



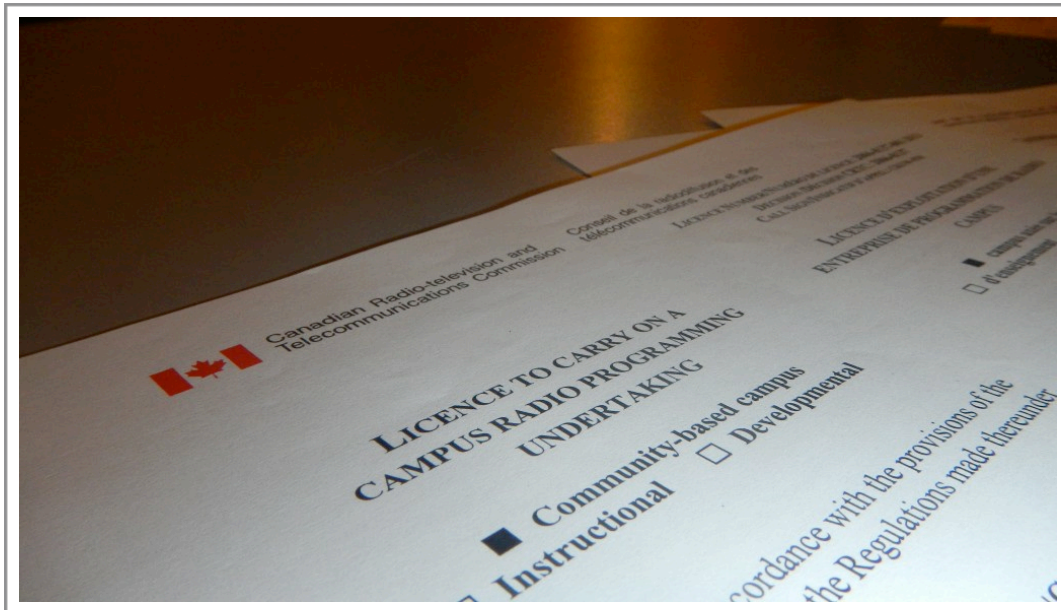
Programming Workshop 1

Broadcasting Rules and Regulations

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You, the Law and the Airwaves



The airwaves in Canada are public property; consequently, freedom of expression on air becomes a privilege, not a right.

The CRTC guidelines state, "The use of public airwaves confers a responsibility on licensees to broadcast programming that, at all times, is acceptable under existing community standards." There are many laws which restrict what can and cannot be said over the public airwaves.

In broadcasting, not only will the person who makes remarks over the air be subject to legal action, but in ALL cases the radio station and the Radio Society will also be threatened.

The most important question programmers should ask themselves is:

NOT "Will I get in trouble for saying this?"

BUT "Why am I saying this?"

"What purpose does it serve?"

And if it only serves your self-interest and not the stations or the communities then it's not worth saying.

Keep in mind that the CRTC states that:

Legitimate individual opinions, expressed in good faith, in decent language, are less problematic than generalizations, with cruel intent, in indelicate language.

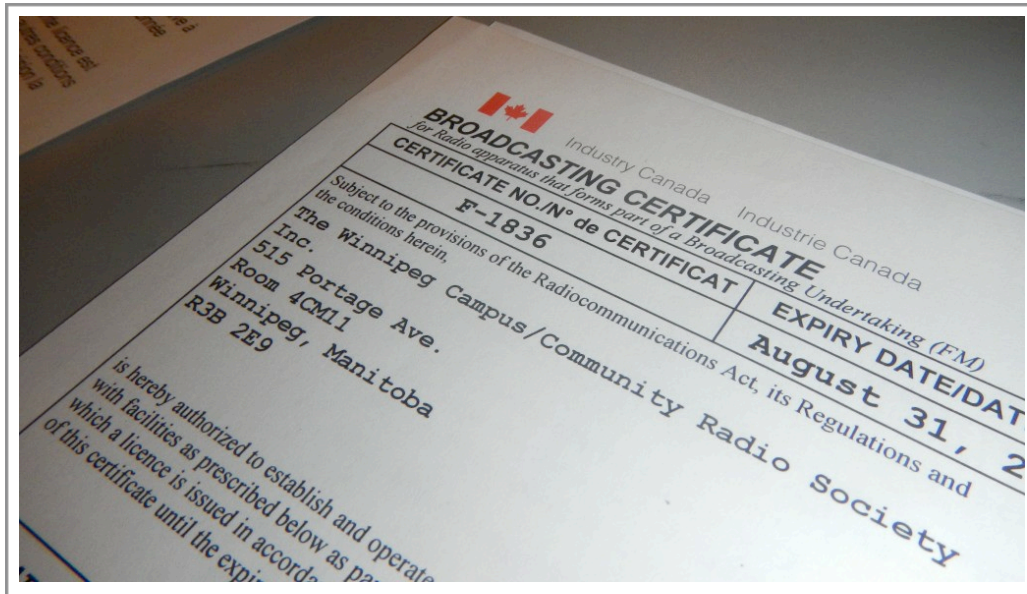
For instance, one could create a one hour program focusing on the Premier's political agenda, complete with interviews, reports and editorials.

As contentious as the feature may be, it is unlikely that anyone will take offense to this subject.

However, if you were to turn on the microphone between songs and shout "The Premier is a commie pinko!" you will be reprimanded!!

Remember you are responsible for your actions, your guests actions. Any action against you can be an action against the station, volunteers and listeners.

Broadcast Law



The Canadian Radio Television and Telecommunications Commission (CRTC) originated in 1967 is the governing regulatory agency for radio, television, telegraph and telephone companies in Canada.

The CRTC acts as a judicial board for complaints issued by the membership, staff and listenership of a radio station.

Unless provoked, the CRTC does not intrude in the operation of a radio station. Therefore we must use caution and common sense so as not to provoke the commission. As a member of 95.9 fm CKUW, the onus is on you to understand the Broadcast Act and CRTC regulations. It is your responsibility to adhere to them!

<http://www.crtc.gc.ca>

Politics

The Broadcast Act makes guarantees to assure that candidates for public office get equal access to airwaves.

Be very careful when programming around the time of an election (campus, municipal, provincial, or federal). On the day of the vote, or on the day preceding the vote news reporting is OK, but enticement is not. A careless comment in the middle of a music show could still lead to fines, legal action or other problems.

For example, on election day you can (and should) inform your listeners of poll locations and times, but you cannot instruct your listeners to vote for a specific party. Anyone violating this law will be heavily fined.

For a paid political broadcast, the sponsor of the broadcast, and the political party or individual on whose behalf the program is being broadcast must be announced before and after the broadcast.

During an election all political reporting must be clear, researched and factual.

Seditious Libel

We are prohibited from broadcasting any remark that advocates the use of force to change the Government of Canada.(Criminal Code, section 60 4)

The seditious libel law does not mean that you cannot criticize the existing legal system, the courts and the constitution; rather it means that you cannot advocate the overthrow of the government.

Fundraising

Under the terms of the Broadcast Act it is not permissible to solicit money over the air in any capacity unless the organization appealing is a church or religious body permanently residing in Canada and serving the area covered by the station, a recognized charitable institution, a university, or a musical or artistic non profit. CKUW is an artistic non profit. This is why we are capable of conducting on air funding drives.

Obscenity/Profanity

The Broadcast Act prohibits us from using “obscene, indecent, or profane language.” The CRTC utilizes the concept of “community standards” to set the guidelines.

“Community standards” is the concept that the persons who live and work in a community have a certain right NOT to be offended by speech and/or material being broadcast.

For the sake of artistic programming “swearing” is exempt from censorship in music; however, understand that the terms “obscene” and “indecent” have very broad interpretations. If you do a daytime program try to keep music with swearing off your show.

Artistic programming exemptions do not allow you, to read obscene lyrics/poems/prose in the context of a quotation. For example, the recordings of beat poet William S. Burroughs that contain obscenity can be broadcast at appropriate times. However, if you were to examine the works of Burroughs with on air readings, you would be expected to show good judgment and use selections, which do not contain obscenity.

Remember you are accountable for everything you say and play on the air. If the piece you are playing contains an isolated obscene or questionable lyric or if an interviewee accidentally swears, continue broadcasting but don't make an issue out of it. Drawing attention to your mistakes always makes things worse.

The leniency that the CRTC grants us as community/campus radio should NOT and must NOT ever be taken for granted or abused.

All 95.9 fm CKUW programmers are expected to contextualize material containing profanity and self edit song names, band names, readings, etc. For example, the band "F**KED UP" could be announced as "EFF'd Up." Providing context for a potentially offensive selection doesn't absolve you of responsibility, but it can go a long way to educating the audience. If you are unsure or concerned about the suitability of a statement, phrase, song, band moniker, or whatever, talk to the Program Director.

Defamation Of Character (Libel & Slander)

Definition:

Any words or statements which impute to the plaintiff that they have been guilty of any crime, fraud, dishonesty, immorality, vice, dishonorable conduct, or has been accused or suspected of such misconduct and words which hold the plaintiff up to contempt, hatred, scorn or ridicule and by thus engendering an evil opinion of them in the minds of right thinking persons or to deprive them of friendly intercourse in society, or to injure a person's business trade are all considered defamatory. Each time a statement is made it is a separate and actionable defamation. Defamation is very serious. Not only could you be sued into bankruptcy, but criminal charges with penalties of up to 5 years of imprisonment can be laid.

Defamation of character is an accusation that may damage the reputation of an individual. Regardless if the statement is true or not we can be held liable for damages.

Public Figures:

Be careful when dealing with Public Figures, like celebrities or politicians. It is just as much defamation to allege personal corruption against public official as it is to allege it against a private individual.

Timeline:

If a defamatory comment is made on-air, months or even years can pass before being held accountable in court. There is no time limit for plaintiffs to bring abusive comments to the courts.

In Court:

The defendant (in this case, you, the announcer) CANNOT escape liability in a defamation action by stating that the words used were a well-known rumor circulated around Canada, though this may affect the amount of damages. Nor is it any defense to say that you were merely repeating something someone had already told you and had represented to be true.

Defenses For Libel And Slander

Fair and Accurate Reports:

We will not be found liable for reporting in a fair and accurate way, without comment, on proceedings held before a court, unless the report is malicious or too one sided, i.e. neglecting to broadcast an explanation. Likewise, fair and accurate reports of legislative bodies, administrative bodies, commissions of inquiry, any public authority, and bona fide meetings held for a matter of public concern are all privileged under the Libel and Slander Act. Such reports must be done in good faith and without malice.

Justification:

Although a statement may seem defamatory it may still be broadcast if it can be proven that it is true in court.

One can use justification as a defense against an action brought on by a plaintiff; however, the defendant must prove that the defaming words are true, and it is not enough to prove the truth of part of the statement. The defendant will be called upon to prove every part of the statement as being true.

In addition, the person making the defamatory statement is responsible for both the natural and the ordinary meaning of the words used: i.e. the meaning in which ordinary persons of reasonable intelligence would be likely to interpret or understand it.

Thus, cleverly phrased innuendo can be considered defamatory.

Fair Comment:

This defense protects free speech. Implicit is the assumption that everyone has the right to express their opinion on matters of public interest and concern provided that they do so honestly and fairly and that the comment is limited to actual facts truly stated.

The Court on a reasonable interpretation of the facts would decide whether the comment is fair, as most people would understand them.

You are granted great latitude for opinion but language that is too strong and malicious is not sheltered because it is obviously not fair.

Fair comments must reasonably flow from factual information and relate to matters of public interest. Comments or statements intended to injure are not protected as “fair comment” even if they are based on fact.

Obviously, critics can comment on matters which are submitted to the public for attention like CD’s, books, plays, movies, etc.

As stated earlier, the defendant CANNOT depend on fair comment as a defense if it can be proven that the defendant acted with the intent to damage a persons reputation or business.

Even if the intent to injure is absent, reckless commentary may be defamatory if it is damaging. Therefore when dealing with critical assessments of music, writing etc. be sure that your comments are thoughtful and reasonable.

Who’s To Blame?

95.9 fm CKUW is responsible for ALL statements or innuendo broadcast by the station, no matter who has made the statement(s) or innuendo (words that have a secondary meaning and purpose) in the broadcast. The person who makes the defamatory statements is liable. This includes your interviewee who maliciously defames another individual and/or group and anyone else attached to the broadcast.

THE BOTTOM LINE: THINK ABOUT WHAT YOU ARE GOING TO SAY BEFORE YOU TURN ON THE MIC AND PUT THE ENTIRE STATION AT RISK.

Blasphemous Libel

Under the Canadian Criminal Code one could be penalized for up to five years for “blasphemous libel.” (Derogatory comments about God.)

This excludes any remark made in “good faith” as an opinion on a religious subject providing it was made in “decent” language.

Abusive Comments

In the Broadcast Act, you are prohibited from broadcasting “abusive” comments about race, religion, or gender.

95.9 fm CKUW’s policy not only restricts these, but also “abusive” comments concerning sexual orientation, age, physical ability, weight, and/or socio economic status. Jokes pertaining to race, gender, sexual orientation, weight, religion, etc. are not tolerated.

Sex, Birth Control & Sexually Transmitted Infections

The Broadcast Act prohibits the airing of any program dealing with birth control or Sexually Transmitted Infections (STI's) unless conducted "in a manner appropriate to the medium of broadcasting."

Specifics on sexually transmitted infections and the how to's of birth control are not permissible; however, announcing what clinics and services are available and voicing your rational opinions on laws and moral attitudes is all right.

At NO time EVER are you permitted to counsel over the air words to encourage a woman (or women) to get an abortion.

Medicines, Drugs & Cures for Diseases

You and your guest(s) cannot prescribe drugs over the airwaves. Doctors are not exempt from this regulation.

You are not permitted to recommend a solution to any medical problem over the air. Again, doctors are not exempt from this regulation.

If you are planning to talk about a disease and its cure, the contents of the broadcast must be approved by the Program Director, and possibly the CRTC and the Department of National Health and Welfare.

Suggesting that oranges are a good source of vitamin C is acceptable, but to say "Eating oranges will cure your cold" is not allowed.

In respect to other infamous drugs (e.g. recreational narcotics), you should know that stating an individual opinion in good faith which does not entice others to break the law nor depicts illegal activity is acceptable.

Therefore, you could produce an editorial on the effect of illicit drugs on today's youth or you could state that "Hemp products without THC are durable and environmentally friendly," but statements like "Dope Rules" and "This record sounds great when I'm high!" aren't cool EVER!

<http://www.crtc.gc.ca>

Rebroadcasts

You are prohibited from picking up and rebroadcasting any other program or part of one from another source (e.g. TV clips off of YouTube) without permission. If you are to rebroadcast a previous show you must announce that it is a rebroadcast from a previous date.

Contradictions

You are not permitted, under the Broadcast Act, to program or voice anything contrary to the law. The Act also prohibits broadcasters from airing false and misleading news.

Bias & Balance

The Broadcast Act requires that broadcasters provide a reasonable balance of views on matters of public concern. All programmers are expected to provide equitable treatment of differing points of view. Of course you will have opinions of your own but you shouldn't yield to bias or prejudice. A good story has many sides to it.

Undermining Authority

You are prohibited from airing any remark intended to undermine respect for the courts. Criticisms of the justice system should be researched, thoughtful and clearly presented. Furthermore, you, the announcer, are not permitted to make any remarks over the air against the Broadcast Act.

Criminal Code: Hate Propaganda

The Criminal Code states: "Every one who, by communicating statements other than in private conversation, willfully promotes hatred against any identifiable group is guilty..." of 'hate crimes'(Section 281.2[2]) No matter what your intentions, If you were to read hate propaganda from a book, flyer, zine or website you could be guilty of hate crimes. Be extremely careful when dealing with these issues. If wish to create programming that addresses issues of hate, you must do so in consultation with the Program Director.

Programming Policy

Complaints

Under NO circumstances are volunteers EVER allowed to deal with ANY complaints no matter how trivial they may seem. If someone calls during your program with a complaint, forward them to the office phone and have them talk to a staff person.

Office Phone: (204) 786-9782

If staff is not available, complaints must be submitted in writing or left on the office answering machine. It is critically important that complaints are dealt with promptly and respectfully. As long as you are following station policy the staff will support you and your programming.

Attendance

Staff must be notified if you cannot do your radio program due to illness or other circumstances. Volunteers are responsible for ensuring their spot is filled if they cannot be there. Volunteers are also expected to arrive early for their programs in order to prepare adequately. Notify staff if you are having trouble being on time or having difficulty finding someone to fill in during an absence. Be aware that chronic absenteeism or lateness is cause for dismissal.

Guests/Interviewees

As a programmer you're encouraged to bring guests on your program to either interview or sit in on your show. When inviting people on your program always use good judgment. You are responsible for the words and actions of your interviewee.

If your guest or interviewee were to maliciously defame someone or use obscene or profane language the consequences could affect them, you, any co-hosts and 95.9 fm CKUW. Forewarn your guests, let them know that you don't condone irresponsibility and unprofessionalism.

Protect yourself: It is always good practice to get the person's contact information, before any interview, to reinforce how serious you are about holding them accountable for what they say. Also, never allow anyone to go on the air if they appear to be intoxicated. It is a Federal offence to do so!

Incident Log

Policy violations are recorded in the Incident Log. You will be notified if you have violated policy. The Incident Log may be consulted during renewal periods.

Emergency Pager

When there is an emergency that prevents our broadcast call the emergency pager. There is a staff member on-call at all times, but please only use for legitimate emergencies. A CD player skipping is not an emergency, however our transmitter not broadcasting is.

Emergency Pager: (204) 784-3559

Fault Reports

Keeping the flow of information flow between Volunteers and Staff is critically important for the fluid operation of the station. Fault Reports are key means for volunteers to notify Staff of equipment quirks and other feedback. Please fill out these reports, located in On-Air, whenever something isn't working that way it should be. Not having this information means that Staff won't know if something needs maintenance.

Copyright

The Copyright Act governs copyright in Canada. We must have permission to broadcast any copyrighted material.

According to the Act, copyright means “the sole right to produce or reproduce the work or any substantial part thereof in any material form...[Copyright] includes the sole right to produce, reproduce, perform or publish any translation of the work; ...in case of any literary, dramatic, musical or artistic work, to communicate such work by radio communication; and to authorize any such acts as aforesaid.”

Copyright exists in a book, a newspaper story, photograph, magazine article, website, recording, any literary work, paintings, engravings, music, dramatic, non-dramatic work and so on.

The sole right to reproduce an original work arises simply by creating it; there is no need to register or otherwise declare ownership.

Printed materials are usually copyrighted and written permission is required from the publisher.

Fifty years after the death of the author, written material becomes public domain and permission is not needed, always double check to make sure.

The ideas expressed in a work are not protected by copyright, but it is the mode of expression that cannot be essentially copied without written permission. You may broadcast excerpts of a work for criticism, review or foreground, as long as it is less than ten lines or sentences, and “the use or dealing with the work is fair in the circumstances” (CBC definition).

There is no copyright on news. However, newspapers are considered a literary work under the Copyright Act and one could not duplicate the pages as published.

An announcer using newspapers or magazines as a news source is expected to put the information into their own words, just as you would when writing an essay.

With respect to readings of prose or poetry, one person may read or recite in public a reasonable extract from any published work. If however a reading or recitation in public is done by more than one person (like presenting a scene from a play) it could constitute infringement. (Section 17 2F)

If you plan to embark on a series of readings on a regular basis from one author, then consent is required from the author, their estate or publishing house.

It is not an infringement of copyright to reproduce an address of a political nature delivered at a public meeting or to produce a report of such a meeting on the radio.

It is also not a breach of copyright to record anything that is broadcast, like your program, as radio stations pay fees to certain artist groups. (2% of 95.9 FM CKUW's budget goes directly to SOCAN: Society of Composers, Authors and Music Publishers of Canada)

SOCAN is the Canadian copyright collective for the public performance of musical works. SOCAN administers the performing rights of their members (composers, lyricists, songwriters and their publishers) and those of affiliated international societies by licensing the use of their music in Canada.

Our license fees to SOCAN cover the copyright of all music that we broadcast regardless of its source.

Records from home, old cassettes and Mp3's are all covered by our SOCAN fees as the registered artists receive royalties no matter what format the music is in. Remember though that SOCAN only covers music and not unauthorized rebroadcasts of movies, television or spoken word material.

Please respect copyright and do not use our equipment to copy recordings of any copyrighted material.

We must also respect creator's rights on air and we should not encourage CD duplication or file sharing. In a similar vein, broadcasting bootleg live recordings can be problematic. While SOCAN will pay the royalties for the music, the artists may not have intended to release the recording station and the programmer who broadcast the recording.

The Winnipeg Campus/Community Radio Society has specific bylaws pertaining to copyright. Ownership of copyright for works created in our studios are the joint property of the publicly and therefore they might have grounds for legal action against creator and the Radio Society.

No volunteer may profit financially from work produced in CKUWs studios, except by special agreement with the Board of Directors.

NCRA Standards

In 1987, the National Campus/Community Radio Association established a list of programming and organizational standards to be practiced by campus/community stations across the country:

Whereas campus/community radio is committed to providing alternative radio to an audience that is recognized as being diverse in ethnicity, culture, gender, sexual orientation, age and physical and mental ability;

And whereas campus/community radio stations are committed to the principle of providing community-based programming to this diverse audience;

And whereas mainstream media fails to recognize, or in many instances reinforces, social and economic inequities that oppress women and minority members of society;

Be it resolved that campus/community stations hold as a fundamental principle that community broadcasting serves the needs of socially, culturally, politically and economically disadvantaged groups in society.

Be it further resolved that campus/community stations encourage programming policy that prohibits material that is racist, sexist, ageist, homophobic, anti Semitic or that maligns differently abled peoples or the economically disadvantaged.

Be it further resolved that campus/community stations will endeavor to promote the cultural and political aspirations and struggles of such oppressed groups through their programming

Promise of Performance

CKUW Promise of Performance

As mentioned previously, the airwaves are PUBLIC PROPERTY in Canada. This means that the public has the right to agree or disagree with any programming and thus, the government requires broadcasters to act in the public interest of all listeners in their broadcast area.

95.9 FM CKUW's programming is shaped by the Programming Committee, the CRTC's Campus and Community Radio Policies and the Promise of Performance, which we submitted with our license application.

This is a brief summary of our Promise of Performance:

95.9 FM CKUW's principal language of broadcast is English

95.9 FM CKUW must broadcast a minimum of 105 hours of station-produced programming per broadcast week.

95.9 FM CKUW promises to broadcast at least 126 hours per broadcast week. (6am Midnight)

The minimum level of Spoken Word programming per broadcast week is 25% or 31:30 (hrs : mins)

The maximum amount of time allotted to advertising is 4 minutes per hour.

The maximum number of times a distinct musical selection will be broadcast is 7 times per week.

The maximum number of musical selections qualifying as hits is 1%

The minimum level of Canadian Content music per show is: 35% for ALL Core programming, 15% for ALL Specialty Music programs i.e., jazz, classical, etc. 7% for

ALL Ethnic Music programs

The minimum level of NEWS is 2% per broadcast week; this includes sports and topical reports on local, provincial and federal politics, entertainment news, science and technology, etc.

If you would like to view the station's CRTC license application and Promise of Performance, please talk to the Manager. As a condition of license, CKUW promises to adhere to the broadcast code for advertising to children, to adhere to the industry code on sex role portrayal, and to log acquired programs according to type and origin.

Volunteers are expected to uphold 95.9 FM CKUW's Promise of Performance and program their shows accordingly. Programmers are responsible for following programming guidelines formulated by the Programming Committee including but not limited to Canadian Content and New Release quotas. Failure to adhere to guidelines and disregard for CKUW's Promise of Performance is cause for dismissal.