

KPCA Programmer Handbook

- *Please note: This document is a work-in-progress. Programmers will be required to sign a new agreement when it is finalized. Thank you for helping us to build a stable, vibrant, and community friendly radio station.*

Contact Information

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KPCA General Information

KPCA Broadcast Schedule: TBD

KPCA broadcasts on 103.3 FM and KPCA.FM

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KPCA's Playlist Logging Policy

KPCA is required by federal law to keep records of music played on the airwaves and webstream and submit reports quarterly. To facilitate these reporting requirements, KPCA uses Spintron. All programmers are required to log the music they play before, during or after each show. Each KPCA programmer presenting a show is known as the "programmer of log" and is responsible for reporting their playlists within three (3) days following each show. Failure to do so will result in disciplinary action.

Disciplinary Action

KPCA has a policy for off-air and on-air infractions and their consequences, which is available at the end of this section and online at www.kpca.fm. Additionally, programmers or volunteers found with drugs on their person while at KPCA will be suspended immediately for thirty days. Programmers are encouraged to relay this policy to any guests they may bring to the station, since programmers are responsible for the behavior of their guests while on the KPCA premises.

The following infractions may result in warnings and/or suspensions:

- Not showing up for or arriving unreasonably late or less than ten (10) minutes before your on-air shift.
- Failure to log playlists with three (3) days of broadcast.
- Failure to fulfill the minimum membership drive participation hour requirements.
- Failure to comply with FCC regulations.
 - Obscenity and indecency violations
 - Call-to-action violations
 - Commercial value mentions for products and/or events
 - Using words of enticement, such as “FREE”
 - Not filing a quarterly report (for news & public affair programs) with the Radio Manager
- Failure to properly complete logs, specifically:
 - Failure to sign logs
 - Failure to properly sign in and out of your air shift
 - Failure to air and/or log Public Service Announcements (PSAs), Underwriting Announcements (UAs), OR Promotional Announcements (PRMs)
 - Failure to air and/or log legal IDs
 - Bringing drink or food in to the on-air studios (closed containers of water are okay on side table only).

Disciplinary actions (first listed for first offense, second for second, etc.):

- Reading manual
- Written warning
- Suspension of not less than 30 days
- Repeated offenses will result in longer suspensions or termination of PCA membership

KPCA’s Governance

KPCA is ultimately governed by its members, and there are several member classes: supporting, producing, household/family, business member, non-profit. KPCA members vote annually for the candidates for the Board of Directors. Elections are held in September, with terms of office starting in October.

The Board of Directors is the governing body of KPCA. There are presently nine seats on the board: 4 elected, 3 appointed, 2 designate by the City of Petaluma and the Petaluma Board of Education. Anyone can run for a 2- or 3-year elected seat or apply for a one-year appointment. The responsibilities of the Board include: Making/adopting policy for the station, strategic planning, hiring of the Executive Director, and approving the budget for the station

If you are interested in serving on one of these bodies, or simply want more information, you are encouraged to read PCA’s By-Laws and the Programming Policy document, available online at: www.kpca.fm.

KPCA as a Non-Commercial Station

What non-commercial means:

KPCA has a non-commercial license, which means we cannot run advertisements or other commercial-oriented material.

What makes something non-commercial?

If it sounds like a for-profit organization, or a non-profit organization other than KPCA will make money from the support or announcement, we cannot air or say it. This is information that must be passed on to visitors or guests of the station.

Call to Action:

This is the common term for an announcement, recorded or spoken, which constitutes support or promotion, leading to profit, for an entity other than KPCA. Basically this means urging listeners, through on-air breaks or through guests, to patronize any establishment, for-profit or non-profit, which will result in monetary gain for that establishment.

KPCA Can:

- Air unpaid announcements regarding for-profit entities, if KPCA determines these announcements are in the public interest (e.g. calendar events).
- Air unpaid or paid announcements regarding non-profit entities. (Of course, any trade or monetary exchange must be cleared with KPCA management.)
- Air the price information of any of KPCA's own products, events and services.
- Announce the fundraising activities of non-profit entities without substantially altering the regular programming of the station.

KPCA Cannot:

- Air price information (including announcing something as "free") of any entity (profit or non-profit) outside KPCA. This includes announcements concerning the rate of interest, happy hours, or other indications of savings or value associated with a product.
- Urge the listener to patronize business or attend a function not sponsored by KPCA
- Air announcements containing an inducement to buy, sell, rent, or lease.
- Air announcements containing comparative or qualitative language.
- Conduct fundraising activities for any entity other than the station itself.

Components of Calls to Action:

A call to action has three regular components.

- Qualitative language: language you hear in commercials, words like "best" or phrases like "the creamiest butter," "a taste sensation," "everything goes better with beer"
- Imperative sentences: "Check it out!" "Don't miss it!" "You better be there!"

- Price: also including “free” or equivalents thereof—“open bar,” “happy hour,” “unpaid admission,” “no cost to get in”. Qualifiers like “low,” “cheap,” “affordable,” “discount,” etc., are similarly not allowed.

What’s a Programmer to Do?

There seem to be a lot of rules about what a programmer can or cannot say. Basically, a programmer can do one thing with impunity: give information. A programmer can play a song or pass along information about an event without qualifying it. For example, talking about a band and telling where the band is playing without saying, “You should go.” This announcement would not be a call to action:

“The Shins are playing tonight with the Yeah Yeah Yeah at Antone’s, doors open at 8 and the show starts at nine. Antone’s is located at 213 West 5th Street and the show is all ages. For more information or to get tickets you can visit antones.net. For those who have never heard the Shins before, here’s their song ‘Australia.’”

Programmer As Critic

Playing a song you really like by a performer that’s in town or extolling the virtues of an album are generally free of call to action restrictions because it qualifies as criticism. The same goes for institutions and organizations. The thin line is when such criticism accompanies information, and the criticism implies support. If what you as a programmer are saying, even in just giving information, would not be out of place in a commercial, it may be a call to action.

Unfair Advantage

As a programmer, you have a high degree of visibility and access to people and organizations that may be exploited for personal gain. The station may provide only “ordinary publicity” (1 or 2 mentions) to an event or activity if a programmer is paid to participate in that event or activity. The programmer may not use the “unfair advantage” of broadcast involvement to gain publicity for the event/activity. This means not plugging bands you’re in or organizations you belong to if you make money from those activities.

Payola

There is a large fine (\$10,000 and up to one year in jail) for accepting cash, travel, meals, or other benefits in exchange for on-air promotion of an outside entity. Legendary disc jockey Alan Freed (who is credited for calling the music he liked “Rock & Roll”) is the greatest example of this. Though he claimed record companies were giving him money for “consultation,” Freed was charged (and ultimately fined) for accepting money to play certain records. This is payola.

Plugola

Plugola is the use or promotion on the air of goods or services in which the person responsible for including the promotional material in the broadcast, such as the licensee itself or a program producer or performer has a financial interest.

KPCA’s policy is that an announcer must clear with the station airing any material in which he or she has a financial interest outside the station. Please talk to the Radio Manager For any clarification you might

need. Management can suspend or cancel a show that is using the airwaves to make money for the programmer or any organization he or she is involved in.

In addition, KPCA encourages programmers to inform listeners if they are somehow involved in the music they are playing or the organization, event, or website they're supporting. KPCA policy encourages openness to everyone about our actions in the communities we are supporting.

Underwriting

KPCA can air a sort of advertising called underwriting. Here are the FCC components of underwriting:

- Logograms and slogans that identify but do not promote: "Austin owned and independent since 2000"
- Location and contact information
- Value-neutral descriptions of a product line or service
- Names, trade names, and product service listings

You've heard underwriting announcements before. They usually begin, "Support for KPCA comes from..." and are entirely legal.

Lotteries and Giveaways

Lotteries are prohibited by the FCC "except where lotteries authorized or not otherwise prohibited by the state in which they are conducted, and which are conducted by a not or-profit organization". Additionally, the California State Charitable Gaming law states that "a qualified organization may conduct a raffle..." in accordance with certain conditions. Due to these complexities of state law & FCC policy regarding lottery announcements and broadcasts, all such activity should be presented to the station management before airing, unless their approval is implicit, such as KPCA raffles or fundraisers.

How is a lottery different from an on-air call-in giveaway? If properly conducted, they are not considered lotteries. You can increase some element of chance (such as saying the fourth caller will win) as long as there is no financial consideration involved.

Disclaimers

If you're going to express views, or have guests that are expressing their views, you need to make it perfectly clear that those views are not necessarily the views of KPCA. KPCA itself will not express editorial views without the consent of the Board of Directors. You will want to use a disclaimer if you do express your own views:

"The views expressed here are not necessarily the views of KPCA Radio or its Board of Directors, volunteers, staff, or underwriters."

Doing this before, during, and after one's show is always a good idea. If you think the subject matter of your show may be controversial, a disclaimer might also be necessary:

"The following program contains subject matter that some people might find objectionable. It is solely the responsibility of the show and does not necessarily reflect the views of KPCA. Sensitive listeners may wish to tune out at this time."

Editorials

KPCA does not editorialize as a station. We cannot endorse a political candidate or pending legislation. As an individual, you can make editorial statements, as can your guests or callers, but in cases like this, a programmer should air a disclaimer so KPCA as a station is not thought to hold the particular view.

Copyright Laws

If someone else owns the copyright to material a programmer wants to play or read on the air, and has not given us permission to use their material, we cannot air it. Musical recordings given or purchased, and syndicated programs all constitute permission. This means broadcasts from television, radio, or podcasts, as well as musical bootlegs, are forbidden. With print media, the general rule is, "Would reading this on the air reasonable interfere with the copyright holder's ability to sell the material in the broadcast area?" Usually, excerpted material is considered "fair use." Reading entire novels on the air is not.

Broadcasting Telephone Calls

The FCC's policy on airing telephone calls in:

"Before recording a telephone conversation for broadcast, or broadcasting a telephone conversation live, a station must inform any party to the call of its intention to broadcast the conversation. However, this does not apply to conversations whose broadcast can reasonable be presumed (for example, telephone calls to programs where the station customarily broadcast the calls)."

KPCA requires that you either ask the caller before airing the call whether he or she minds being put on the air, or announce it as you take calls: "Hello, Caller. You are on the air. Please watch your language."

Slander and Libel

These terms constitute "defamation." Defamation is the publication or broadcast of untrue statements about someone else that injure that person's reputation or character. Slander is oral defamation and libel is written defamation. Libel is also used to refer to defamation that is in picture or any other permanent visual form. Obviously slander is KPCA's main concern, but libel can come in to play with flyers you might make for your show or a benefit involving KPCA. Slander in general tends to apply mainly to non-public figures. Here is some information to consider:

A public figure may be an elected or appointed official (a political) or someone who has stepped in to a public controversy (e.g., movie stars, TV stars, star athletes). Public figures have a "harder row to hoe" than the average person since they must prove that the party defaming them knew the statements were false, made them with actual malice, or was negligent in saying or writing them. Proving these elements makes the chance of a successful lawsuit slim. This explains why satires on public figures are popular and don't get too many courtroom responses.

KPCA's Policy on Slander:

- If you have any question about the authenticity or verity of information you intend to broadcast, don't broadcast it.

- Pay attention to what callers or guests say. If you think it constitutes slander, get them off the air immediately.
- If something happens, write it down! Like with obscenity or indecency, show that we were aware of the infraction and made a good faith effort to stop it.

Insults and Epithets

The law has generally seen an isolated insult or an epithet (defined in the present context as a disparaging or abusive word or phrase) as an outburst of emotion, with no real substance except to show dislike. Generally they do not constitute slander.

The important thing about all this is that you have a right to express your opinion, but it has to be simply that, an opinion, and cannot contain specific facts that can be proved untrue.

The Fairness Doctrine

The Fairness Doctrine was abandoned by the FCC in the late 1980s, but KPCA still thinks it's a great idea, so we encourage programmers to follow it. News and public affairs programmers are encouraged to invite people with differing viewpoints to come to the station and air their views to present a balance of opinion on controversial issues. These invitations should include an offer of "equal time," about the same time of day, the same day of the week, and the same length of airtime.

Interviews with Candidates for Public Office

If you have an interview with, or broadcast information about a candidate for office, you are required by law to offer equal time to opposing candidates for the same office on the ballot. Such equal time offers must be documented, preferably by letter, and the letters must be retained by the station for two years in the Public File.

Because of this requirement, it's a good idea to do interviews after elections, so you won't have to interview every candidate for office.

FCC Rules and Regulations

This section of the KPCA Handbook is intended as a guide to the FCC's rules regarding the operation of a non-commercial radio station, and how KPCA interprets these rules. This is not a legal document. Programmers are encouraged to read through the FCC rules and regulations themselves, they can be found online at www.fcc.gov. A more accessible interpretation of the FCC regulations is available in the form of the *Public Radio Legal Handbook*, which is listed under

The Federal Communications Commission

The Federal Communications Commission (FCC) is the governmental regulatory body that oversees the media. A small station like KPCA, with a limited budget, should pay close attention to such rules due to the severe penalties meted out when infractions occur. It is essential for programmers and volunteers to be well versed in FCC rules and regulations.

Quarterly Programming Reports

Every three months, every programmer who hosts a News & Public Affairs show must prepare a report listing community issues covered during the preceding three months. The report must briefly describe both the issue and the date and time that each such program was aired. A quarterly report looks similar to this:

*2008Q2 Report for “A Neighborly Conversation” airing
Wednesdays from 12 p.m. to 1 p.m. unless otherwise noted.
Apr 2: City Council – Place 3 Candidates Forum
Apr 9: City Council – Place 4 Candidates Forum
Apr 16: 12:30 p.m. to 1:00 p.m.: Climate Change in Austin
Apr 23: B.E.A.T. A Discussion on Racism*

This report must be submitted to the Radio Station Manager every quarter. A reminder of this will usually be sent to the mailing list. It’s a good idea to keep an ongoing list similar to this and update it after each show so that you’re prepared to submit it at the end of each quarter. Once these reports are submitted to the Radio Station Manager, KPCA will keep them (“issues/programs lists”) in its Public File until the next grant of the station renewal application has become final.

Obscenity, Indecency, & KPCA Policy

NOTE: This section uses language which some may find offensive. KPCA uses this language here not to offend but to educate KPCA volunteers on FCC requirements.

Every radio station interprets FCC regulations in a way they feel is most compatible with their operations and their understanding of the law. KPCA, with its small budget and relatively small size, interprets FCC rules more cautiously than other non-commercial stations. As a programmer at KPCA, you are expected to follow KPCA’s policies, even if other non-commercial stations do things differently.

The federal law which makes it a crime to broadcast indecent or obscene material reads as follows:

“Whoever utters any obscene, indecent, or profane language by means of radio communications shall be fined not more than \$10,000, or imprisoned not more than two years, or both.” (18 U.S.C., Section 1464) recent fines have exceeded \$500,000.

So what makes something obscene or indecent?

Obscenity: Obscenity is defined by the Supreme Court as material that depicts or describes sexual or excretory acts in an offensive or especially descriptive way, that isn’t moral in light of “contemporary community standards,” and has no serious literary, artistic, political or scientific value.

There is no first amendment protection for obscene speech. Federal, state or local governments can make obscene material illegal without violating your right to free speech.

Community standards are obviously different in different communities; the FCC doesn’t decide what Petaluma’s community standard is. In general, it’s best to play it safe. The content has to be taken as a whole, so critics can’t simply point to one section (a nasty part, or a particularly offensive part), if in fact the work has artistic value.

The law is clear on this: Obscene material can never be broadcast on the radio.

Indecency: Indecent material is “language or material that depicts or describes, in terms patently offensive as measure by contemporary community standards for the broadcast medium, sexual or excretory activities or organs, at times of the day when there is a reasonable risk that children might be in the audience.”

Indecency is more loosely defined than obscenity, but there are important distinctions. One, the FCC has a more strict definition of indecency. Two, one portion of a song can be indecent, and that’s all it takes for a fine (i.e., the work is not taken as a whole). Three, it doesn’t matter if it has artistic value—it can still be indecent.

Indecencies, in general, are fleeting and short, whereas obscenities are long-form profane discourses.

In regards to freedom of speech, the reasoning goes like this: You don’t have a protected First Amendment right to obscene speech, but you do have a right to indecent speech. However, you don’t have a right to broadcast indecent material to children (who might be listening during the day).

Safe Harbor: A time period, called “Safe Harbor,” is when indecent (but never obscene) material may be legally played, between 10 p.m. and 6 a.m.

Defining indecency: The FCC has never provided a list of “indecent words that might be subject to fine; instead, there are court rulings that give an overview of what the FCC has, in the past, found indecent. The general rule for indecent language is that it contains the seven “Pacifica words,” which are so-called because of the court case that defined FCC policy on obscenity and indecency. The words are: **shit, piss, fuck, cunt, cocksucker, motherfucker, and tit**. Basically, any song containing these words can be considered indecent. In the interest of being safe, KPCA also adds the following words to the “danger list”: **asshole, cock** (when it implies “penis”), **dick** (when it implies “penis”), **pussy** (when it implies “vagina”), **snatch** (when it implies “vagina”), and **twat**.

In addition, KPCA would like programmers to be careful in the use of the following words: **ass, damn, bitch, bastard, goddamn, hell, and any racial epithets**. In general, use of some of this set of words may not get you into trouble with KPCA or the FCC, but repetition of them can be construed as indecent or obscene, so KPCA policy is to use them sparingly, if at all.

About those words: The reason that these words are considered “indecent” is they refer to either graphic sexual acts, excretory functions or describe/name the sexual organs. As you have read in the law above, they can be subject to fines and imprisonment.

Other languages: The FCC acts on specific complaints; an obscenity or indecency in any language is illegal.

Wordplay, double entendre, etc. The FCC has fined broadcasters for talking about sex or excretion (or, sometimes simply naming the body parts), but programmers must be careful about jokes or spoofs which imply sexual or excretory activities. An example of a prohibited double entendre is:

Liberace was great on the piano, but he sucked on the organ.

KPCA broadcasters should be aware that songs that have this kind of wordplay, as well as programmers or guests using such language, are subject to FCC rules in this regard.

An important distinction is that something can be obscene without being indecent. For example, a song can describe execratory function or sexual activities without using any indecent language. Programmers should listen to their own materials prior to playing them on the air, to see if they violate FCC rules.

What happens if a programmer plays a song with indecencies or obscenities, or a guest says something indecent or obscene?

- Log the occurrence on the Program Log in the Error section. The FCC only acts on specific complaints, so make sure you make a record of the infraction. Indicate the time of the error and how you corrected it.
- Do not draw attention to the mistake. Don't immediately get on the air to apologize about it. Write it down and don't mention it again. Specifically, if one bad word happens, don't stop the music; if another one happens, fade it out and play another song.
- Do not identify the station after the mistake. If it happens in a song, play another song before an air break or station ID.
- Do not play an underwriting announcement after a mistake.

Remember, you are responsible for the behavior of your guests while in the KPCA studios, including what they may say over the air. Always brief your guests (both those live in the studio and those you are interviewing over the phone) on the FCC regulations and KPCA policies discussed here (obscenity, indecency, calls to action, non-commercialism, plugola, slander, etc.) before putting them on the air. If a guest lets a bad word slip, and you believe it's an honest mistake, make sure to log it and don't draw attention to it. If you think the guest did it deliberately, or if the guest repeats it, take them off the air immediately. Always remember to write any infraction in the Program Log. This shows the FCC that we tried in good faith to prevent the infraction.

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