



High Desert Community Radio

# Volunteer Handbook

**88.9 KPOV FM**  
High Desert Community Radio

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# **WELCOME!**

Thank you for your interest in KPOV High Desert Community Radio.

KPOV volunteers—no matter what jobs they take on—are the people who keep this station on the air every day. KPOV simply would not happen without our volunteers.

We appreciate your offer to serve as a volunteer and we look forward to working with you to provide our community with the very best in radio programming.

You are joining in an exciting adventure that started with just a handful of Bend residents and has grown to include hundreds of volunteers who believe in the mission and values of KPOV.

When you volunteer at KPOV you are responsible for the station and help represent KPOV in the community.

This handbook will help begin your volunteer experience and will serve as an on-going reference guide as we work to make community radio significant and valuable in Central Oregon.

Please enjoy yourself at KPOV. It is the hope of staff and the Board that all volunteers have a positive and pleasurable experience. We want this to be fun for everyone.

Please read this Volunteer Handbook thoroughly. We ask that you sign a Volunteer Agreement verifying your understanding and acceptance of the responsibilities for the policies outlined.

Thanks again for your interest and support. WELCOME!

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# PURPOSE

This handbook provides a fundamental orientation to **KPOV**. Thorough understanding and compliance with this Handbook are required of all volunteers at **KPOV**.

What does it mean to be a KPOV Volunteer? Volunteers help in the front office, behind the scenes, host a show or help out with special events. Volunteers ARE KPOV. Personalities and creativity define the station's on-air sound. KPOV volunteers represent a broad range of ages, backgrounds, points of view, musical tastes, and modes of expression. Broadcasting volunteers have both great freedom and a great responsibility. Treating this opportunity with care and respect is expected of all volunteers.

The operating policies of **KPOV** are based on our mission –

**Mission:** KPOV is radio by the people and for the people of Central Oregon. KPOV strengthens community, arts, culture, and democracy through independent, non-commercial radio.

This handbook briefly outlines volunteers' rights and responsibilities. The procedures and practices outlined in this handbook may change from time to time as necessary. **Each volunteer is responsible for knowing and understanding his/her rights and responsibilities and keeping up to date with changes.** Volunteers needing clarification or additional information about any material in this handbook should contact the KPOV **Executive Director**.

## Handbook, regulations and policy updates

Any changes in FCC or **KPOV** policies will be posted on our notice/bulletin board in the back room of the KPOV office. All **KPOV** personnel are expected to read these updates on a regular basis. Copies of this manual will be kept in the office and will be available for check out.

# **KPOV FM: MISSION AND VALUES**

## **Vision**

KPOV is a respected source of ideas, promoting an engaged, thoughtful community.

## **Mission**

KPOV is radio by the people and for the people of Central Oregon. KPOV strengthens arts, culture, community, and democracy through participation in independent, non-commercial radio.

## **Values**

At KPOV, High Desert Community Radio, we value:

- Grassroots participation in the station and community
- Dialogue over debate
- The dignity of our listeners
- Entertaining local programming
- Equality, peace, and economic justice
- Solutions
- Diverse voices not commonly heard in the mainstream media
- Healthy individuals and community

## **Commitment**

KPOV is committed to diverse local programming focused on the following key areas:

- Arts and culture
- Community, neighborhoods, and schools
- Environment
- Human rights and social issues
- Spirituality and health
- Sustainable businesses and economy

# **KPOV FM: BACKGROUND AND INTRODUCTION**

**KPOV** is a DBA for the Women's Civic Improvement League, a 501(c) 3 tax-exempt corporation founded in February 2003. The station is managed by a volunteer Board of Directors and is supported at a grass roots level with a diverse team of volunteers. The station's call sign is **KPOV**.

## **Purpose of the Organization**

The purpose of KPOV is to operate a non-profit, non-commercial community radio station.

## **History**

The Federal Communications Commission (FCC) grants licenses to two types of radio stations: commercial and non-commercial. Commercial radio stations are licensed to a group of investors who make money from station profits. Non-commercial radio stations are licensed to a variety of

non-profit entities ranging from state agencies to school boards, universities, and community groups.

Historically, most non-commercial stations were owned, operated, and financed by educational institutions. But since 1949, when the first Pacifica station was founded, non-commercial licenses have been granted to non-profit corporations of community individuals. These are community radio stations. **KPOV is a non-commercial, non-profit, community station. KPOV is NOT a public radio station, we receive no public funding.**

In January 2000, the Federal Communications Commission (FCC) adopted rules creating a new, low power FM radio (LPFM) service. LPFM stations are authorized for noncommercial educational broadcasting only (no commercial operation) and operate with 100 watts or less. Under these rules, small community groups are allowed to reach out via ordinary radio signals to listeners in local areas. In April 2000, the Commission began soliciting for applications from community groups who wished to start stations under these new rules. Applicants were to be non-commercial, local groups.

When the FCC opened a window of opportunity to citizen groups to apply for LPFM stations in June 2001, eight organizations applied for the single frequency available in Bend. Central Oregon Community College applied as well, but later withdrew their application due to budget concerns. The other seven organizations that applied were:

- Arts Central
- Bend's Community Center
- Central Oregon Environmental Center
- Human Dignity Coalition
- ReSource
- Seventh Day Adventist Church
- Women's Civic Improvement League

According to FCC rules, only one organization can hold the permit. To resolve a situation where there were more applicants than frequencies, the FCC opened a "settlement window" in October 2003. During the window, six groups withdrew their individual applications and joined together to request the FCC to grant the license to the Women's Civic Improvement League (WCIL.) At that time WCIL was a small community group modeled after the historic women's group formed in 1919 to save what is now known as Drake Park.

The groups were willing to withdraw because the founders of WCIL were committed to the concept of a true community based local station. WCIL members were willing to change the name of their unincorporated organization to Bend Community Radio, incorporated, and vote radio proponents onto the board of directors. The non-profit organizations that initially applied for an FCC license are now members of the Founder's Circle.

A settlement agreement was drawn up by a broadcasting attorney in Washington DC. This enormous accomplishment—a contract sharing this community opportunity--culminated three and a half years of working toward an independent community radio station. WCIL received the construction permit from the FCC on February 12, 2004.

The construction permit from the FCC authorized the construction of an LPFM transmitter. The permit granted 18 months to go on the air. KPOV began broadcasting on Sunday, June 26, 2005, 1:00 pm on 106.7fm.

The call letters -- **KPOV** -- represent Point of View. The historical nickname of KPOV was “The Point.” “The Point” is no longer used as an on the air nickname, though we do have a flagship weekday morning show called “The Point.”

The startup budget for KPOV was \$50,000. Funds came from local community members and local businesses with only about \$7000 from small grants.

In 2011, following a three-year campaign, KPOV moved from low-power (one watt) broadcasting from Awbrey Butte to full power (1100 watts) broadcasting from Pine Mountain, moved from 106.7 to 88.9 FM, became “High Desert Community Radio,” and expanded our listenership area from just Bend to include Redmond, Sisters, Terrebonne, Prineville, Fort Rock, Christmas Valley, and a significant portion of rural Central Oregon.

## **ROLES, DUTIES AND RESPONSIBILITIES**

KPOV is operated by the Board of Directors, volunteers, and employees.

### **Board of Directors**

The all-volunteer **Board of Directors** advocates for and supports KPOV, ensures legal compliance, and stewards the fiscal operations of the station.

### **Volunteers**

**KPOV** relies almost solely on volunteers. On-air and office support comes from a broad cross-section of community volunteers. Volunteers are expected to follow the provisions in this manual as well as all KPOV rules and regulations.

### **Employees**

KPOV currently employs an Executive Director, Development Director, Programming Manager, and Office Manager.

### **Committees**

There are four primary committees at KPOV comprised of community volunteers. They include:

- **Operations Committee** focusing on station procedures, policies, and equipment.
- **Programming Committee** ensuring that KPOV programming meets the mission and vision of the station.
- **Events Committee** promoting outreach to the community and financial support for the station.
- **Community Advisory Board** reviewing the station programming goals and the service provided to our community.

**Oregon is an at-will employment state and your volunteer position with KPOV is at-will.** This means that neither you nor KPOV has entered into a contract regarding the duration of your volunteering. KPOV has the right to terminate your volunteering or otherwise discipline or transfer you at any time, with or without reason. Likewise, you are free to terminate your volunteering with KPOV at any time, with or without reason. Out of consideration for the many volunteers you will be working with at KPOV, please give us reasonable notice (two weeks minimum) if you decide to leave us and you hold a regularly scheduled function at the station.

## **COMMUNICATION POLICIES**

### **Volunteer Contact Information**

All volunteers are expected to provide:

- current address
- telephone number
- e-mail and emergency contact information on file with the station

*Contact information **will not** be released to outsiders without the permission of the volunteer.* In all other cases, the information is for internal use only. Background checks are required for volunteers who work directly with youth – either station programs and/or projects.

### **Messages and Mail – Front office volunteers**

Front office volunteers will each have a folder in the front office. Any written messages will be placed in volunteer folders. Any mail that arrives at KPOV, regardless of addressee, is the property of KPOV.

### **Answering the phone**

When answering the KPOV office phone please respond “KPOV, this is\_\_\_\_\_” and your name.

### **Answering Questions from Listeners and the News Media**

KPOV policy does not allow the distribution of volunteers’ personal information without the consent of the volunteer.

All media requests or inquiries should be forwarded to the KPOV **Executive Director** or the President of the Board of Directors.

### **Restrictions to Representation of KPOV**

Individuals may not represent KPOV to the public without the direct authorization by the KPOV Executive Director or the President of the Board of Directors. Volunteers must obtain permission from the KPOV Executive Director before writing any letter or article for publication or making any public address (i.e., posters, billboards, flyers, advertisements) in which they, in any way, officially represent KPOV. Upon completion, such an article or correspondence must be approved by the KPOV Executive Director prior to publication or delivery. KPOV volunteers may not solicit donations of goods or services on behalf of the station, without staff approval.



## **Use of KPOV Logo and Letterhead**

The KPOV logo may be used only with express permission of the Board of Directors and/or the Executive Director. Unauthorized use of the KPOV logo may result in disciplinary action.

If DJs choose to create promotional material, such as flyers or business cards, for their show, the Executive Director must approve the completed materials prior to distribution.

Volunteers may not use **KPOV** letterhead for correspondence without express permission from the Executive Director or Board of Directors. Copies of all KPOV correspondence must be on file.

**KPOV** may hold any volunteer personally liable whose unapproved public comments or behavior results in expenses, legal charges, or fines. **KPOV** may pursue legal remedies, if necessary.

## **Public Events and Political Activities**

### **1) When attending an event as a representative of KPOV or broadcasting such an event:**

By policy, the station's stance is non-partisan, and the station does not take editorial positions on political issues. When representing KPOV please keep this in mind. Please do not take any positions on political issues as a representative of KPOV.

### **2) When attending an event NOT as an authorized KPOV representative:**

At public events, political rallies, and/or fundraisers, volunteers must make clear to others that they represent only themselves and not KPOV. This includes performing as a DJ at a club, party or on stage.

# **CONDUCT**

## **Courtesy**

Volunteers are expected to behave courteously toward everyone they encounter at the station, including phone callers.

## **Harassment**

KPOV seeks to create and maintain a respectful and safe environment free from all forms of discrimination and harassment. Discrimination and harassment of any kind is unacceptable at KPOV. Everyone should be treated with courtesy and respect at all times.

As used in this Handbook and in the Harassment Policy Addendum, the term "harassment" includes sexual as well as harassment based on any of the categories listed in the General Statement section of the KPOV Harassment Policy Addendum. Any behavior that fosters a hostile work environment is prohibited. While KPOV strives to maintain an informal environment, comments about any of the categories listed in the General Statement section of the KPOV Harassment Policy Addendum that may be intended as jokes or casual observations can cause some people to feel unwelcome and may create a hostile environment. All KPOV community members must strive to be sensitive to the reactions of others and responsible for informing someone if their language or behavior is offensive.

It is not considered harassment, discrimination, or other behavioral misconduct of any sort for KPOV to enforce job performance and standards of conduct in a consistent manner.

Please refer to the KPOV Harassment Policy in the appendix for more detail.

### **Smoking**

KPOV is located on school property and smoking is not allowed inside the building or on the grounds surrounding the building. The grounds include all of the area inside the chain link fence and the Boys & Girls Club property.

### **Alcohol, Drugs, and Illegal Substances Policy**

*Possession and/or consumption of alcoholic beverages or illegal drugs or substances by volunteers or their guests in the studio, offices, or surrounding grounds is justification for dismissal. The Bend-LaPine School District prohibits alcohol and drugs on their property.*

KPOV strictly forbids possession and/or use of alcoholic beverages, marijuana, marijuana-based edibles, or illegal substances in the station. KPOV also strictly forbids the presence of empty alcohol containers at KPOV.

KPOV strictly forbids the possession and/or use of any illegal substance on the premises of KPOV or on the surrounding grounds. The grounds include the parking lot adjacent to the station and the Boys & Girls Club property.

Possession and/or consumption of alcoholic beverages, marijuana, marijuana-based edibles, or illegal drugs and substances by volunteers in the studio, offices, surrounding grounds, or any space occupied for KPOV purposes are justification for immediate dismissal.

### **First Violation — immediate dismissal.**

The first violation is grounds for immediate dismissal.

### **Housekeeping**

KPOV intends to present a professional looking office and professional-looking studios. Volunteers must keep the station studio and office neat and orderly. Volunteers are expected to clean up after themselves (including the bathroom), to place litter in the proper bins, and to return equipment and materials to where they belong.

Volunteers must not store personal items in the station except in their mailboxes or folders.

### **Parking**

KPOV shares the parking lot with the Bend La Pine School District and parking is on a first-come, first-serve basis. Other parking is available on the street nearby. There is one space near the northeast corner of KPOV reserved for cars displaying a disabled-parking permit.

### **Bikes**

Bikes are encouraged at KPOV. Bike racks are provided near the front door of the station.

### **Pets**

Well behaved dogs are permitted in the building.

### **Station Closures**

If a decision is made to suspend operations, volunteers will receive official notice from the Executive Director. While phone/text will be the first avenue of communication, notification may be made via e-mail, web site posting or a sign on the door.

### **Food and Drink**

Food and drink are not allowed in the broadcast, production and recording studios because accidents could damage station equipment.

## **SECURITY AND BUSINESS HOURS**

All KPOV volunteers are responsible for taking reasonable steps to ensure the safety and security of the station facilities and equipment. Volunteers have the right and responsibility to question any stranger on the premises. Volunteers have the right to ask anyone to leave immediately if they are disruptive, threatening, or behaving suspiciously. If any situation threatens the building or interferes with station control of the broadcast signal, volunteers should request assistance from the KPOV Executive Director or, if necessary, Bend Police.

A volunteer who admits visitors into the station is responsible for the conduct of whomever they admit and may be held liable for equipment that is damaged or stolen by visitors. A visitor is anyone at the station who is not a volunteer or staff member.

**YOUTH Volunteers:** Volunteers, who are 15 or younger, must be accompanied at the station by an adult age 21 and older (parent, guardian, sibling, or another KPOV volunteer or staff member who has had a background check and been cleared to work with youth).

### **Business Hours**

KPOV is presently open for business from 9 am to 1 pm on weekdays. The station doors will be locked when the station is unattended. During other hours, the station is only accessible via the side door (facing north toward the school administration offices). The reception area and offices may be locked after 5pm. Volunteers are expected to lock the outside entrance doors of the building when leaving the station and no other volunteer or staff member are present.

Volunteers who find entrance doors unlocked during non-business hours should lock the doors and inform the KPOV Executive Director immediately.

### **Key/Access Policy**

Volunteers who are KPOV-members and who need to enter the station for a broadcast shift, for a production studio session, or other KPOV-related work after business hours, will be provided with an access code to enter. The guest combination will be changed on a regular basis.

The KPOV Office Manager is responsible for the distribution and record keeping of the access code to eligible KPOV-members.

Keys to the building are distributed to staff only and may not be copied.

# PERSONNEL POLICIES

For these purposes, volunteers are considered personnel at KPOV.

## **Discrimination policy**

KPOV 88.9, High Desert Community Radio, will not discriminate on the basis of:

- Race
- Creed
- National origin
- Religion
- Marital status
- Age
- Mental or physical disability
- Gender
- Gender identity
- Sexual orientation
- Source of income

This non-discrimination policy of KPOV applies to staff, volunteer practices, selection of Board members, and selection of students or acceptance of clients for its services or products.

## **Minor policy**

Minors are an important part of our broadcasting community. Moreover, our agreement with the Bend-La Pine School District (AKA, “the landlord”) underscores KPOV’s need to support the education of youth in media-arts.

To ensure their safety, all volunteers who are minors are to bring a signed minor-consent form from their parents or guardians. The forms are available from the Office Manager. Minors who broadcast on air will do so in the presence of an adult, as stated above. Otherwise, minors are subject to all the same requirements as adults who wish to volunteer at KPOV.

Youth volunteers, age 15 or younger, must be accompanied at the station by an adult age 21 and older (parent, guardian, sibling, or another KPOV volunteer or staff member who has been cleared by background check).

## **Expense reimbursement**

Out-of-pocket expenses will not be reimbursed unless **PRIOR** permission for purchases has been received from the Executive Director, Office Manager, or the Treasurer.

## **Donations from Volunteers**

Purchases in exchange for membership are discouraged. Cash/check/credit is much easier for KPOV to process. If an exchange is desired prior permission from the Executive Director or the Treasurer must be obtained, and a receipt provided. Upon following this procedure, a reimbursement will be made, and a donation accepted.

# FCC INSPECTIONS

The FCC is allowed to enter and inspect the station premises without notice during regular business hours. All KPOV volunteers should be prepared to greet an unannounced FCC visitor with complete respect, honesty, and hospitality. All on-air volunteers must be prepared to assist with an FCC inspection should the need arise. If an FCC inspector arrives at the station and no manager is present, the volunteer who greets the inspector should immediately try to contact the KPOV Executive Director or a Board Member, so that a manager can be present during inspection.

## Public File

All broadcast stations are required by the FCC to maintain a “Public Inspection File”, containing a variety of information about each station’s operations and service to its community of license, including information about political time sold or given away by each station, quarterly lists of the most significant programs each station aired concerning issues of importance to its community, data on ownership of each station and active applications each station has filed with the Commission.

Public Inspection files are now maintained online at <https://publicfiles.fcc.gov/>. If a KPOV volunteer receives a request to view the file, they can direct the inquiring person to a link at the bottom of the homepage of KPOV’s website, [kpov.org](http://kpov.org).

# EMERGENCIES

## Accidents

KPOV expects all volunteers to be safety conscious. If an accident or injury occurs, volunteers must respond immediately (i.e., call 911, if needed) and then report the accident to the KPOV Executive Director as soon as possible. The Executive Director will determine the appropriate action. A first-aid kit is located in the kitchen area.

In addition to appropriate response to the accident or injury, injuries requiring ambulance attendance should be followed by notification to the volunteer’s emergency contact person on file. Call the Office Manager or Executive Director immediately for emergency contact information.

The volunteer requiring transportation in the case of an emergency will be responsible for any transportation charges or costs. KPOV volunteers and staff will not be responsible for the transportation of another volunteer due to potential liability to the station.

## Fire

In case of fire, the following procedure must be followed:

1. Evacuate in a calm and orderly manner
2. Call Bend Fire (911)
3. Use extinguisher located in kitchen area if possible

4. Close doors to prevent the fire from spreading

### **Bomb Threat**

**All bomb threats should be taken seriously and acted upon.** If the station receives a bomb threat, the following procedure must be followed:

1. Evacuate the building
2. Call the Bend Police (911)
3. Do not re-enter the building until the police or fire department have declared it safe to do so.

## **PROPERTY**

All volunteers are expected to exercise care in the use of station property (building, supplies, and equipment) and to use such property only for authorized purposes. Negligence in the care and use of such property may be considered cause for dismissal. Management must approve personal use of station property in advance. Established check out procedures must be followed. Unauthorized removal of KPOV property from the premises, or its conversion to personal use, will be considered sufficient cause for dismissal, and the appropriate authorities may be notified.

All program materials produced by KPOV volunteers using KPOV equipment or supplies remain the exclusive property of KPOV unless arrangement is made in writing for special exemption, or a contract is negotiated with the KPOV Board of Directors in which KPOV assigns its rights. This includes the names of shows, they are the property of KPOV.

Volunteers who accept funds or goods on behalf of KPOV (such as original CDs) must turn them over to the KPOV Executive Director on the first working day following acceptance.

**The station assumes no responsibility for loss or damage to the personal property of a volunteer.**

- **Telephone:** To ensure that staff, hosts, and listeners can contact KPOV on a timely basis, volunteers are discouraged from using the KPOV telephone lines for personal reasons. Phone use is for KPOV business only. Personal calls should be restricted to those of a critical nature only and limited in time to ensure lines are available. Long-distance calls shall be made only with approval of Executive Director.
- **Copy machine:** Copy machine should be used only for KPOV business. Large projects (25 copies or more) are to be approved by Executive Director.
- **Internet:** Access to the Internet should be restricted to KPOV business including e-mail access for listener correspondence and for show research. Unauthorized or inappropriate use of the Internet may result in dismissal. To protect KPOV systems, hosts and KPOV volunteers shall not download music from the Internet except with express approval from the Executive Director. KPOV is not responsible for music charges incurred.

## **Music Library**

KPOV has a digital music library available to current DJs for use on their shows. DJs can access, listen to, and transfer the files to their personal storage devices. The library is accessible from any computer at the station, on the “L:” drive.

KPOV no longer maintains a library of physical music media (CDs or LPs), with the exception of a collection of local music CDs kept in the broadcast studio. CDs donated to, or otherwise acquired by, the station will be ripped to the KPOV electronic music library, and the physical media donated, or otherwise disposed of, at the discretion of KPOV staff.

The basic rule about the use of music in the KPOV collection is to respect it, as it belongs to another volunteer or to the station. Handle CDs and other materials with care, and do not remove them from the studio. All personal items should be clearly marked with the owner's name.

All music that is played on KPOV should be music that is released by the artist/record label. It is not legal to broadcast bootleg recordings or other non-commercial recordings without the permission of the artist.

## **Streaming Services**

DJs/volunteers assume all responsibility and liability if they choose to play music from a streaming service that they subscribe to. It is the volunteer's responsibility to make sure that they are following the Terms of Service of the streaming service that they subscribe to.

## **Music Acquisition**

Music acquired from music companies, agents, or artists as a result of KPOV affiliation is the property of KPOV.

KPOV generally does not purchase recorded music. The music library mainly includes donated items. Upon receipt, a volunteer will mark the music as KPOV property.

KPOV authorizes the KPOV Executive Director to decide how to allocate the donated music including, but not limited to, being catalogued for the library, given away on-air, used as premiums, or sold at record sales.

Individual volunteers may be authorized by the KPOV Executive Director to correspond with – or otherwise contact – music companies, agents, or artists in order to acquire music for the station appropriate for their shows. Volunteers are expected to keep the KPOV Executive Director informed of their activities. In making these contacts, volunteers who misrepresent their role or make negative or derogatory statements about the station or other volunteers may be subject to disciplinary action and/or dismissal.

If any benefits, such as concert tickets or free CDs, related to these activities become available, the volunteer and the KPOV Executive Director will reach an agreement on the disposition of these complimentary items. These items are called “consideration” and have value and therefore, may fall under the underwriting policies.

## **Archives**

No original recorded material may be taken from the studio or the archives. KPOV owns all the materials produced for its airwaves, including shows and show names, and these materials may not be posted on music streaming services such as Mixcloud without permission from the Executive Director. Volunteers who wish to use recorded material on air should talk with the Executive Director.

## **Personal property**

All studio users are solely responsible for their personal materials on the station premises. KPOV will not be responsible for any damage to or loss of personal materials while on KPOV premises, regardless of the cause.

# **FUNDRAISING AND UNDERWRITING REQUIREMENTS**

## **Business, Organizational and Foundation Donors**

Businesses and organizations support KPOV through underwriting and event sponsorships. Foundations support KPOV through grants.

Volunteers are encouraged to help identify potential business, organizational or foundation supporters of KPOV and to forward this information to either the Executive Director or Development Director.

**Volunteers are not allowed to solicit donations of goods or services, negotiate agreements, or accept underwriting or sponsorship contracts without prior approval from the Development Director or Executive Director.**

Comments and/or questions regarding KPOV underwriting, underwriting policies, and sponsorship policies should be directed to the KPOV Development Director.

# **RESPONSIBILITIES FOR SHOW HOSTS AND DJS**

The on-air section of this handbook provides a fundamental orientation to the federal regulations and station policies that define the rights and responsibilities of broadcasters. Thorough understanding and compliance with this entire Handbook is required of all broadcasters at KPOV.

Our broadcasting volunteers have both great freedom and a great responsibility. Treating this opportunity with care and respect is expected of all volunteers.

The operating policies of KPOV are based on our mission –

**Mission:** KPOV is radio by the people and for the people of Central Oregon. KPOV strengthens community, arts, culture, and democracy through independent, non-commercial radio.

Volunteers needing clarification or additional information about any material in this handbook should contact the KPOV Executive Director. For the purposes of this Handbook “show hosts” and “DJs” are considered to be the same and are referred to as “hosts” on the following pages.



# COMMUNICATION POLICIES

## **Messages, Email, and Mail**

All hosts with active shows will be assigned a mailbox in the back hallway or green room. Hosts are expected to check mailboxes weekly for messages and/or mail. Written messages taken by front office staff will be placed in volunteer mailboxes. Any mail that arrives at KPOV, regardless of addressee, is the property of KPOV.

KPOV communicates regularly with hosts by email as well. If a host is not able to regularly read their email, they are still responsible for knowing the contents of these communications. Hosts are responsible for keeping up to date.

## **Personal Attacks and On-Air Criticism of Station**

Personal attacks will not be tolerated. KPOV holds any volunteer who defames (as defined by law) any individual personally liable. Liability includes, but is not limited to, any related expenses, charges, or fines. KPOV may pursue legal recourse if needed.

Every volunteer has the right to discuss or criticize perceived problems within the station. However, use of a regular on-air shift to criticize station policy is inappropriate and prohibited. On-air volunteers are asked to consider the station's mission and the effect on listeners of airing complaints about the equipment or facilities, or of commenting negatively about KPOV events or policies.

# CONDUCT

## **Courtesy**

On-air volunteers are expected to start and end their shows on time. Volunteers are expected to behave courteously toward everyone they encounter at the station, including phone callers. Volunteers who are on the air during times when no other volunteers are on duty should, if possible, answer the phone.

## **Training and Compliance**

KPOV will provide all volunteers with training opportunities. All on-air volunteers must abide by the rules and procedures required for broadcasting, as well as standard operation of the broadcast equipment. Volunteers should be fully familiar with, and abide by, the contents of this Handbook. To be entitled to operate the studio, and for keypad privileges, volunteers are asked to completely read and understand this handbook and to sign the attached Volunteer Statement form.

DJs and hosts are encouraged to learn and practice basic scripting, production and technical skills needed to improve their on-air programming. KPOV staff can assist in this process and schedule practice sessions on studio equipment.

## Attendance and Tardiness for On-Air Volunteers

It is the responsibility of volunteer hosts to find replacements in the case of a planned absence. Alternatively, the host can record a new show or use an evergreen show – Coordinators must be told the night before the show airs (weekend hosts must tell Coordinators by Friday morning) that they won't be in and where to find the evergreen/newly recorded show. Email [coordinator@kpov.org](mailto:coordinator@kpov.org).

Hosts who are unable to fulfill their regular shifts are responsible for notifying the KPOV Executive Director and daily coordinators and for finding a trained and authorized substitute or solution that meets staff approval (recorded show). **Two weeks' notice is preferred.** Routine absence with short notification may be considered cause for permanent removal from a volunteer position. Missing four or more consecutive weeks without prior arrangement may result in a position being permanently reassigned to another volunteer. Failure to notify Management of an upcoming absence and, thus, leaving an assigned position vacant will result in removal from the schedule.

Hosts are expected to be on time. If a volunteer host is going to be late, he/she must notify the Executive Director or, if the Executive Director is unavailable, the volunteer in the preceding shift. If there is no volunteer in the preceding shift then arrangements **MUST** be made for another KPOV-qualified individual to be at the station to cover. A volunteer who receives such a call is requested to cover until the late volunteer has arrived and should record the incident in the On-Air Log. If the on-air volunteer (or Executive Director) has to leave prior to the next volunteer's arrival, he/she may configure for automated broadcast.

## Volunteer Expectations

Volunteers are required to do the following:

- Attend at least two quarterly volunteer meetings (all volunteers)
- Attend or give at least one advanced DJ training. (DJs/Hosts)
- Volunteer at least twice outside of programming. (DJs/Hosts)
- Contribute monetarily to KPOV or arrange with the Executive Director for extra volunteering hours. (all volunteers)
- Submit all of your required playlist reports (music) and quarterly issues reports (talk). (DJs/Hosts)
- Give feedback on at least one other KPOV show quarterly. (DJs/Hosts)
- Be live on-the-air for your show during FUNdraising drives (spring/fall) (DJs/Hosts)
- Make at least one new promo every 6 months. (DJs/Hosts)
- DJs/Hosts are expected to participate in at least 4 hours of non-on-air volunteer work at KPOV per year. Participation can include, but is not limited to:
  - Being a morning programming coordinator.
  - Audio editing.
  - Helping with mailings.
  - Covering phone shifts during membership drives.
  - Helping organize, or assisting with, a special event or remote broadcast.
  - Participation on one of KPOV's committees.

Failure to participate in the items above will result in disciplinary action, including on-air suspension, and could result in dismissal. For more ideas about ways to get involved, contact the Office Manager.

# KPOV EQUIPMENT

## KPOV Equipment/Property

KPOV equipment may be used only for KPOV business, unless approved otherwise by the Executive Director. When using KPOV equipment for KPOV purposes only, volunteers must adhere to the following:

- On-air/production equipment: All hosts and staff are expected to use the equipment appropriately and carefully. Any evidence of damage or inappropriate use of equipment or supplies could result in disciplinary action and/or dismissal. **Equipment problems including any malfunctioning or damaged equipment are to be reported immediately to the Executive Director either by email or in-person.**
- No KPOV equipment or supplies may leave the premises without permission from the KPOV Executive Director. Once approved any equipment or supplies must be signed out in the Equipment Checkout logbook.
- Use of remote/portable recording equipment must be authorized by the KPOV Executive Director. It must be signed out and signed back in using the Recorder Sign Out forms located in the server room. Volunteers checking out the equipment may be held financially liable if the equipment is damaged.

## Equipment Problems/Malfunctions

Volunteers should report equipment malfunctions, discrepancies, and abnormal operations to the Executive Director and [tech@kpov.org](mailto:tech@kpov.org) by email. The email should include a description of the problem and the time and date it occurred. Station outages should be reported as soon as possible to the KPOV Executive Director.

Should equipment malfunction, the on-air volunteer is expected to maintain normal program continuity and content as far as possible. If the malfunction is serious, the volunteer must immediately contact the KPOV Executive Director and [tech@kpov.org](mailto:tech@kpov.org) and record all malfunctions. All malfunctions should be reported as soon as possible.

## Copyright of Station broadcasts

It is illegal to offer for sale a tape of any portion of a broadcast show that includes material copyrighted or patented by another party—for example, a portion of a show including music from a CD or vinyl record. Also included would be recorded live performances of copyrighted work, such as speeches and other interpretive arts. KPOV holds personally liable any volunteer, or his/her guest, who violates this provision. Liability includes, but is not limited to, any related expenses, charges, or fines. If necessary, KPOV will pursue legal remedies. Failure to comply with this provision is grounds for immediate dismissal.

# ON-AIR UNDERWRITING REQUIREMENTS

Businesses and organizations support KPOV through underwriting. Underwriting assignments are assigned to specific hours of programming and/or to specific features.

## Commercialism and Underwriting

Federal regulations define how underwriting acknowledgements are to be written in order to keep them from crossing the line into commercialism. Underwriting is a significant portion of the station's revenue and is carefully regulated by the FCC.

Underwriting announcements are pre-recorded. Volunteers are required to play underwriting announcements during their shift per the traffic log. Failure to play these announcements is grounds for disciplinary action and/or dismissal.

Changing, embellishing, or criticizing underwriting announcements is grounds for disciplinary action and/or dismissal. Personal promotion of an underwriter is restricted due to FCC regulations. Programmers are prohibited from making ad-lib or off-the-cuff comments about individual underwriters before or after playing or reading an underwriting announcement. For example, comments like the following are prohibited: "I eat at that restaurant all the time and the food is great!" or "We will return to the music in a minute but first I need to play this important announcement from one of our loyal underwriters."

## The FCC can—and does—fine stations for violations of underwriting rules!

The underwriting announcement is to be played without embellishment or changes. If an underwriting announcement contains outdated or incorrect information, notify the KPOV Office Manager or Development Director.

Because underwriting is a contractual obligation, programmers must verify that scheduled underwriting messages are broadcast. The traffic log is the primary tool used by KPOV to track on-air underwriting messages. **IMPORTANT: The traffic log MUST be initialed or checked off after each underwriting message is broadcast.** If, for any reason, a message is not played or read, the KPOV Executive Director or Programming Manager must be contacted via email.

# FCC RULES AND REGULATIONS FOR ON-AIR CONDUCT

In order to participate in KPOV on-air operations, a volunteer must have successfully completed studio training, read the volunteer handbook, signed the Volunteer Agreement Form, and have received the approval of the KPOV Executive Director and Programming Committee.

To become an on-air volunteer, he/she is required to be knowledgeable about – and to comply with – all FCC rules and regulations that apply to KPOV and applicable KPOV guidelines. When on the air, volunteers must comply with all FCC rules and regulations and KPOV policies described in this handbook, including any updates.

## FCC Rules

The Federal Communications Commission (FCC) is an independent federal agency created to regulate broadcast and non-broadcast spectrum use. The FCC is responsible for the regulation of licensing, technical operations, legal activities, and the program content of all stations. Therefore, if KPOV is to remain on the air, it is imperative that volunteers comply with the following FCC rules at all times.

### Obscenity, Profanity and Indecency

#### **No obscene, indecent or explicit material shall be played on KPOV.**

The Federal Communications Commission (FCC) bans the broadcast of obscene material at all times. Material is obscene if it appeals to the prurient interest, depicts, or describes sexual conduct in terms that are obviously offensive and, taken as a whole, lacks serious literary, artistic, political, or scientific value.

The FCC bans the broadcast of **indecent or explicit** material between 6 a.m. and 10 p.m. Material is **indecent or explicit** if it contains language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs. **Even though the FCC does not restrict broadcasting indecent or explicit material from 10 pm to 6 am, KPOV's policy is that we observe these restrictions at all hours and this policy supersedes the FCC rules.**

On the matter of **offensive or controversial language**, KPOV policy stipulates that on-air volunteers may not use, nor allow their on-air guests or callers to use, offensive language or hate speech on the air. If a guest or caller uses such offensive language, the operator must give them an immediate warning. Upon a second occurrence, the operator must cut the guest or caller off. On-air volunteers are expected to use good judgment with regard to any additional language that may be considered offensive.

Pre-recorded occurrences of offensive language or materials (including music) must be deleted. Any material in doubt must be reviewed by the Executive Director. KPOV provides software that allows show hosts and DJs to “bleep” offensive words from recorded materials.

Profanity refers to patently offensive words, including, but not limited to, the following words which the FCC has previously and specifically determined to be offensive: shi\*, f\*ck, p\*ss, c\*nt, co\*\*sucker, mother f\*\*ker, t\*ts.

All complaints received regarding controversial or offensive language or material should be reported to the KPOV Executive Director for documentation. Persons who violate any part of this policy will be subject to disciplinary action. Particularly flagrant violations, in the judgment of the KPOV Executive Director, may be grounds for immediate dismissal from an air shift. [See Appendix 1 for more detailed definitions of obscenity, profanity, and indecency.]

### Personal Attacks, Defamation

On-air volunteers should avoid any personal attacks. The FCC's personal attack rule is: “if a broadcaster attacks the ‘honesty, character, or integrity’ of an identified person or group while discussing a controversial issue of public importance, then the broadcaster must contact that person or group within a week, provide a script, tape, or accurate summary of the attack, and

offer a reasonable opportunity to respond over the same station without charge”. **The policy of KPOV supersedes this rule by prohibiting all personal attacks.**

**On-air volunteers must not defame individuals.** KPOV holds personally liable any volunteer who defames an individual. Liability includes, but is not limited to, any related expenses, charges, or fines. KPOV may pursue legal remedies.

Defamation is an injury to the reputation or character of someone resulting from the false statements or actions of another. KPOV values dialog over dispute as outlined in our vision, mission, and values.

Be wise and informed before you publicly criticize an individual on the air. Obviously, our news team may have to report news that is not flattering to someone or some organization. However, that information *must be true*, thus requiring multiple credible sources. To casually disparage individuals over the KPOV signal, simply for entertainment value, is not acceptable. [See Appendix 2 for more on libel and slander.]

### **Political Editorials and Candidate Interviews**

It is a condition of our non-profit status and the policy of KPOV not to endorse candidates for political office. On-air volunteers must refrain from any form of endorsement.

The FCC’s rule on political editorializing is: “If a broadcaster runs an editorial or commentary supporting or opposing a candidate for public office, within 24 hours of the editorial or commentary, the station must contact all candidates for that office. If a station airs a view opposing a candidate, that candidate must be given a reasonable opportunity to respond. If the station airs a view supporting a candidate in a race, then all legally qualified opposing candidates must be notified and given reasonable opportunity to respond. Stations may tell candidates that they must select a spokesperson to present their response in order to avoid an *equal opportunities* problem.”

No show host or DJ can have a candidate for office on air without prior approval of the Executive Director.

It is the on-air volunteer’s responsibility to make clear to the listeners that opinions expressed are those of the individual and are not necessarily those of the KPOV Board, its volunteers, and staff. On-air volunteers who express their own opinions must use such disclaimers; however, these are primarily a courtesy to the audience. From a legal standpoint, the FCC has not recognized a distinction between the on-air opinion of a station-approved volunteer and the station itself. In other words, any opinions expressed on air while volunteering become, *de facto*, the station’s “editorial position.”

### **Broadcast of Telephone Conversations**

The FCC requires that a person called by a broadcaster, whether on-air, or taped for later broadcast, must be advised beforehand that they are on the air or are being pre-recorded for later broadcast. Before a volunteer broadcasts a telephone conversation live or records a telephone conversation for later broadcast, any and all parties to the call must be notified of the station’s intent to broadcast the call. Prior notification and consent must occur before any portion of the

conversation is broadcast. NOTE: Prior notification is NOT necessary when someone obviously wants to take part in a call-in show.

### **Broadcasting and Copyright Laws**

It is illegal to re-broadcast the broadcast of another radio or TV station, either simultaneously or delayed, without express, written permission to do so from the originating station. Copyright laws also apply to the on-air reading aloud of printed material. On-air volunteers are permitted to make “fair use” of copyrighted material in reading or quoting from it on the air but are not permitted to read or quote at length without the express, written permission of the copyright holder. As a general rule, before reading copyrighted material at great length on the air, a volunteer is responsible for considering whether doing so could reasonably interfere with the copyright holder’s ability to sell the material in the KPOV broadcast area.

In general, it is legal to broadcast any material that has been commercially recorded, including music, and spoken word recordings (not including books on tape), except when otherwise indicated on the recording. It is not legal to broadcast bootleg recordings or other non-commercial recordings without the permission of the artist. If a volunteer has questions about copyright, he/she must consult the KPOV Executive Director. [See Appendix 3 for more details.]

It is not legal to offer promotional items given to the station for sale, as premiums, or as gifts unless the person making the offer owns the copyright(s) or has written permission from those who own the copyright(s). No on-air volunteer owns the copyright to any material produced at KPOV unless he/she has a written, signed contract with KPOV. Violation of this policy is grounds for immediate dismissal. Moreover, any resulting fines or legal actions resulting from copyright infringement are the responsibility of the individual volunteer.

### **Licensing Fees**

Radio stations have historically been exempted from license fees for broadcasting sound recordings (records, CDs, digital music files, etc.), on the theory that if radio did not play the songs, no one would buy the records. This exemption does not apply to digital transmissions, i.e. music streamed on the Internet. KPOV has public performance licenses from ASCAP, BMI, SESAC, and we are also covered by a royalty agreement with SoundExchange.

Without going into too much detail, the statutory license for sound recordings comes with certain restrictions. One restriction is the “sound recording performance complement” on a streamed channel. What is that?

The statutory license for sound recordings contains limitations on advance notice. Advance program scheduling or prior announcement of song titles may not be transmitted by text, video, or audio, although it is permissible to announce the name of a song immediately before it is performed or to announce that a particular artist will be featured at an unspecified future time.

One or two artists, or a particular genre of music, may be identified to illustrate the type of music on a particular channel, but a prior announcement that a sound recording will be played at a particular time is prohibited because such an announcement facilitates copying of that recording. The song, artist and album must be identified during back announcing.

The sound recording performance complement also applies to archived programs (shows). An archived program is one posted on a website for listeners to hear repeatedly, on demand, in the same order. It may not be less than five hours in duration. Such archived programs may reside on the website for no more than a total of two weeks and must otherwise meet the terms of the statutory license described above. KPOV's archived shows on both the website and our apps, meet these requirements.

There are lots of details with copyright law. If you have a question or would like clarification on any of this information, please ask the Executive Director or Program Manager.

### **On-Air Log**

The On-Air Log is an hour-by-hour record of program information. It includes such things as program titles, notes about the source and type of each program, hourly station IDs, underwriting announcements, station promotional announcements, and public service announcements. **On-Air Logs must accurately record what actually took place, not what was scheduled to take place.**

All hosts must complete the On-Air Log at all times when using the facilities.

The Log will be kept in the studio. Volunteers should sign in before using the Studio and sign out in the same way when they have finished. Please write log entries clearly using ink.

### **Quarterly Issues Log**

All interviews (both live and recorded) broadcast on KPOV must be logged in the Quarterly Issues Log, on the shared Google Drive.

### **Playlists**

Legislation passed in 2009 requires that once per quarter, for a period of two weeks, all music played on air at any radio station that streams must be tracked on a playlist (including start time, duration, artist, song title, album, and record label). These playlists are used to determine royalties for musicians and artists. KPOV's playlists are created utilizing music recognition through a website called Spinitron. DJs are responsible for ensuring the accuracy of their playlists.

### **On-Air Monitoring**

If the station is found to be off air, immediately notify the Executive Director.



## Station Identification

The FCC requires all radio stations to identify themselves at the following times:

- At the beginning and ending of each time of operation (sign-on and sign-off)
- Hourly, as close to the hour as possible, at a natural break in program offerings

The legal station identification consists of a station's call sign followed directly by its city of license. Our only legal ID is: **KPOV, Bend**. You can add things before or after the ID, but you cannot divide it up. For example,

- These IDs are legal:
  - **KPOV, Bend, 88.9**
  - **88.9 KPOV, Bend**
- These IDs are **NOT** legal:
  - KPOV 88.9, Bend
  - 88.9 KPOV, Central Oregon

All on-air KPOV volunteers are expected to say or play a pre-recorded "Legal ID" once per hour, at or soon after the top of the hour. The recorded IDs help promote the sound of the station as a community project of many voices. If the volunteer chooses to say the legal ID at the top of the hour, the proper wording is posted in the studio above the control board.

Individual on-air volunteers may produce "Legal ID" recorded announcements for use on their own shows. Such recorded announcements, however, must meet FCC standards and KPOV guidelines, and be approved by Management.

## ADDITIONAL KPOV RULES FOR ON-AIR CONDUCT

### KPOV Plugola Policy

KPOV programmers and producers cannot use the broadcast signal of this noncommercial radio station for promotion of their own direct or indirect personal financial gain.

Promotion for personal gain occurs when a programmer or producer selects content material or makes statements on the air that promote their own product, service, or event.

This policy does not preclude, for example, a music store owner from doing a music show, a therapist from doing a health and well-being program, a concert promoter from doing a music program, etc. It does, however, preclude them from promoting their business on their show.

- While KPOV is happy to play local artists on-air, including music from KPOV hosts (solo works or otherwise), hosts who are musicians are not allowed to play their music on their show. This also applies if the host is in a band – the host cannot play the band's music during their show.
- KPOV programmers who are concert and event promoters may not promote or publicize their own events during their own programs. They also may not mention a performer or

broadcast the music of an artist with whom they have an event contract for two months prior to the concert event, or once they have begun publicly promoting the event, whichever comes first. This includes mentions in concert calendars or other announcements, as well as playing the music of the artist in question.

The exception to this is when the Program Manager indicates on the Program Log that a concert calendar reading is scheduled on their show, and only then may the programmer announce her/his event in the same manner as other listings on the calendar, with no added emphasis, information, or calls-to-action.

- While on the air, KPOV programmers and producers may use the station as their contact point with listeners. However, they may not direct listeners to their place of business, web address, home address or phone number.

### **Program Cancellations and Schedule Changes**

The Executive Director, Program Manager, and Board of Directors are empowered to review the program schedule, consider proposals for new programs, and make permanent changes to the schedule. The KPOV Executive Director and Program Manager may select temporary replacement on-air volunteers and, if necessary, replacement programs within the existing schedule.

### **Public Service Announcements**

As an expression of KPOV commitment to public service, the station airs public service announcements (PSAs) and community announcements. To be considered a PSA, the event(s) must be sponsored by a non-profit, tax-exempt organization. Announcements should be submitted to [info@kpo.org](mailto:info@kpo.org) well in advance of the event. Office volunteers supervised by staff will assemble and update a PSA notebook that is kept in the on-air studio. KPOV policy does not permit volunteers to add or remove PSAs from the notebook or to accept PSAs over the telephone without permission from staff.

### **On Air Announcement of PSA**

Under no circumstances should KPOV hosts comment after a PSA has aired. Off-hand or supportive comments, i.e., "I love that place" or "They do a great job." are not permitted.

### **Show Ownership/Syndication**

All radio programs and related program materials first developed and produced by volunteer producers (AKA "DJs" or "Hosts") for broadcast on 88.9 KPOV and/or using KPOV studios, equipment or supplies remain the exclusive property of KPOV unless a syndication agreement, in which KPOV assigns its rights, is approved by the KPOV Board of Directors.

Any producer may syndicate his/her program, but it must be done at no cost to the radio station, unless other provisions are made. Before syndication, a written syndication agreement must be signed by the producer and the Board of Directors and be in line with KPOV's "Show Ownership Policy".

## **KPOV Promotional Announcements**

Volunteers may be asked to air promotional announcements for station activities. Pre-recorded announcements may be scheduled for play during each shift. All station promotional material must be approved by the KPOV Executive Director or Development Director prior to airing.

Volunteers are encouraged to produce promotional announcements for upcoming shows and specials in coordination with other KPOV volunteers.

NOTE: Calls to action, pricing information, and enthusiasm are all allowed when talking about KPOV events (events that are produced by and profit only KPOV).

## **Non-KPOV Event Announcements**

KPOV can also air announcements of other community events of interest to our listeners. All non KPOV event announcements must be approved by staff.

KPOV on-air volunteers may also read announcements – but not endorsements – for concerts and events.

Specific prohibitions regarding reading this type of announcement include the following:

- Volunteers must not announce prices on-air.
- Volunteers may say the event involves a charge or a suggested donation but may not specify the amount unless the event is free of charge. (Note: price may be mentioned in announcements promoting events sponsored by – and solely benefiting – KPOV).
- Volunteers shall not encourage listeners to patronize any particular place of business.
- Volunteers shall not promote the sale of any goods or services except those of KPOV.
- Volunteers may not announce personal items.
- Volunteers may not promote an event in which they have a financial interest. “Promoting” includes doing a special feature, an extended set, or a whole show\* on an artist or artists who will be performing at a profit-making concert or event, then announcing something like “you’ve got to see this show” or “this is going to be the best Valentine’s Day party in town,” and other supportive remarks, however casual.

Volunteers may, however, take calls off-air and give information that cannot be broadcast, including their opinions about the events.

## **IF CONFLICT ARISES**

As in all organizations, people will not always get along. We expect our volunteers to be courteous to each other, to staff, and to the public. If you have a problem getting along with another member of the KPOV community and cannot resolve it by yourself, please review and use this “Positive Conflict Resolution” guide.

## Positive Conflict Resolution

Conflict is an inevitable part of life. Most conflict between people occurs because of the following:

- Miscommunication
- Assumptions
- Misunderstanding about policy and procedure

### Recommended process for conflict resolution

In case of a personal conflict or perceived infractions of the rules of conduct, attempt to resolve the problem directly with the person or persons concerned. Often conflicts can be resolved promptly by dealing directly with the individual.

For guidance within KPOV contact the Executive Director.

When someone is inappropriate with you, take them aside (alone) and tell them how it affected you.

- Do not attack them or accuse them of anything. If you cannot address it constructively in the moment, take time out and make time with the person when you are calmer.
- It is best not to let the incident hang over you for very long.
- It is also best for people who act inappropriately to learn to recognize the behavior and to hear clearly that it is not OK.

Always seek to understand, knowing we cannot read another person's heart or mind.

If you need to vent or to process with someone, do so with someone who will listen and help lead you to solutions.

- Venting can be very destructive when not focused on solutions.
- Venting should lead to solving the problem rather than building a case.

## KPOV VOLUNTEER AND ON-AIR INFRACTIONS POLICY

**NOTE: While policy infractions do not happen very often, it is important to have the disciplinary process documented in order to have it applied consistently in the event a violation of FCC and/or KPOV policy occurs.**

If you have noticed a violation of one of KPOV's policies and do not feel it would be appropriate to address it yourself, please bring it to the attention of the Executive Director. If there is a possible violation of one of KPOV's policies the following steps should be taken by the person filing the complaint:

1. Complainant hears of a violation.
2. Violation is documented (i.e., date, time, program) and reported to the Executive Director by the complainant. All complaints must be submitted in writing.
3. If an infraction involves the Executive Director the written complaint must be submitted to the President of Board of Directors, or their designee.

4. When a written complaint has been formally filed with either the Executive Director or the President of the Board of Directors, all parties involved will be notified of the complaint within 10 (ten) business days.
5. The Executive Director and President of the Board of Directors will mutually decide if further action is warranted.
6. If further action is warranted, the Executive Director will schedule a hearing within 10 (ten) business days of notification of the complaint with the Executive Director and President of the Board of Directors.
7. All parties involved will be invited to be present at the hearing. Attendance is voluntary. Absence of any or all parties will be noted, and proceedings will continue. A witness/observer may be present at the request of the individuals.
8. The Executive Director and Board President will then hear the complaint and make decisions and recommendations. If the Executive Director and Board President cannot reach a decision together, the complaint will be presented at the next scheduled Board meeting. The Board will then hear the complaint and make decisions and recommendations. Step 7 applies to this hearing.
9. Final resolution and recommendations will be delivered by the Executive Director and Board President to the parties involved, and the KPOV Board Directors, within five business days of the closing of the hearing. If the Board is involved with making the final decision, final resolution and recommendations will be delivered by the Executive Director and Board President to the parties involved within five business days of the hearing.
11. The decisions made are final and binding unless appealed by any party within five business days. If the Board has not been involved with the complaint, then the findings may be appealed to the Board. If the Board had to become involved during the complaint process and before a decision was made, the Board's decision is final and binding; there is no appeal.
12. Violators who commit new infractions within six months of the first will at a minimum be suspended for two shows and may be dismissed. The new infraction does not necessarily need to be the same type as the first. A second violation demonstrates a clear problem that must be addressed. Additional training may also be required. If infractions of KPOV policy result from carelessness, dismissal will be actively considered.

# FCC-KPOV POLICY INFRACTIONS

If a show host or volunteer violates any of the FCC or KPOV On-Air policies outlined in this Volunteer Handbook they may be subject to disciplinary action as follows:

## **Violation of Obscenity, Copyright, Libel rules**

### **First Violation — written warning.**

A first violation will result in a counseling session and a written warning to the DJ/Host.

### **Second Violation — suspension.**

A second violation within one year will result in a two-show suspension.

### **Third Violation – dismissal**

A third violation within one year will result in immediate dismissal.

## **Violation of KPOV Policy**

KPOV Policy supplements FCC requirements by implementing our mission and values. It covers such subjects as attendance and tardiness, music acquisition, commercialism and underwriting, representing KPOV, “plugola,” and use of property. Violations of KPOV policy will be addressed using the following process.

### **1st Violation — Written Warning or Suspension**

If a show host violates any KPOV policy, depending upon the infraction, the host/DJ will receive either a written warning or suspension at the discretion of the Executive Director. If the DJ/host is suspended, the suspension will be for a minimum of two shows. The host who violated the policy may be asked to retake training on the specific topic of the infraction. To certify a thorough understanding of the issue, they may be required to take a verbal or written test prepared by the Operations Committee in order to demonstrate their understanding of the policy.

### **2nd Violation — Suspension or Dismissal**

Violators who commit new infractions will be suspended for a minimum of three shows. The new infraction does not necessarily need to be the same as the first. A second violation demonstrates a clear problem that must be addressed. Additional training may also be required. If infractions of KPOV policy result from deliberateness or carelessness, dismissal will be actively considered.

### **3rd Violation — Immediate dismissal.**

A third violation will result in immediate dismissal.

**Suspension** is defined as removal from volunteer and/or DJ host responsibilities for a period of time determined by the Executive Director.

**Dismissal** is defined as the permanent removal of the volunteer or DJ/host from participating as a volunteer at KPOV.



**High Desert Community Radio**

## **THANK YOU!**

Thank you for taking the time to learn about community radio in general and about KPOV in particular.

KPOV volunteers—no matter what jobs they take on—are the people who keep this station on the air every day. KPOV simply would not happen without our volunteers.

This Volunteer Handbook provides vital information describing the legal and operational foundation for KPOV. Adherence to FCC Regulations and station policies and procedures are essential to the continuing operation of KPOV. By following the rules and guidelines, compliance with FCC regulations is insured, the mission, vision, and values of the station are supported, and the community is served with relevant, quality programming.

Hopefully this Handbook will serve as an on-going reference guide as we all work to make community radio significant and valuable throughout Central Oregon.

As a volunteer, we hope you recognize your essential role in offering the unique voice and vision of KPOV! The Board and Staff welcome you to this exciting adventure and thank you for volunteering your time to KPOV!

Please enjoy yourself at KPOV. It is the hope of staff and the Board that all volunteers have a positive and pleasurable experience. We want this to be fun for everyone.

Feel free to ask questions of the staff, other volunteers, and board at any time!

Thanks again for your interest and support. **WELCOME!**

# Appendix

## 1. Obscenity, Profanity and Indecency

*The FCC requires that no obscene, indecent or profane material be broadcast on KPOV.*

Material is obscene if it appeals to the prurient interest, depicts or describes sexual conduct in terms patently offensive, and taken as a whole, lacks serious literary, artistic, political, or scientific value.

The FCC uses a three-point test for obscenity. Programming is obscene if:

- (1) An average person, applying contemporary community standards, would find that the material, as a whole, appeals to the “prurient interest,” that is, that it seeks to stir up lustful thoughts;
- (2) It depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and
- (3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value.

See *Miller v. California*, 413 U.S. 15 (1973). Under the FCC’s policies there is no “safe harbor” period during which obscene programming can be aired. It has no protection under the US Constitution and can lead both to criminal prosecution and sanction by the FCC.

The FCC considers a broadcast to be indecent if it contains “language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards or the broadcast medium, sexual or excretory activities or organs.” The FCC considers three factors in determining whether material is indecent:

- (1) The first factor is the *explicitness or graphic nature of the material*. The issue is whether, in context, the material depicts or describes sexual or excretory organs or activities.
- (2) The second factor is whether the material *dwells on or repeats sexual or excretory matters at length*.
- (3) The third factor is *whether the material panders, titillates or is used for shock value*.

Not all of these factors need to be present for the material to be considered to be indecent. Material is considered to be offensive if it offends the “average” broadcast viewer or listener.

Profanity refers to patently offensive words, including, but not limited to, the following words which the FCC has previously and specifically determined to be offensive: shi\*, f\*ck, piss, c\*nt, co\*\*sucker, mother f\*\*ker, t\*ts. Programming is profane if it consists of “personally reviling epithets naturally tending to provoke violent resentment” or of language so grossly offensive to members of the public who actually hear it as to amount to a nuisance.” KPOV’s policy stipulates that on-air volunteers may not use, nor allow their on-air guests or callers to use, offensive language or hate speech on the air.

Previously recorded material broadcast on KPOV must be screened for legal and policy violations (including and especially music). The FCC has no sympathy for stations that air prerecorded material that contains obscene, indecent or profane language. The Commission has fined stations for airing songs that contain indecent or profane language. *Listen to every song before broadcasting it*. If the indecent meaning can be understood in spite of editing, the FCC will find the song to be indecent.

### **FCC explanation of indecent, obscene, and profane broadcasts**

<https://consumercomplaints.fcc.gov/hc/en-us/articles/202731600-Obscene-Indecent-and-Profane-Broadcasts>

### **FCC transcript of the *Filthy Words* monologue by George Carlin**

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/filthywords.html>

## 2. Libel and Slander



Libel is the "publication" of a false statement of fact that harms another person's reputation—for example, saying that "John beat up his roommate" or "Mary is a thief" if it isn't true. If a statement doesn't harm the other person's reputation—for example, "Joe got an 'A' on the test"—it's not libel even if it's false. In addition, a statement of *pure* opinion cannot be libelous—for example, "I don't like John"—but you can't turn a statement of fact into an opinion simply by adding "I think" or "in my opinion" to it. "IMHO, John beat up his roommate" is still libelous if John didn't beat up his roommate. If you honestly believed that what you said was true, however, you *might* not be liable if it later turns out that you were wrong.

A libel is "published" whenever it is communicated to a third person. In other words, if you say, "Mary is a thief" to anyone other than Mary, you have "published" that libel. That means that anything you broadcast, is "published" for purposes of libel law. A person who has been libeled can sue for whatever damages are caused by the publication of the libel. A good rule of thumb to follow: If you would be upset if someone else made the same statement about you, think carefully before you make that statement, because it might be libelous.

If the defamatory statement is printed or broadcast over the media it is libel and, if only oral, it is slander. Three definitions from [thefreedictionary.com](http://thefreedictionary.com) follow.

**libel** n. to publish in print (including pictures), writing or broadcast through radio, television or film, an untruth about another which will do harm to that person or his/her reputation, by tending to bring the target into ridicule, hatred, scorn or contempt of others. Libel is the written or broadcast form of defamation, distinguished from slander which is oral defamation. It is a tort (civil wrong) making the person or entity (like a newspaper, magazine or political organization) open to a lawsuit for damages by the person who can prove the statement about him/her was a lie. Publication need only be to one person, but it must be a statement which claims to be fact, and is not clearly identified as an opinion.

**slander** n. oral defamation, in which someone tells one or more persons an untruth about another which untruth will harm the reputation of the person defamed. Slander is a civil wrong (tort) and can be the basis for a lawsuit. Damages (payoff for worth) for slander may be limited to actual (special) damages unless there is malicious intent, since such damages are usually difficult to specify and harder to prove. Some statements such as an untrue accusation of having committed a crime, having a loathsome disease, or being unable to perform one's occupation are treated as slander per se since the harm and malice are obvious, and therefore usually result in general and even punitive damage recovery by the person harmed. Words spoken over the air on television or radio are treated as libel (written defamation) and not slander on the theory that broadcasting reaches a large audience as much if not more than printed publications.

**defamation (of character)** n. the act of making untrue statements about another which damages his/her reputation. If the defamatory statement is printed or broadcast over the media it is libel and, if only oral, it is slander. Public figures, including officeholders and candidates have to show that the defamation was made with malicious intent and was not just fair comment. Damages for slander may be limited to actual (special) damages unless there is malice. Some statements such as an accusation of having committed a crime, having a feared disease, or being unable to perform one's occupation are called libel per se or slander and can more easily lead to large money awards in court and even punitive damage recovery by the person harmed. Most states provide for a demand for a printed retraction of defamation and only allow a lawsuit if there is no such admission of error.

### 3. Copyright

*Copyright law prohibits the broadcast of bootleg recordings or other non-commercial recordings without the permission of the artist.*

Copyright law generally gives authors, artists, composers, and other such creators the *exclusive* right to copy, distribute, modify, and display their works or to authorize other people to do so. Moreover, their works are protected by copyright law from the very moment that they are created—*regardless* of whether they are registered with the Copyright Office and *regardless* of whether they are marked with a copyright notice or symbol ©.

In general, it is legal to broadcast any material that has been commercially recorded, including music and spoken word recordings, except when otherwise indicated on the recording. Virtually every work is copyrighted. That also means that, if you are not the copyright owner, you *may not* copy, distribute, modify, or display it *unless*:

- ☐ The copyright owner has given you permission to do so; *or*
- ☐ It is in the "public domain"; *or*
- ☐ Doing so would constitute "fair use".

If none of these exceptions applies, your use of the work constitutes copyright infringement, and you could be liable for as much as \$100,000 in damages for *each* use.

### **Permission**

It's usually easy to tell whether you have permission to make a particular use of a work – the copyright owner will have told you so expressly, either in writing or orally - but it's not always so easy to tell whether the work is in the public domain or whether what you want to do constitutes fair use or is covered by an implied license.

### **Public Domain**

Generally speaking, a work is in the public domain only if:

- ☐ Its creator has *expressly* disclaimed any copyright interest in the work, *or*
- ☐ It was created by the federal government, *or*
- ☐ It is very old.

As a rule of thumb, however, works that were created *and published* before 1923 are now in the public domain. Works that were created in or after 1923, works that were created before 1923 but published in or after 1923, and works that have never been published *might* be in the public domain, but, if you don't know for sure, it's best to assume that they are not.

### **Fair use**

In very general terms, a particular use of a work is "fair" if it involves only a relatively small portion of the work, is for educational or other noncommercial purposes, and is unlikely to interfere with the copyright owner's ability to market the original work. Other uses may also be fair, but it is *almost never* fair to use an entire work, and it is *not* enough that you aren't charging anyone for your particular use. It also is not simply enough to cite your source (though it may be plagiarism if you don't). In addition, facts and ideas *cannot* be copyrighted. Copyright law protects only the *expression* of the creator's idea — the specific words or notes or brushstrokes or computer code that the creator used — and not the underlying idea itself.

The federal copyright laws exist to protect authors, musicians, and other artists right to make a living. We pay license fees to the music publishing organizations ASCAP (American Society of Composers Authors and Publishers) and BMI (Broadcast Music Incorporated) for the rights to play the records and CDs in our collection. When we read material on the air that is not in the public domain, we must write to the publisher or author's agent for permission to broadcast.

It is illegal to offer for sale a tape of any portion of a broadcast show that includes material copyrighted or patented by another party — for example, a portion of a show including music from a CD or vinyl record. Also included would be recorded live performance of copyrighted work, such as speeches and other interpretive arts. KPOV holds personally liable any volunteer, or his/her guest, who violates this provision. Liability includes, but is not limited to, any related expenses, charges, or fines. If necessary, KPOV will pursue legal remedies.

It is not legal to offer promotional items given to the station for sale, as premiums, or as gifts unless the person making the offer owns the copyright(s) or has written permission from those who own the copyright(s). No on-air volunteer owns the copyright to any material produced at KPOV unless he/she has a written, signed contract with the KPOV. Moreover, any resulting fines or legal actions resulting from copyright infringement are the responsibility of the individual volunteer.

## **KPOV Harassment Policy**

### **General Statement**

KPOV seeks to create and maintain a respectful and safe environment free from all forms of discrimination and harassment on the basis of any of the following categories:

- Race
- Creed
- National origin
- Religion
- Marital status
- Age
- Mental or physical disability
- Gender
- Gender identity
- Sexual orientation
- Source of income

- Any other basis prohibited under federal, state, or local law

Discrimination and harassment of any kind is unacceptable at KPOV, whether it originates from employees, volunteers, and/or participants.\* Everyone should be treated with courtesy and respect at all times.

As used in this Addendum and in the KPOV Handbook, the term "harassment" includes sexual as well as harassment based on any of the categories listed above. Any behavior that fosters a hostile work environment is prohibited. While KPOV strives to maintain an informal environment, comments about any of the above categories that may be intended as jokes or casual observations can cause some people to feel unwelcome and may create a hostile environment. All KPOV community members must strive to be sensitive to the reactions of others and responsible for informing someone if their language or behavior is offensive.

It is not considered harassment, discrimination, or other behavioral misconduct of any sort for KPOV to enforce job performance and standards of conduct in a consistent manner.

KPOV is located at property owned by Bend-La Pine School District. The District has a zero-tolerance policy towards firearms. Accordingly, firearms, weapons, and other destructive devices, the use of which could inflict injury upon any other person, are prohibited from KPOV premises without legal authority.

### **Workplace Violence**

Workplace violence is defined as performing actions or using words that endanger or harm another individual or result in another individual having a reasonable belief that they are in danger. Any conduct that makes an individual feel endangered is in violation of this policy.

Examples of workplace violence amounting to behavioral misconduct include but are not limited to:

- Verbal or physical threats;
- Assaults or other violence;
- Any behavior that causes others to feel unsafe such as bullying, shouting, or name calling;
- Belligerent, threatening or offensive comments;
- Hitting, pushing, or other similar physical contact, including touching or threats to take such action;
- Gestures or the display of offensive signs or pictures; or
- Other aggressive behavior.

Conduct that threatens, intimidates, or coerces another employee, volunteer, and/or participant at any time will not be tolerated; this includes any form of electronic communication.

### **Harassment**

KPOV is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on any of the categories listed in the General Statement, above, will not be tolerated.

Any action may be considered harassing if it:

1. Creates a hostile, intimidating, or offensive environment;
2. Unreasonably interferes with an employee's, volunteer's, or participant's work performance; or
3. Adversely impacts an individual's employment, volunteer, or participation opportunities.

An employee's, volunteer's, and/or participant's conduct will be considered unwelcome and in violation of this policy when the employee, volunteer, and/or participant knew or should have known that the conduct was unwelcome, or when the person subjected to the conduct voiced their objection.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. This includes any form of electronic communication. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct that includes suggestive exposure, leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters;
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes;
- Verbal sexual advances or propositions;

- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations;
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

## **Bullying**

Bullying goes beyond the single episode of teasing or fighting. Bullying is a pattern of behavior in which the bully attempts to intimidate their victim. Examples of bullying behavior range from: teasing, to extortion, to physical assault, and includes any form of electronic communication.

At KPOV, all forms of bullying are strictly prohibited. Employees, volunteers, and/or participants who are observed or discovered to be engaged in bullying are subject to disciplinary procedures.

## **Reporting, Investigation, and Disciplinary Action of Violence, Harassment, and/or Bullying**

Anyone determined to be responsible for threats of (or actual) violence, harassment, bullying, or other conduct that is in violation of these guidelines will be subject to the KPOV Infractions Policy (*see* KPOV Handbook).

KPOV urges any employee, volunteer, and/or participant who believes that they have been treated in violation of this Policy to first consider telling the offending party that their conduct or behavior is inappropriate.

If you have noticed a violation of one of KPOV's policies and do not feel it would be appropriate to address it yourself, please bring it to the attention of the Executive Director. The violation will be handled, as stated above, according to the KPOV Infractions Policy as outlined in the KPOV Handbook.

Reporting disputes or differences with other employees, volunteers, and/or participants should be done before the situation escalates. KPOV is eager to assist in the resolution of disputes, and will not discipline employees, volunteers, and/or participants for raising such concerns. All allegations of harassment will be quickly and discreetly investigated. No employee, volunteer, and/or participant who makes a good faith allegation will be subject to retaliation. Nor will any employee, volunteer, and/or participant be retaliated against for participating in any investigation of inappropriate conduct. Retaliation in response to reports of sexual or other unlawful harassment will not be tolerated and will be subject to disciplinary action, up to and including the possible termination of employment or role.

## **Alternative Legal Remedies**

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state, and/or federal agencies, or the courts.

If you have questions about this policy, refer first to the KPOV Handbook. If further clarification is needed, contact the Executive Director for additional information.

\*Participants refer to, for example staff, volunteers, guests, listeners and supporters.

## Acceptance of KPOV Policies

I have read and understand the **KPOV Volunteer Handbook**.  
I agree to follow the KPOV policies to the best of my ability.

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Volunteer Name

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Volunteer Signature

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Date