digital communication has also been affected. Employers have begun to establish clear employee guidelines on privacy in electronic communications, implement online monitoring policies to prevent harassment and discrimination in the workplace, and provide mandatory training on communication practices.

Additionally, many employers are including a 'Social Media Policy' in their employee handbooks regarding conduct on social media, particularly when work-related topics are discussed.



Best Legal Practices

Our Interstellar Creative employees should always follow three practices when creating or revising digital communications collateral:

- First, straightforward and transparent messaging is essential.
- Second, controversial topics that could offend the client and other employees should be avoided, as they may create liability for the company.
- Third, it is easy to be biased. However, we want our clients and other visitors to our social media and website not to feel alienated, especially if they do not share our views.



Introduction to Ethical Guidelines

As an employee and representative of Interstellar Creative, it is crucial to understand how ethics should guide your decision-making when crafting communication collateral or building a website for a client.

Per the philosopher Glenn Parsons, there are three significant ways that design and communications connect with ethics (Scherling & DeRosa, 2020, p. 3):

- First, ethics exist in rules and norms to regulate conduct; for example, utilitarianism is applied to examine problems to understand their impacts and moral significance. Ultimately, this can help build ethical knowledge that leads to responsible action.
- Second, ethics is concerned with what the communications professional creates. The question posed by Horst Rittel, “What to design and what not to design,” helps professionals acknowledge the importance of creating mindful content (Scherling & DeRosa, 2020, p. 3).
- Finally, new projects produced with communications and design might alter existing ethical values.

Professional Code of Ethics to Review

Public Relations Society of America

The first valuable source is the Public Relations Society of America (PRSA), which was created in 1947 when the American Council of Public Relations and the National Association of Public Relations Council merged (*PRSA Milestones*, n.d.). Although its Code of Ethics only applies to its members, it can be a valuable tool for daily use, as it was developed from real-life scenarios of misconduct by its members (*PRSA Code of Ethics*, n.d.). The PRSA’s Code of Ethics includes advocating for those it represents by providing a voice to assist in informed public debate and decision-making in a democratic society, promoting fairness by respecting opposing opinions, and upholding freedom of expression (*PRSA Code of Ethics*, n.d.).

Society of Professional Journalists

The Society of Professional Journalists (SPJ) was founded in 1909 as Sigma Delta Chi to promote the free practice of journalism and uphold high ethical standards (Society of Professional Journalists, n.d.). SPJ believes that ethical journalism should ensure that the free exchange of information is accurate, fair, and thorough while acting with integrity (SPJ's *Code of Ethics*, n.d.). Its four principles are: Seek Truth and Report, Minimize Harm, Act Independently, and Be Accountable and Transparent.

Analysis of PRSA and SPJ's Code of Ethics

Although each organization was created to support different industries, both have a code of ethics that applies to digital communications; even if the wording used differs, the meanings are the same. While taking responsibility for their work, public relations professionals have a duty to advocate for accuracy and honesty in their interactions with the public (PRSA Code of Ethics, n.d.).

According to the SPJ, journalists should act independently when serving the public by avoiding conflict of interest (SPJ's Code of Ethics, n.d.), and the PRSA follows the same principle. The organizations also believed that people should be treated fairly with respect and support the right to free expression (PRSA Code of Ethics, n.d.). It is essential to note the common themes shared by PRSA and SPJ that are essential for creating content for digital communications.

Professional Code of Ethics Justification

As a professional communications employee, it is critical to be accountable and honest when creating digital media assets. This means explaining the creative process and standing by the completed projects when questioned by other employees of Interstellar Creative, the client, or the general public.

Additionally, fairness should be applied when creating digital communications for our clients. All projects should receive the same amount of care and respect, regardless of the client. A good example is a communication professional tasked with creating a digital media campaign for a vegan burger restaurant. The communication professional does the right thing by creating a successful campaign for the client.

Best Ethical Practices

Inclusivity

The act of inclusivity goes beyond accessibility compliance, empathy, and user diversity when creating communication material. When creating content for a diverse audience, it is crucial to understand and cater to the needs and preferences of consumers from different backgrounds. It is essential that they feel welcomed and engaged by avoiding the creation of offensive material or items that are inaccessible. Implementing inclusivity means using the three C's (clear, concise, and consistent) when creating communication materials, being culturally sensitive, or adhering to WCAG (Web Content Accessibility Guidelines) when working on a website.

Social Responsibility

When creating content, communications professionals have a responsibility to their clients, the consumers they serve, and society at large. This means understanding the impact and negative consequences of harmful materials consumed by the public, even if the client requests them, as it will ultimately reflect on our company. There are content guidelines that include a list of prohibited topics and a clear explanation of how to handle a crisis if the material could negatively impact society. The crisis must be effectively rectified to minimize its impact on society.

Truthfulness

The above-mentioned ethics are essential to our brand, but truthfulness is the most vital of these ethical practices. It is hard to gain but easy to lose. The client relies on us to provide accurate information when creating communication materials or designing a website, so that we can maintain their trust. Materials with incorrect information or outdated content can cause harm, confusion, and the spread of inaccurate information. Our communication leadership has established a process that includes steps to verify information using approved sources, display the publication date to prevent outdated content, and regularly review content to ensure it remains updated.

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Design and Communications Connects with Ethics

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Introduction to the Case Study: Seeing the World through AI

Per the Foundation for Individual Rights and Expression (n.d.), “Artificial Intelligence (AI) is a label applied to many technologies that perform tasks similar to human learning, reasoning, and response generated based on the user’s input.”

The first documented AI system, ‘Theseus,’ was created in 1950 by Claude Shannon. It was a tiny robotic mouse controlled by a remote that navigated a simple course; it retained its memory after completing it (Roser, 2022). Over the last few years, AI has seen a rise in use by people and companies alike in computer usage, content creation, and many other things. Examples of AI programs include ChatGPT, Microsoft Copilot, and Grammarly, which incorporate AI into their software.

Unfortunately, the use of AI within digital communications can raise some ethical and legal issues that a professional must recognize before sharing the final product created with AI. This section of the guide provides the reader with a deeper understanding of the positive and negative implications of using AI to create content for an audience.

Understanding How Artificial Intelligence Works and Its Implications

AI systems run an extensive dataset by analyzing patterns and features using repeated algorithms to complete the user's requested task (Glover, 2024). Over the last few years, AI has played a significant role in digital communications through content creation, data analysis, and automated tasks, such as email blasts. Although there are positives to the use of AI, unethical implications can arise, such as misinformation, biases, and copyright issues, particularly when using an AI program with which the user is unfamiliar.

There are also legal challenges that could create unique situations where lawmakers are still trying to understand how to apply existing laws while creating new laws to accommodate the growth of AI. AI legal challenges include intellectual property rights, privacy and data protection, and determining where liability lies (Graham, 2024). In the example, under the section “Andersen v. Stability AI (1/2023) and the Monster Forming,”

we will review a lawsuit that delves into the ethical and legal challenges of AI and Intellectual Property Rights.

Artificial Intelligence and the First Amendment

The First Amendment protects freedom of expression, but its application is limited to materials created with technology such as AI. The Foundation of Individual Rights and Expression made a good point with this quote: “First Amendment doctrine does not reset itself after each technological advance; it has survived television, movies, the internet, and other emerging technologies.” It will also survive the growing AI system. However, until January 2023, there have been a limited number of landmark cases dealing with AI.

Andersen v. Stability AI (1/2023) and the Monster Forming

Sarah Andersen (author of Sarah’s Scribbles) and other cartoonists filed a copyright infringement lawsuit against several AI companies, including Stability AI, in January 2023 (Schor, 2024). According to Ms. Andersen, AI tools were trained using her art to create similar images that incorporated signature elements recognizable to her and her fans. In a New York Times essay, she wrote, “I see a monster forming” due to the potential threat to the cartoonist’s livelihood (Schor, 2024). Figure 1 shows an example of an AI-generated comic prompted by Ms. Andersen on the left and her original cartoon on the right.

Figure 1

AI-Generated Image vs. Original Image



Note. The original images were taken from Sarah Andersen's New York Times guest essay, "[The Alt-Right Manipulated My Comic. Then A.I. Claimed It.](#)"

On August 12, 2023, the Northern District of California judge ruled in favor of Andersen and the other cartoonist and denied the defendant's motion to dismiss the claims. The judge based his decision on these points:

- Found the copyright infringement claims made by the cartoonist plausible due to Stability AI's distributed model facilitating copying of the copyrighted material.
- The cartoonist's use of academic papers explained how AI could be trained to reproduce images using the exact prompts.
- The judge found the theories - model theory and distribution theory- plausible; however, it will depend on whether the cartoonist's protected works are within the AI systems.
 - Model theory asserts that the finished AI product is considered an infringing copy since it is equivalent to the cartoonist's work.
 - Distribution theory is when a distributed AI product is the same as distributing copyrighted works.

Ultimately, the Andersen v. Stability AI is scheduled for the discovery stage, with the trial set for September 8, 2026.

Remember, it may feel like using copyright and intellectual property protections against AI creations could impose restrictions on the creator's First Amendment rights. However, according to Article I, Section 8, Clause 8, Congress has the power to secure the exclusive rights of authors and inventors to their materials. This means that the First Amendment protects the original creator's freedom of expression from being blatantly copied and distributed without their express permission or without proper credit.

Artificial Intelligence Ethical & Legal Practices

The following practices should be adhered to when using a platform with AI functions. We suggest avoiding systems like ChatGPT, OpenAI, and others, as we are still learning about their processes.

- Transparency
 - When creating assets that will be shared with an audience, it is crucial to disclose that they are AI-generated and the prompts used to make them.

- **Compliance**
 - Ensure you know the current and updated laws and regulations for AI usage. If in doubt, consult with the legal team on copyright and IP laws for AI-generated content.
- **Accountability and Human Involvement**
 - Implementing a review process after using an AI system will help ensure responsible use. The review process involves submitting the completed content to a higher authority or legal department for human review and justifying the use of the system.
- **Security**
 - Be careful with what you share with the system. There are security risks, such as stolen information, that can be used. Additionally, take the time to thoroughly test the system to identify any vulnerabilities and continuously monitor it for ongoing issues.
- **Privacy**
 - If you need to collect information to help with using the AI system, the user must provide informed consent so that they understand how their data could be used. Regulations such as the California Consumer Privacy Act (CCPA) and the General Data Protection Regulation (GDPR) must also be followed, even if they only apply to specific individuals and locations (Dialzara, 2024).
- **Trust**
 - The resulting content should be accurate, consistent, and aligned with the brand. The system should also cite its source, allowing you to ensure it is from a credible source that can be shared with the audience.
- **Education**
 - This is different from the compliance bullet. If you are going to use AI, then it is only right that you understand how AI is used, who uses it, and why it is used to create content. It is also essential to learn how to mitigate biases and unfair treatment that may exist within the AI system.

Ethical and legal practices will help the creator when making content using an AI system.



Applying Ethical and Legal Codes to Andersen v. Stability AI (1/2023)

In my opinion, Stability AI and the other defendants did not do their due diligence when generating images similar to established cartoonists' works. They did not take the time to review the resulting outputs or to find out who and how the end user would use them. In the article, the plaintiff, Ms. Andersen, mentioned that far-right groups had used her work to create insensitive comics that did not align with her Sarah's Scribbles brand (Schor, 2024). Lastly, there was 'human involvement' when the defendants trained the dataset of the cartoonist's copyrighted images without acknowledging the source.

The Future of AI Usage in Digital Media

As technology evolves, communication professionals must stay current with the numerous changes that accompany new advancements, particularly as AI has become an increasingly prominent part of everyday life. If you use AI to create an image or assist in writing content, understand how to use it responsibly by knowing the laws and regulations and the ethics of sharing it with an audience. Remember to take the time to review it for inaccurate information, confirm that it follows the three C's (Clear, Concise, and Consistent), and always cite the source. Additionally, having other people review it can help ensure that nothing has been overlooked.



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