



SPOKEN WORD RULES & REGULATIONS

CKDU has a commitment to air 25% spoken word during the broadcast day. This is a combination of our current affairs programs, newscasts, music & spoken word combinations, and the information spots each music show does.

WHAT YOU CAN DO IN THE SPOKEN WORD DEPARTMENT

- news programming
- reporting
- interviewing
- public interest programming
- editing
- researching
- archiving
- technical assistance
- focus programming
- documentaries
- production

During any given show on CKDU, there are on-air duties that require spoken word content. These are all outlined on your Program Log. All programmers must self-identify their program and themselves as the host, read the weather, read at least three public service announcements (PSAs), and read Live Promos, which are self-generated promos for the three programs following theirs.

CKDU encourages programmers to commit part of their music show to regular spoken word features. Two examples of combinations are: "the Witching Hour" comprised of pagan philosophy and music, and "The All Requester Soap Box," comprised of phoned-in spoken word and music.

The CKDU-FM Society will not tolerate the advocating of any form of sexism, racism, homophobia, or any stereotyping of folks due to their being a member of any visible minority either on-the-air or as part of the organization's operations. The Canadian Criminal Code states that it is illegal to advocate genocide or incite hatred or contempt toward an identifiable group. Although rare around CKDU, programmers have lost on-air privileges for violations. The membership of CKDU hopes to foster tolerance and respect for diverse backgrounds and lifestyles and have an Affirmative Action policy to further these goals.

What do you do if you want to talk about racism, sexism, etc. and want to illustrate others' views by quoting them? It is frequently good programming to air comments which expose discrimination, but you must use great care in choosing which comments or artistic works you air and how you present them. Programmers must be prepared and able to justify the airing of such material by identifying its redeeming factors and providing a context.

Before proceeding with any work that might be considered by some to be hateful, speak to a staff member to get assistance on how to present such material.

PROFANITY

Profane or "swear" words are a part of some of the material CKDU chooses to air. Why does CKDU support the airing of works that contain profanity? CKDU would prefer not to censor material. Artistic works have merit whether or not they contain profanity.

CKDU does not have a rule forbidding the airing of works that contain profanity, but there is a policy about how to do it. You have to warn for profanity on CKDU between 6am and 9pm. Avoid works with gratuitous profanity and use common sense when deciding whether or not it is an appropriate time of day to play music with a lot of profanity. Some examples of words unacceptable to part of our audience are: fuck, bitch, shit, asshole, etc. If you want to play material with profanity, you must:

- 1) Warn for strong content
- 2) Give the length of the selection

As DJ/Host YOU cannot swear on the air. You are allowed to announce the title of a work which contains profane language. Also, you can quote a piece which uses profanity. But swear words should not crop up accidentally or deliberately in your patter or commentary, even if the CD player isn't working properly.

NB: there is a distinction to be made between profanity and sexually explicit description. That difference? Fuck and Fucking. Or Fuck and "I want to fuck you."

SEXUALLY EXPLICIT MATERIAL

“Sex” as a concept is pretty straightforward, but “sexually explicit” is a term that neither the CRTC nor CKDU can define. None of us are sure what falls under the CRTC parameters of sexually explicit and CKDU to date has not wanted to constrain our programming by stating what is acceptable and what is not.

Therefore, if there are pieces you would like to air, but aren't sure if they fall into the category of “sexually explicit,” talk to staff before playing them. If you want to play sexually explicit material, you must:

- 1) Warn for sexual content (note: do not use the term “sexually explicit”)
- 2) Give the length of the selection
- 3) Contextualize the selection

CONTROVERSIAL MATERIAL

There are three things expected of you, the programmer, when you choose to air controversial material, or material that listeners may feel contains a type of hatred - racism, homophobia, sexism, etc. You must:

- 1) Warn for controversial content
- 2) Give the length of the selection
- 3) Contextualize the material
- 4) Ensure that the piece fits into the greater context or the theme of your show.

WARNINGS

A warning should be given prior to the playing of the piece. Do not tell listeners to turn off or turn down their radio. Do not tell listeners that the song is “offensive” or “profane.” Do not apologize for the piece. You do not need to give suggestions or definitions as listeners will come to their own conclusions.

CONTEXTUALIZING

To put a piece into context is to explain factors surrounding why it was created, why you respect the piece, or how you think it contributes to musical style, societal reality or artistic growth, and so on. Your contextualizing does not have to be long, and it does not have to be a learned and researched speech. Nor does it have to contain a weighty argument in order to convince someone that you are right to play it. Even if your contextualizing is a basic explanation, it must articulate your reasons clearly. It is a good idea to prepare what you will say ahead of time, but that does not necessarily writing a script. It is better to be specific and give details to illustrate your opinion, instead of saying something generic.

If you feel unsure how to relate a song that might offend to the rest of your show, the safest strategy is to make it the focus of an information theme. That way you are guaranteeing that you will devote sufficient time to talk about the song, and others relate to such a theme. *A word of warning: never play a song that you haven't listened to (or read the lyric sheet) before you air it. This applies to requests, too.*

COPYRIGHT

We must have permission to broadcast copyright material. You cannot rebroadcast anything on CKDU that you've recorded from another radio station or from TV, films, or videos without seeking the permission of the copyright owner to do so. Copyright also exists on books, magazine articles, or other types of literary, artistic, musical, dramatic or non-dramatic work.

It is not an infringement of copyright to broadcast excerpts for criticism, review, or foreground, as long as it is ten lines or less, and as long as “the use or dealing with the work is fair in its circumstances” (CBC). Research fair dealing laws for more information. There is no copyright on news itself. If someone wishes to carry a report that appears in a newspaper, written consent of the newspaper or the individual journalist is required only if that report is simply read verbatim.

Music copyright is covered by CKDU's payment of fees to SOCAN - the Society of Composers, Authors, and Music Publishers of Canada - and this covers our right to broadcast.

DEFAMATION

Defamation involves attacking the good name or reputation of someone. In order to defame someone, you must publish the criticism to a third party. “Publication” includes broadcasting defamatory matter on the radio. There is no single definition of “defamatory” used by the courts. Instead, they have created and used several tests over the centuries.

These tests include:

- exposing a person to ridicule, contempt or hatred
- causing a person to be shunned

Some examples of defamation:

- a criticism which adversely reflects upon a person's business, trade, profession or calling, ie. calling a physician a "quack"
- words that discredit a person's performance or their capacity to perform the duties of their job, ie. saying a reputable builder builds "firetraps"
- allegations that a person committed a crime
- implications of misuse of public office
- saying someone has an infectious disease that might cause them to be avoided, like AIDS, VD, etc.

Of course, you can make the above criticisms if you can prove they are true in a court of law. Our lawyer, David Coles, says you should always have at least 2 reliable sources who would be willing to go to court for you, as a rule of thumb. In law, if you can prove defamatory matter to be true, it is called "justification."

If someone consents to your description then they can't sue you for defamation. For example, if someone has admitted publicly that they have AIDS, it is OK for you to say it on the air.

Legal Ramifications

Defamation can be a civil or criminal offense. In Canada, it is usually prosecuted as a civil offense or tort. Under tort law, the victim (or plaintiff) is entitled to compensation (money) for the damage caused by the attack. Whether you want to offer commentary that is critical or if you want to quote an article or play music by someone else who is critical, you have to be careful not to defame anyone's character. What happens if you aren't careful? Then we face a potential court case and the possibility of fines for CKDU and the following persons being sued individually:

- the programmer
- the Program Director or Spoken Word Coordinator
- the Station Coordinator
- the Chair of the Board of Directors

Points to Remember

- if you are quoting an article written by someone else that defames an individual, CKDU and you are just as responsible as the author
- believing that what you said is true is not an absolute legal defense
- a person can be defamed even if they are not identified by name if anyone listening is able to figure out who you are talking about
- a person can be defamed by implication or innuendo
- a group of people can be defamed, ex. an association, corporation, local government body, etc.

Identification

You must be careful to identify the person you are talking about clearly enough not to mistakenly defame someone else. If you say Bob Smith was arrested for sexual improprieties, you should make it clear which Bob Smith, in case there is another one who could be defamed. That is why newspapers usually identify people by name and address or name and profession.

Important! If you are doing an opinion piece, identify it as such. Make sure opinions are identified as yours and not those of CKDU in general. Presenting opinions as facts is a serious offense.

BALANCE IN PROGRAMMING

The station and its programmers must ensure that information is presented in a way so as to allow the listening public to form its own opinions, namely by the presentation of several different views, especially regarding matters of public concern. A matter of public concern is a topic which there are clearly differing opinions. One such topic, for example, is abortion. There are at least two clearly divergent opinions on the subject, one which favours the right to access abortions, and one which opposes access. The CRTC states that providing balance on controversial issues, such as abortion, is the responsibility of the broadcaster, and that the need to provide balance is greatest when the controversial issues are being address.

So, if you, just as an example, wanted to make a statement or interview someone and the message is clearly partisan (ie. does not address the opposite point of view), you **must** inform CKDU staff. It will be up to you, as the host of the program, and the staff to decide whether you will be required to address the balance of question within your program, and the staff to decide whether you will be required to address the balanced question within your program or whether it will be done in another way (during a different program perhaps). In any case, **you must inform the staff of your intentions so that we can ensure that our legal requirements are met.** This is serious. If you aren't sure whether the topic you want to discuss is a matter of public opinion, talk to the staff and they will advise you.

Also, we should provide opportunity for complainants to air their complaints. If complainants do not wish to air their complaints, we are responsible for making sure their point of view is represented. We do not, however, have to dedicate equal time to all points of view. We need only let our audience know about them. We must inform people of this by regularly inviting listeners to call (although NOT live on-air) or write in with their comments and feedback.

MISC. RULES & REGS

Anti Government Remarks: we're pretty free to criticize the government (except if we make untrue allegations - see definition). But, it is illegal to broadcast and remark which advocates the use of force to change or overthrow the government of Canada.

Elections: The Canada Elections Act forbids us from broadcasting election results before the polls close. We can't air any partisan stuff on election day or the previous day. This applies to all levels of government.

Soliciting Donations: We are not allowed to appeal for donations for any organization unless it's a church, a recognized charitable institution, a university or non profit organization. You should never solicit money for any organization unless you have prior approval from the Staff or Board of Directors.

Pending Court Cases: When a legal matter is before the courts no one should interfere with the court's proper handling of the case. We can report or comment on the trial in process , but we have to be careful not to prejudice the trial or try to influence the results. Also, we are not allowed to make remarks intended to undermine respect for the courts.

Blasphemous Libel: No abusive comment on a race or religion or on any other identifiable group, unless an opinion on a religious subject was attempted to be established by the argument used in good faith and in "decent language."

False News: We are prohibited from broadcasting any false news or misleading news.

Abortions: We are not allowed to counsel women to get abortions

Lottery: We are prohibited from airing any program involving lottery or a similar scheme.

Reconstruction of Actual Events: Unless the program is identified as a reconstruction every 15 minutes.

Food, drugs, and cures for Diseases: No testimonials or advertisements for food or drugs, or any recommendation for prevention of disease without prior approval of the CRTC and appropriate government agency.

COMPLAINTS

Every complaint should be taken seriously and dealt with immediately. Complaints can be received in different ways. A listener may phone the DJ on-air and make a complaint directly to the DJ. Other times they will call at a later time and ask to speak to the person in charge, usually the Station Manager or Program Director. Listeners may also write directly to the CRTC with their complaint and might never actually contact the station.

How to Handle Complaints over the Phone:

When you are on-air, you can expect people to call in from time to time to comment on your show. Sometimes, the feedback will be negative. It's important, even if someone is critical, that we're nice to them. If someone is challenging your right to play what you are playing or is just being really negative about your choices, you have the right to ask them to call the Staff during office hours. Be polite to them but if you can't satisfy their complaint, it's better for you to concentrate on your show and it's more appropriate for them to discuss a program complaint with Staff.

If someone calls to say they were offended by something that you played, don't panic. Explain that your intention was not to offend them, and apologize for doing so. **Don't apologize for airing the piece.** Explain to them why you played the segment, how it's related to the theme of your show, and why you thought it was important to broadcast. If this doesn't seem to appease the caller, encourage them to call a staff member during office hours. Or, ask them for their name and number and leave it for Staff.

If a caller starts harassing you, don't try to debate them. **NEVER take the debate to the airwaves.** If the caller starts making personal remarks or is abusive, you are under no obligation to continue the call, but warn them first that you cannot continue talking to them if they continue to be abusive. If they persist beyond this point, hang up on them. If they try to call back repeatedly, don't answer the phone. Alert Security of the situation, warn the next programmer and let the staff know (either through a note or call them during office hours).

If anything like this happened to you, either a "serious" complaint or harassment, be sure to tell someone on staff as soon as possible. That way, they'll be prepared if they receive a call from a complainant of they can be aware of any potential harassment/security issue. just so they know that you had to deal with a difficult situation.