



KOOP Radio 91.7FM FCC/Policy Handbook



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Contact Information

Physical Address:

3823 Airport Boulevard, Suite B (Southeast corner of Airport Blvd. and 38-1/2 Street intersection)

Mailing Address:

P.O. Box 2116
Austin TX 78768-2116

Phone Numbers:

Office/Executive Director: (512) 472-1369
Office Fax: (512) 472-6149
Studio: (512) 472-5667 (472-KOOP)
(888) 917-5667 (toll free)
Executive Director: Kim McC Carson
Development Director: Leah Manners
Web Address: www.koop.org
eMail Address: info@koop.org
Chief Engineer: Erin Hannan sugaruns@yahoo.com
Engineering/Technical Support Team: techteamKOOP@yahoogroups.com

KOOP General Information

KOOP Broadcast Schedule:

Monday-Friday, 9:00am-7:00pm; Saturdays and Sundays, 9:00AM-10:00pm on 91.7FM, and online at <http://koop.org/> .

Station Meeting

The station meeting is scheduled for the first Monday of each month, unless informed otherwise, and the location is announced ahead of time on the KOOP email list. Everyone is encouraged to attend, those who do will be given 30 minutes of volunteer time

eMail Lists: (subscribe by sending an email request to music@koop.org)

KOOPlist - internally focused list for active programmers, volunteers, and apprentices; Others may request membership on this list

KOOPnews - internal list for Programmers involved in News and Public Affairs programming

KOOPmusic - internal list for Music Programmers and Music Library volunteers

KOOPcouncil - internal list for members of the Community Council

KOOPPC - internal list for members of the Programming Committee

KOOP Tech Team - internal list for the Tech Team

KOOP IT Team - internal list for the Information Technology (IT) Team

KOOP Training Team - internal list for Training Team Members

KOOP Production List

Introduction

KOOP is a 3,000-watt licensed non-commercial community radio station serving Austin, Texas. When we are not on the air, the 91.7FM frequency is used by, KVRX, student radio at the University of Texas at Austin,. At KOOP we are working to create a permanent community resource where anyone can receive training and learn how to promote, produce, and fund a radio show. Being part of KOOP means being part of the most diverse radio station in Austin and central Texas. It can be fun and rewarding, but is also a serious time commitment. With

the exception of paid office staff, KOOP is run completely by volunteers. This means that all programmers are required to do volunteer work for the station, discussed in the following Volunteer Requirements section. KOOP has an annual budget of approximately \$150,000; this money is raised by two membership drives per year, underwriting, fundraisers, city contracts and other grants.

What to expect during the KOOP Training and Apprenticeship Program:

During one of the twice-yearly orientation sessions, you will begin your journey through the KOOP training process. You will learn all about the station, office and studio, and be introduced to the apprenticeship program, where you will be matched up with a current KOOP programmer. During the apprenticeship you will gain valuable hands-on instruction to develop the skills required to successfully produce and engineer a program at KOOP.

Introductory Studio Training will cover the basics of the studio, control board and the music library. After which, you will get experience with the broadcast equipment. Following Hands-on Training you will be scheduled to take a demonstration and a written test which are required for you to become a programmer.

If at any time you have questions about the training process, contact your assigned programmer or the Apprentice Coordinator.

KOOP's Mission Statement

KOOP 91.7 FM's mission is to provide high quality, innovative, and diverse community-oriented programming to Austin with an emphasis on those communities that are ignored or under-served by mainstream media, including serving and promoting specific communities; African American, Asian American, Chicanos/as, Elders, Gays and Lesbians, Homeless, Immigrants, Indigenous People, Latinos/as, People with Disabilities, Women, Working and Poor People, Young People, and other communities. KOOP supports the struggle for social justice and peace, and will operate with a high level of participation and accountability to the communities being served.

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Volunteer Requirements

KOOP is a non-profit corporation that relies almost entirely on volunteers for all aspects of operations. Currently, the only paid positions at KOOP are the Executive Director, Development Director, and a part-time Bookkeeper. The daily operation of the station alone is a huge task. Because of this, KOOP has a specific volunteer policy:

- a. Anyone may be a volunteer member of KOOP radio. This requires 1 hour of volunteer time a month and 10 volunteer hours per Membership drive.
- b. Every programmer must be a volunteer member of KOOP in good standing in addition to meeting their volunteer requirements for being on the air -- each programmer must complete an additional half-hour of volunteer work per hour of broadcast time

Member Type	Show Length	Monthly Hour Requirements		
		Volunteer	Show	Total
Volunteer		1		1
Programmer	30 Minutes	1	1	2
	60 Minutes	1	2	3
	90 Minutes	1	3	4
	120 Minutes	1	4	5

- c. Within the yearly hour requirement, all programmers must complete 10 hours for each membership drive which counts for 20 of the 30 necessary volunteer hours. KOOP currently conducts one membership drive in the Spring and one in the Fall.
- d. Each program must have a "Programmer of Record." This is the contact person who is responsible for making sure the program goes on air with a KOOP certified engineer. Their name and contact information must be made available to the staff.

NOTE: Programmers cannot "make up" hours missed during one membership drive except with permission by the Executive Director and under extraordinary circumstances.

Because of the amount and variety of work at the station there is no way to get out of doing volunteer hours, **NO EXCEPTIONS!** If a programmer does not keep current on volunteer hours, they will be suspended and their program possibly cancelled.

YOU are ultimately responsible for keeping up with your volunteer hours. Each month, you must:

Contact the Area Coordinators for each area in which you completed volunteer hours. Include:

1. The number of hours
2. The date the hours occurred on
3. A brief description of the task you performed to earn those hours

Area Coordinators will in turn report your hours to the Volunteer Coordinator. Volunteer hours must be approved by the Area Coordinator before they will be entered. It's important that volunteers and programmers send their hours to the Area Coordinator by the fifth of the month.

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If you want to volunteer but don't know what to do, contact the office staff or any area coordinator – there is **ALWAYS SOMETHING** that needs to be done at the station. Here are a few volunteer ideas:

- Helping in the office
- Cleaning the station
- Soliciting underwriting,
- Working with collectives (News & Public Affairs, etc.),
- Working with the Community Council
- Contribute to the Music Library: (reviewing CDs, shelving newly reviewed material, maintaining the library)
- Maintain the station's on-air equipment, and keep the office equipment running with the Tech Team
- Make public service, promotion, and underwriting announcements with the Production Team.
- Substitute for shows.
- Attend the monthly station meeting
- Attend other meetings regarding station business: Membership Drive, Training, Programming Committee & Board of Directors. .As long as you participate in the meeting, it will count towards volunteer hours.

Generally speaking, if you see something at the station that could use some improvement, please take it up with an Area Coordinator. It could be something we're already working on, or it could be a new direction in which KOOP should move. In any event, please remember that without volunteers, KOOP radio would not exist. A list of the current Area Coordinators and their contact email is below:

Kim McCarter, Executive Director, Office and Administrative: kim@koop.org
Leah Manners, Development Director, Promotions & Underwriting: leah@koop.org
Scott Gardner, Parties & Benefits: unkraut@austin.rr.com
Diana Mitro, Tech Team: polynitro@yahoo.com
Edward Johnson, Production: magicelj@austin.rr.com
Irma Conti, Spanish Translation: ibgconti@austin.rr.com
Thomas Durnin, Training: tpdurnin@gmail.com
George White, Music Library & Show Substitutions: music@koop.org
Charles Martin, Local CD Reviews: austinmusic@koop.org
Mark Boyden, IT Team: mark.boyden@noise.org
Dan Cofer, Gina Gutierrez, Donelle McKaskle: Volunteer Coordinators: volunteer@koop.org

Up-to-date Area Coordinators can be found on KOOP's policy pages on the internet:

<http://www.koop.org/volunteer>

In addition, different committees (like the Board of Directors, Community Council, and Programming Committee) have elected members who serve as Area Coordinators. If you do work for those committees, please ask who the AC for the committee is.

If you have a question about volunteer work you've done and who your Area Coordinator might be, contact your assigned programmer or the Volunteer Coordinators.

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Warnings and Suspensions

KOOP has a policy for on-air infractions and their consequences, which is available at the end of this section and online at <http://koop.org/>.

In addition, programmers or volunteers found with drugs or alcohol on their person while at KOOP 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 KOOP premises.

The following constitute infractions for which warnings and suspensions may result, and can be found on the Warning and Suspension Form as shown in Appendix A. There is a policy of two warnings issued before an outright suspension.

- Not showing up for or arriving unreasonably late for your on-air shift.
- Lack of volunteer hours.
- Failure to fulfill the minimum membership drive participation hour requirement
- Failure to comply with FCC regulations
 - Obscenity 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 Executive Director.
- 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), Short-Term Underwriting Announcements (SUAs), or Promotional Announcements (Promos)
 - Failure to log transmitter power meter information
 - Failure to air and/or log legal IDs
 - Failure to complete the Giveaway Information Form (see Appendix B and the discussion under Section E concerning giveaways at KOOP).
- Bringing drink or food into the on-air studios.

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KOOP's Governance

KOOP is ultimately governed by its members, and there are several member classes: programmer, volunteer, community member, business member, and KOOP supporter (the people who give so generously to KOOP during our Membership Drives). KOOP members vote for the candidates for the Board of Directors and the Community Council. Elections happen in October, with terms of office starting in November.

The Board of Directors is the governing body of KOOP. There are seven members who serve staggered two year terms. Anyone can run for the Board of Directors, and the duties of the Board include: making policy for the station, hiring of the Executive Director, and approving the budget for the station.

The Community Council is KOOP's community outreach and station advisory body. There are sixteen members of the Council, who serve staggered two year terms; eight of those members represent community organizations, while the other eight represent business, volunteer and individual supporter members.

One other elected body at KOOP is the Programming Committee, which is elected by KOOP's programmers and volunteers. This is the body that oversees KOOP's schedule, including making decisions about KOOP's schedule changes during the two six-month "seasons" of programming during the year. Programming Committee members serve staggered two year terms, with the election in October and the term starting the first Saturday in November.

If you are interested in serving on one of these bodies, or simply want more information, you are encouraged to read KOOP's By-Laws and the Programming Policy document, available online at: <http://www.koop.org/?page=aboutkoop>

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FCC Rules and Regulations

This section of the KOOP Handbook is intended as a guide to the FCC's rules regarding the operation of a non-commercial radio station, and how KOOP 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.

What is the Federal Communications Commission? Why is it important? The Federal Communications Commission (FCC) is the governmental regulatory body that oversees the media. A small station like KOOP, with a limited budget, should pay close attention to such rules due to the severe penalties meted out when infractions occur. KOOP believes that 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 12PM to 1PM unless otherwise noted.

Apr 2: City Council - Place 3 Candidates Forum
Apr 9: City Council - Place 4 Candidates Forum
Apr 16: 12:30 PM to 1:00PM: Climate Change in Austin
Apr 23: B.E.A.T. A Discussion on Racism

This report must be submitted to the executive director 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 each quarter. Once these reports are submitted to the Executive Director, KOOP will keep them ("issues/programs lists") in its Public File until the next grant of the station renewal application has become final.

Obscenity, Indecency, & KOOP Policy

NOTE: This section uses language which some may find offensive. KOOP uses this language here not to offend but to educate KOOP volunteers on FCC requirements. We apologize if anyone is offended by this language.

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

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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, then, is obscenity and indecency?

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 Austin'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 measured 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.

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: An arbitrary time period, called “Safe Harbor,” exists now when indecent (but never obscene) material can be legally played. It's 10:00pm to 6:00am. This doesn't apply to KOOP since we are never on the FM air waves at these times. In effect, **indecent material can never be played on KOOP.**

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Defining indecency: The FCC has *never* provided a list of “indecent” words that might be subject to fine; instead, there are court rulings which 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 which defined FCC policy on obscenity and indecency. The words are: *shit, piss, fuck, cunt, motherfucker, cocksucker, and tit*. Basically, any song containing these words can be considered indecent. In the interest of being safe, KOOP 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, KOOP would like programmers to be careful in the use of the following words: *ass, damn, bitch, bastard, goddamn* and *hell*. In general, use of some of this set of words may not get you into trouble with KOOP or the FCC, but repetition of them can be construed as indecent or obscene, so KOOP 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: Since 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. One of the most famous double entendre is this:

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

KOOP 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. KOOP’s musical library contains “reviews” on the materials there that point out where FCC violations occur. 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, or a guest says, something indecent or obscene? Here’s the KOOP policy:

- Attempt to use the profanity delay (dump button) to prevent it from being aired.
- 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 record. But if another one happens, fade it out & play another song.
- Do not identify the station after the mistake. If it happens in a song, play another song before an airbreak or station ID.
- Do not play an underwriting announcement after a mistake.

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Guests and bad words. Remember, **you are responsible for the behavior of your guests while in the KOOP 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 KOOP 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. Again, attempt to prevent it from airing by using the profanity delay (dump button) feature. If you think the guest did it deliberately, or if the guest repeats it, take him or her 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.

KOOP as a Non-Commercial Station

What non-commercial means:

KOOP has a non-commercial license, which means we cannot run advertisements or other commercial-oriented material. In the United States, the FM band between 88 and 92 MHz is allocated for educational and non-commercial use.

What makes something non-commercial?

If it sounds like a for-profit organization, or a non-profit organization **other than KOOP** 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 KOOP. 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. (*Reference: USC, Communications Act, Section 399B; CFR, Section 47 73.503 and 73.621; FCC Notice FCC 86-161(51 Federal Register 21800, June 16, 1986)*)

KOOP Can:

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

KOOP Cannot:

- Air **price information** (including announcing something as "free") of any entity (profit or nonprofit) outside KOOP. This includes announcements concerning the rate of interest or other indications of savings or value associated with a product.
- Urge the listener to patronize business or attend a function not sponsored by KOOP.
- Air announcements containing an inducement to buy, sell, rent or lease.
- Air announcements containing comparative or qualitative language.

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- 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,” “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 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 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 thoe 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 which may be exploited for personal gain. If a programmer is paid to participate in an event or activity outside the station, the station may provide only “ordinary publicity” (1 or 2 mentions) to the 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.

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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.

KOOP’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 station management for any clarification you might need. The Executive Director can suspend or cancel a show which is using the airwaves to make money for the programmer or any organization he or she is involved in.

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

Underwriting

KOOP 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, “This portion of programming is brought to you in part by . . .” 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-for-profit organization”. Additionally, the Texas 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 Executive or Development directors before airing, unless their approval is implicit, such as a KOOP raffles or fund-raisers.

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.

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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 KOOP. KOOP 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 KOOP 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 KOOP. Sensitive listeners may wish to tune out at this time.”

Editorials

KOOP 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 KOOP 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 our 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 reasonably 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 is:

“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 reasonably be presumed (for example, telephone calls to programs where the station customarily broadcasts the calls).”

KOOP requires that you either ask the caller *before airing the call* whether he or she minds being put on air, or announce it as you take calls.

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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 KOOP's main concern, but libel can come into play with flyers you might make for your show or a benefit involving KOOP. 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 politician) or someone who has stepped into 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.

KOOP's Policy on Slander

- If you have any question about the authenticity or verity of information you intend to broadcast, don't broadcast it. Period!
- 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 1980's, but KOOP 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.

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Interviews with Candidates for Public Office

If you have an interview with, or broadcast information about a candidate for **federal** office, you are required by law to offer equal time to opposition candidates on the ballot for the same office. 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 primary elections, so you won't have to interview every candidate for office.

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