

90.1 FM
KKFI – Kansas City
Community Radio

Programmers
Policy & Operations
Manual

Revised
October 2023

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Introduction

KKFI's Mission Statement

KKFI is the Kansas City area's independent, non-commercial community radio station. We seek to stimulate, educate, and entertain our audience, to reflect the diversity of the local and world community, and to provide a channel for individuals and groups, issues and music that have been overlooked, suppressed or under-represented by other media.

KKFI's Philosophy Statement

KKFI is committed to diversity in programming and discourse and seeks to create a climate of mutual respect and collaboration among volunteers and staff.

About This Manual

90.1 FM KKFI is a non-commercial, educational, public radio station licensed to Mid-Coast Radio Project, Incorporated.

As a public radio licensee, KKFI is subject to a variety of statutory and regulatory requirements and restrictions. These include the federal statutes under which licensees must operate, as well as other applicable federal and state laws. The policies in this manual are not meant to supersede any local, state, or federal laws which govern Mid-Coast Radio Project, Incorporated.

This manual, when approved in full or in part by the Board of Directors of KKFI, will replace corresponding sections of previous manuals.

It is required that all persons associated with KKFI familiarize themselves with this manual and other applicable rules and regulations.

Infractions of some policies contained in this manual may cause the offending individual(s) as well as the station to incur local, state or federal criminal charges and/or fines.

This manual documents station policy with respect to the desired behavior of its producers, programmers, program associates and board operators. Failure to follow station policy may carry consequences, both for the person and, at times, for the station. Except in sub-sections in the manual where a penalty is specified, see Section III-O Penalties and Discipline for penalties.

Table of Contents

Introduction.....	a
KKFI’s Mission Statement	
KKFI’s Philosophy Statement	
About this Manual	
Table of Contents	b,c
I. KKFI Code of Conduct.....	1
II. Broadcasting Rules.....	2
A. Unattended Operation	2
B. Station ID.....	2
C. Transmitter Log.....	2
D. Program Log.....	2
E. Operator Duties	3
F. Call-To-Action and Promotion.....	3
G. Payola/Plugola.....	5
H. Copyright Infringement/Rebroadcasts	5
I. Election Broadcast Violations	6
J. Personal Attacks.....	6
K. Obscene/Indecent/Profane Broadcasts	6
L. Telephone Calls.....	8
M. Editorializing/Commentary	8
N. False Information.....	8
III. Operations	9
A. Certification of Board Operators, Programmers and Program Associates.....	9
B. Honoring Volunteer Commitments.....	9
C. Volunteer Time	10
D. Attendance/Promptness	10
E. Transition Between Programs.....	10
F. Telephone Calls.....	10
G. Problem Telephone Callers	11
H. Equipment Failure.....	12
I. Programming	12
J. Dirty Laundry	12
K. Religious Programming	12
L. Security.....	13
M. Evaluation of Programs	13
N. Grievances	13
O. Penalties and Discipline.....	13
P. Resigning.....	14
Q. Guest Interview Requirements.....	14
R. The Digital Millennium Copyright Act.....	14
S. Pledge Drives	15
T. Announcement of Music Selections.....	15
U. KKFI Policy On Airing Potentially Objectionable Content	15

Glossary

Appendix A – Compliance Policy of Mid-Coast Radio Project, Inc. With Respect to Obscene, Indecent and Profane Programming

Appendix B – KKFI Preemption Policy

Appendix C – Digital Millennium Copyright Act Guidelines

Appendix D – KKFI Programmer Guidance for DMCA Rules re: Multiple Artist Plays

KKFI Code of Conduct

The KKFI Code of Conduct is maintained as a separate document, which is applicable to KKFI staff, volunteers, Board of Directors, and guests. The KKFI Code of Conduct is incorporated by reference into this Programmers Policy & Operations Manual, as part of this Manual which documents station policy with respect to the desired behavior of its producers, programmers, program associates and board operators.

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II. Broadcasting Rules

These rules are intended to comply with Federal Communications Commission regulations as well as KKFI policies.

A. **Unattended Operation**

A KKFI Certified Radio Operator must be signed in and in control of the station at all times, even during a pre-recorded program. A programmer may not leave the station unattended or shut it down for any reason unless instructed to do so by the station technical engineer, the General Manager or other qualified staff person.

Penalty: Immediate Termination by General Manager or Other Designated Person

B. **Station ID**

KKFI identifies itself within 5 minutes of the top of each hour during a “natural break in programming”.

Our only acceptable station ID is: 90.1 FM KKFI-Kansas City Community Radio

The ID is usually given verbally. Anything can be added before or after the station ID, but nothing may be inserted.

When the on-air staff is changing, the person coming on the air is responsible for giving the ID.

C. **Transmitter Log**

Your signature on the Transmitter Log is considered proof that you took control of our signal. The operator’s signature following yours on the log indicates that control of the station was passed to the next person. Sign the log at the beginning of your shift.

D. **Program Log**

The Program Log (also known as the Traffic Log) is a daily schedule of station IDs, programs and announcements that should be aired at the scheduled time. Sign ON with the time and your signature, and sign OFF with the time and your signature, and make sure the person before and after you do the same. This is considered proof that you operated the board during the times you indicate on the log. Write the time and your initials beside each scheduled announcement you play or read. If there is a problem, note it on the log.

Community Bulletin Boards exclusive to your program do not have to be recorded in the log.

E. Operator Duties

While signed onto the Transmitter log, you are responsible for performing any procedure that may be required during your shift. Duties include but are not limited to:

- Filling out Transmitter and Program logs correctly;
- Giving the ID & airing announcements on time;
- Taking transmitter readings every two hours, and monitoring our signal;
- Monitoring our broadcast to make sure the sound quality is the best it can be, which necessitates wearing headphones so that you can hear what our listeners hear;
- Ensuring that no content which violates KKFI policies and/or government regulations is broadcast by using the 7-second delay button;
- Airing pre-recorded or satellite programs;
- Using the PAL system and all other equipment correctly;
- Airing special station-mandated programs; and
- Performing emergency broadcast & other procedures as needed & making notes on the Transmitter and Program Logs which include the time, your initials, the type of procedure and any other relevant information; and
- Filing reports of music that is aired during your shift (see Section III.R., Digital Millennium Copyright Act).

F. Call-To-Action and Promotion

Because KKFI is a non-commercial radio station, we are subject to different Federal Communications Commission (FCC) regulations regarding the broadcast of announcements which promote the sale of goods and services of for-profit entities than commercial stations are subject to*. As a community radio station, we have also chosen to subject ourselves to stricter standards than the FCC requires.

A "Call-to-Action" is a statement directing listeners to go somewhere and/or do something in regard to a for-profit product, service, or event. Both you and your guests are prohibited from:

- Telling our listeners to purchase any product or service, patronize any business or attend any for-profit event;
- Announcing prices for any event, product, or service (you may *not* tell listeners that an event is free or that there is no charge to attend as these are considered by the FCC to be price announcements); and
- Commenting on underwriting spots or providing additional information about an underwriter immediately before or after playing its spot.

Please remember, our duty as a non-commercial community radio station is simply to present information to the public. We cannot broadcast commercial endorsements for for-profit entities or events. We can and do broadcast underwriting spots for both for-profit and non-profit organizations so long as the content meets FCC requirements*, and we also do station-sponsored promotions.

You and artists (singers, musicians, painters, writers, chefs, etc.) you interview may:

- Mention venues where they are performing or displaying their work and
- Give their contact information.

It is appropriate to give the venue and contact information at the start and end of an interview, and you may give it every 15-20 minutes during long interviews.

If you choose to interview owners or employees of other types of for-profit businesses (including, but not limited to, clubs, theaters, galleries, bars, restaurants, retail stores, and service providers) on your show, you must ensure that these interviews provide information about the kind of work they do but do not promote their businesses and do not contain calls-to-action as described above.

Because recorded spots (promos, PSAs, etc.) may be perceived by our listeners as having the station's endorsement, you cannot play any spots of any kind that have not first been approved for broadcast by the Traffic Coordinator, the Marketing & Development Director, the Special Events Manager, or Other Designated Person(s). Furthermore, you cannot play any underwriting spots that are not listed on the Program Log for your show.

Legitimate non-profit organizations and events are generally exempt from this Call-to-Action policy, but prices for products, services or events must not be mentioned even if all the proceeds go to a non-profit cause (you may announce that there is no charge to attend a non-profit event). It is your responsibility to verify the non-profit status of any organizations or events represented by prospective guests before they go on the air. Events, products, and services must be entirely non-profit in order to be exempt from this Call-to-Action policy. If only a portion of the net proceeds after production costs will be donated to a non-profit organization or cause, the event is not exempt from this Call-to-Action policy.

Promotions, benefits and fund-raisers for KKFI must be pre-approved by the Special Events Manager or Other Designated Person(s). When KKFI is running promotional spots for a KKFI benefit, you may announce prices for that event.

You must not give your contact information on the air in connection with any for-profit ventures or for self-promotion (also see Section II-G Payola/Plugola).

* Federal law and FCC rules prohibit non-commercial radio stations from broadcasting announcements which promote the sale of goods and services of for-profit entities in return for consideration paid to the station. These rules, however, permit contributors of funds to the station to receive on-air acknowledgments through what is called underwriting. Underwriting announcements can include:

- Logograms or slogans which identify and *do not* promote;
- Location information;
- Value-neutral descriptions of a product line or service; and
- Brand and trade names and product or service listings.

Underwriting announcements may *not* contain comparative or qualitative language. The FCC Rules on underwriting prohibit acknowledgments containing price information, calls-to-action, and inducements to buy, sell, rent or lease.

G. Payola/Plugola

Payola - It is illegal for anyone affiliated with a station to directly receive money or other items of value in exchange for a station promotion. Event tickets and/or other consideration must be sent to the station office to be distributed, not given directly to the recipient. If you are given event tickets or other consideration, you must notify the development director or other designated person so s/he can decide how they will be distributed.

Plugola - It is illegal for any person to endorse or promote ventures which could directly or indirectly benefit themselves or an organization with which they are affiliated without disclosing that affiliation on the air and to station management. If you have a guest with whom you have a personal or professional relationship, that affiliation must also be disclosed.

While you are not entirely prohibited from mentioning any for-profit business you engage in on your show, always remember that you are not allowed to use your show as a forum for the promotion of your business. This applies equally to professional musicians, writers, painters, and other artists as well as to store-owners, service-providers, manufacturers, etc. You must not give your contact information on the air in connection with any for-profit ventures.

- If you have an upcoming show or event, you may include it in a calendar of similar events (or append it to a recorded calendar) but must not promote it to the exclusion of, or to a greater degree than, other such shows/events.
- You must not tell our listeners to attend your show/event (also see Section II-F Call-to-Action and Promotion).
- You may not play your own music, either live or recorded, on your show except in connection with a KKFI benefit, such as when you are participating as a musical performer in our Band Auction. You are allowed to accompany guests you have on your show when they play their own music live.

H. Copyright Infringement/Rebroadcasts

A copyright establishes ownership of a piece of created work. The copyright holder may then sell, lease, or grant permission for its use. We pay royalties to use most commercially recorded copyrighted recordings. For all other material, published or unpublished, foreign or domestic, permission must be obtained in writing from the copyright owner, and provided to the KKFI General Manager or Other Designated Person.

However, copyrighted material may be broadcast in small portions for purposes of criticism, comment, news reporting, teaching, scholarship or research without written permission from the copyright holder if proper credit is given.

Some material has no current owner and is considered to be either “Orphaned” or in the “Public Domain”. This material may be used only after a documented search for the copyright holder in good faith according to the rules of the United States Copyright Office by the person wishing to use the material, and guided by the KKFI General Manager or Other Designated Person.

Also, you may not rebroadcast a program from another radio or television station in substantial part or in its entirety without written permission from the copyright holder.

I. Election Broadcast Violations

One of the primary reasons KKFI exists is to provide listeners with information about the community, and to help them make informed choices. The laws surrounding political broadcasting are complex, but the following guidelines will help keep you and the station out of trouble:

- When on-air as a programmer, producer or content provider, never personally endorse or support a candidate for elective public office, ballot initiative or party by name, and never personally oppose a candidate for public office, ballot initiative or party by name.
- If a candidate for public office appears on a program, KKFI must provide an equal opportunity to participate to all political candidates seeking the same office if properly requested in a timely manner. Because of this, the KKFI Candidate Form showing qualified candidates you plan to have as guests on the air must be given to the General Manager, Chief Operator or Other Designated Person as early as possible prior to broadcast, and in any event by no later than the day of broadcast.
- If you are invited as a guest onto a program other than your own, see Section II. M. for a discussion of allowable speech and requirements.

J. Personal Attacks

You may not attack the personal honesty, character, integrity or other personal qualities of any private citizen or group over the air.

K. Obscene/Indecent/Profane Broadcasts

Policies against obscene, indecent and/or profane radio broadcasts are always in force at KKFI.

The FCC gives this guidance on deciding what’s obscene, indecent or profane:

- **Obscene content** does not have protection by the First Amendment. For content to be ruled obscene, it must meet a three-pronged test established by the Supreme Court: It must appeal to an average person’s prurient interest; depict or describe sexual conduct in a “patently offensive” way; and taken as a whole, lack serious literary, artistic, political or scientific value.
- **Indecent content** portrays sexual or excretory organs or activities in a way that is patently offensive but does not meet the three-prong test for obscenity.

- **Profane content** includes "grossly offensive" language that is considered a public nuisance.

Indecent, and/or profane broadcasts can be summarized as:

- Pandering, titillating, lewd, lustful, vulgar or shocking;
- Descriptive of or referring to sexual or excretory organs or activities which would be offensive to most people;
- Suggestive material, consisting of innuendo and double meanings;
- Repetitive, explicit or graphic language; and
- Cursing (includes, but is not limited to the seven deadly words: "shit, piss, fuck, motherfucker, cocksucker, tits, and cunt").

Such a broadcast may also be obscene if it meets the three-pronged test described above.

Humor is no defense. Obscuring or bleeping offensive words is not considered helpful if the meaning can still be understood or deciphered. Spelling the offensive words or substituting foreign words is not acceptable. The material must have other serious literary, artistic, political, or scientific merit when taken in context.

It is the programmer's responsibility to make sure the 7-second delay is in operation and used properly. Preview all music for offensive language, and carefully monitor all speech that goes out on the airways. Federal criminal charges and fines against the announcer are possible.

There is no "safe harbor" at any time of the day or night when it is OK to broadcast obscene material.

There is an FCC policy of "safe harbor" for broadcasting indecent and profane material between the hours of 10 P.M. and 6 A.M. Because of our role in the community, we have elected to honor the "safe harbor" period to allow a programmer to broadcast indecent and profane material between 10 P.M. and 6 A.M., subject to the following requirements:

- The programmer's show is identified as a safe harbor show under guidelines established by the Board, General Manager or Other Designated Person.
- The programmer is trained on the FCC requirements relating to the broadcast of obscene, indecent and profane material.
- Music and other recorded content containing indecent or profane material may be played during the "safe harbor" period.
- While the "safe harbor" period loosens restrictions on the content of material played during a broadcast, it does not loosen any rules regarding what can be said over the microphone. No matter what time of day, it is NEVER acceptable for any programmer, guest or visitor during a broadcast to curse or use indecent or profane language. You may be able to *play* it from 10 P.M. and 6 A.M. but you cannot say it.

Indecent and profane material CANNOT be aired between 6 A.M. and 10 P.M., which is outside the "safe harbor" period.

Explicit/non-safe harbor material should not be loaded into PAL. Anyone loading music and other material into PAL is required to first screen such music and other material to ensure that it is FCC clean.

(For a more detailed explanation, see Appendix A)

L. Telephone Calls

You may take calls on the air during your program at your discretion. When you do, you must tell the callers they are on the air before they begin speaking, and we encourage you to ask them to tell you their names, where they're calling from and what they're calling about. Whenever possible, have an assistant screen callers before putting them on the air to avoid broadcasting prank or harassing calls.

You must obtain permission in advance from the caller before broadcasting the voice or music of any person recorded over the telephone. This applies to both incoming and outgoing calls. This is in accordance with FCC regulations.

(See "Telephone Calls" and "Problem Telephone Callers", Section III F. & G.)

M. Editorializing/Commentary

A programmer may not editorialize or act as a station spokesperson without permission from the Mid-Coast Radio Board of Directors or station management. All other opinions are called "comments" or "commentary", and should be accompanied by a statement that the opinions expressed are your own. For the avoidance of doubt, issue an on-air disclaimer at the beginning or end of your program.

We expect our programmers to be engaged in the world, and understand that many of us will participate in many organizations and other communal activities. If, as a member of such an organization or activity, you are invited onto a program other than your own, to help educate our listeners and expose them to a diversity of opinions, you can be given the same freedom to express opinions as we give other guests, provided that you and our host make clear that you are there in your personal capacity and as a member of this other organization, and that your views are not representing the views of KKFI, its staff, programmers, or other volunteers. In that capacity, if you personally endorse, support or oppose a candidate, initiative, or party by name, your host is prohibited from agreeing with you on air (see Section II. I above), just as you, when hosting a program, are prohibited from personally endorsing, supporting or opposing a candidate, initiative, or party by name.

N. False Information

It is illegal to falsely identify the station, or to intentionally broadcast false or deceptive information.

III. Operations

A. Certification of Board Operators, Programmers and Program Associates

KKFI issues a "Certification of Eligibility for Radio Operators." All Operators (see Glossary following this Section) must have undergone training with one of KKFI's certified trainers, passed all required tests, and signed a certification attesting that they have read, understand, and are expected to follow the policies outlined in this manual. No one will be permitted to begin working as an Operator until these requirements have been fulfilled. Operators may also be asked to sign other papers required from time to time by the Board of Directors. All persons who sign in on the logs, including persons who fill in for an on-air shift, must be KKFI certified Operators.

KKFI requires all Programmers and Program Associates (see Glossary following this Section) to have passed our Programmer and Program Associate certification test, demonstrating that they understand our station policies and all relevant FCC and other government regulations. Programmers and Program Associates must also have signed a certification attesting that they have read, understand, and are expected to follow the policies outlined in this manual. No one will be permitted to begin working as a Programmer or Program Associate until these requirements have been fulfilled.

If you are the Producer of a show, you are responsible for ensuring that anyone who would like to be an Operator, Programmer, or Program Associate for your show has passed the applicable test(s) and signed the certification before s/he goes on the air or selects content to be broadcast on the show.

These requirements do not apply to Guest DJs.

B. Honoring Volunteer Commitments

If you are assigned an on-air shift, you are expected to fulfill that obligation. Each program's producer is responsible for finding a qualified crew for his/her shift. If no replacement is found, s/he is still responsible for doing the show. Producers must receive approval in advance for all such substitutions from the Programming Committee Chair or Vice-Chair.

If you agree to be a fill-in on someone else's show and the Programming Committee Chair or Vice-Chair approves, you become responsible for fulfilling that obligation.

If you cannot consistently do your show or honor other volunteer commitments, you may be asked to resign your position or shift.

C. Volunteer Time

All programmers must contribute the required number of verifiable volunteer hours in addition to their on-air program hours and preparation time in order to maintain Programmer and/or Active Member status. A self-explanatory form is available in the Community Room for listing all your hours. This must be filled out and left in the file folder in the Community Room at the end of each month.

D. Attendance/Promptness

Be at the studio on time--at least 15 minutes before an on-air shift.

If a programmer is not at the station 2 minutes after the scheduled start of their program and has not contacted the station, the General Manager or other qualified personnel may substitute another program for the duration of the time slot. Once a substitute program has begun, it may not be interrupted until a natural break would otherwise occur.

Since the station must never be left unattended or shut down, on-air personnel must continue to broadcast in the absence of other KKFI Certified Board Operators. Experienced board operators often prepare extra music to play in case of such an event.

E. Transition Between Programs

Cooperation between programmers is essential in order to achieve a smooth transition between programs.

Incoming programmers should not enter the studio to begin setting up until the ON-AIR sign outside the studio door goes off unless prior arrangements are made with the previous programmer/operator.

Programs are required to end 3-5 minutes before the beginning of the next program. The outgoing programmer/operator should forward-promote the following show and begin playing announcements or music that can serve as a segue between programs. S/he should sign out, close the logs, inform the incoming operator of equipment function, take transmitter readings, gather their things and leave.

The incoming programmer will then have time to seat guests, check the logs, sign in, set up for their program, take a deep breath, and give the station ID at the top of the hour before beginning their program.

F. Telephone Calls

Refer to the directions posted in the studio or ask the Chief Operator to teach you the technical procedure for putting calls on the air.

Do not accept collect calls unless previous arrangements have been made with station staff. Programmers are liable for all collect charges.

(See "Telephone Calls", Section II L)

G. Problem Telephone Callers

If you decide to take phone calls, eventually there will be a caller who is harassing you or who tries to say something illegal on the air (See “Obscene/Indecent/Profane Broadcasts”, Section II K). You need to know what to do without hesitation when this occurs, so please read this section thoroughly.

Before Your Show:

1. Check to see that the 7-second delay is on and activated. A green light indicates the power is on, and a red light indicates that the system is activated. Both of these lights must be on, but it’s always a good idea to confirm that the 7-second delay is working by listening to the radio monitor and the studio sound at the same time. If they are out of synch, the system is working correctly.
2. Dial *77 on the on-air line to be sure Call Anonymous Block is activated. This prevents anonymous calls from getting through. (Be sure the on-air programmer is not going to use the phone while you do this.)
3. It may be helpful to record dates, times, names, numbers, etc. from the Caller ID so you can place troublesome callers on Call Block before your next show. It’s easier if you have an assistant help you do this.

To place numbers on Call Block, dial *60 and follow instructions to block up to 10 calls. (You can place the last call received on Call Block without knowing their number, if necessary.)

At The Beginning of Your Show:

Announce your show’s policy for putting callers on the air. You may want to say that you will be asking for their name and location, that there is a limit of one call per person, that phone numbers are recorded & kept on file, that harassing phone calls may be traced and prosecuted, etc.

While On The Air:

1. If a caller says something that is against KKFI policy and/or FCC rules, it is urgent that you immediately press the “Delete” button on the 7-second delay which will erase the illegal word(s) from the air. This should disconnect the caller and give the listeners 7 seconds of silence. Remember, the first thing you say after pressing “Delete” will be the next thing to be heard on the air, so you may want to act as if nothing has happened and/or have something cued to play while you regroup.
2. **After an illegal call, turn the Gentner switch to Off, and immediately signal your assistant to pick up the studio phone (or do it yourself) & dial *57 to have the call traced. Hopefully, you will hear a message that Call Trace was successful. Enter a notation on the Transmitter Log along with the time(s) and your initials.**

3. If the words spoken are offensive but not illegal, you have more leeway in how you choose to react. You could hang up, or press the 7-second delay to delete the offensive words. Or you may choose to talk to the caller.

If you tell a caller not to call back and s/he calls back anyway, that is a form of harassment and you can proceed as above to trace the call.

Off the Air

If you receive a threatening or disturbing phone call OFF THE AIR, you may dial *57 to activate Call Trace, as above. Make a note on the Transmitter Log.

H. Equipment Failure

From time to time, you will be faced with equipment failure of some kind. If you are on the air when this happens, try to ad-lib or play music without mentioning the problem. Do not say disparaging things about the station or the equipment.

I. Programming

If you are the designated Producer for your program, you have been entrusted with a portion of KKFI's airwaves, but you do not "own" your program or time-slot. You cannot change the program genre which was approved by the station or transfer production responsibilities for your show to someone else without receiving prior approval from the station. If you would like to begin alternating programming duties for your show with someone else on a regular basis, you must receive permission from the station before making such a change (see Section III Subsection B of this Manual for our policy on occasional programmer substitutions). The first step in making such a change is to request approval from the Programming Committee.

The station may preempt your program on occasion pursuant to our Preemption Policy, Appendix B to this Manual. When we make changes to the schedule, we may decide to move your program, modify it, or cancel it. If your show would be affected by a proposed schedule change, you will be notified in advance and your views will be considered before a final decision is made.

J. Dirty Laundry

Personal grievances, disputes or criticisms involving station, staff and/or volunteers may not be mentioned on the air. In addition, they should not be mentioned on social media or networking pages or accounts or similar platforms dedicated to a show aired on KKFI. Always keep a positive attitude concerning KKFI in the community.

K. Religious Programming

Programs broadcast on KKFI should encourage tolerance and diverse points of view, and promote discussion of religious concepts. Proselytizing, evangelizing, recruiting or promotion of any particular religion, dogma or spiritual belief is unacceptable.

Gospel music and other religious music is considered cultural in nature and can be broadcast. Gospel music events and community service events may be broadcast regardless of religious affiliation.

However, do not broadcast prayers, sermons or religious messages, and do not announce revivals or church services. Statements of your own personal religious convictions must be labeled as commentary (see “Editorializing/Commentary, Section II M)

L. Security

The Operator signed in on the transmitter log is responsible for the security of the station outside of office hours. Do not let anyone into the first-floor security door or the station itself outside of business hours unless you are confident they will adhere to all KKFI and building policies.

M. Evaluation of Programs

You are responsible for the sound that goes out over the airwaves during your show. We require programmers to strive for quality in their programming. If a guest or a caller makes a mistake, it is still your responsibility.

The Program Quality Sub-Committee or other staff member will regularly conduct air-checks and will engage in constructive criticism and training to encourage you to improve when needed. If you do not or cannot meet our standards, you may be asked to contribute to the station in other ways.

N. Grievances

Occasionally a complaint or grievance may arise that needs to be resolved by a third party. If the problem cannot be resolved by the staff person(s) in charge, a formal Grievance may be filed to be heard by the Grievance Committee. (Refer to the by-laws for further information.)

Because grievances and complaints are personnel matters, written materials and communications will be held in confidence unless the complainant or complainant’s representative wishes to divulge these matters. Grievance Committee meetings will be open only to committee members and the parties involved.

O. Penalties and Discipline

Except where a penalty is specified within a sub-section of this manual, penalties for policy violations will be determined by the General Manager or Other Designated Persons, who will administer the penalties. In making such determinations, the General Manager or Other Designated Persons shall consider the facts and circumstances and the gravity and severity of the offense. Penalty options include, but are not limited to: a verbal or written warning, additional supervised volunteer hours or other required service to the KKFI community, suspension, and termination. A record will be kept of all disciplinary actions, and this record will be taken into account when determining penalties for any subsequent violations.

The prescribed disciplinary actions do not preclude the Board/General Manager/Other Designated Persons from making rare exceptions based on unusual, extraordinary or unforeseen circumstances as long as the future of the station has not been placed in jeopardy.

P. Resigning

When resigning from your program, please give adequate notice (at least 2 weeks, hopefully more) to allow the Program Committee time to find a replacement for your show.

Q. Guest Interview Requirements

Public Affairs Interview Issues Log: When you discuss public affairs with a guest on your show, you must fill out an Interview Issues Log form after the show is complete. Information from these forms is compiled by the Chief Operator in quarterly issues reports to be included in the Public File, as required by our license and the FCC. To fill out the form, go to the Programmers Links page of our website (KKFI.org/programmers-links/) and click on "Interview Issues Log."

Guest Instructions Form (GIF): When you schedule guests to be on your show, whether in person or over the phone, you must provide our current Guest Instructions Form to them unless you know it has been provided to them within the last 6 months.

- You can download the GIF from the Programmers Links page of our website (KKFI.org/programmers-links/) in order to email it to your guests in advance, and copies are kept with the other forms in the Green Room for use with in-studio guests.
- Allow sufficient time for guests to read the GIF and ask you any questions they have about its contents before going on the air, if possible.
- You should have all guests who come to the studio to be on your show sign a copy of the GIF unless you know they have signed one within the last 6 months.
- Provide all signed GIFs to the Chief Operator.

R. The Digital Millennium Copyright Act

The Digital Millennium Copyright Act (DMCA) limits what can be streamed. All programmers who air sound recordings, including music, must adhere to the DMCA requirements. A summary of these requirements is posted on www.kkfi.org/programmers-links. The summary is also included as Appendix C to this Manual.

The DMCA also imposes reporting requirements on copyrighted sound recordings, including music, that have been streamed, and identifies information that must be included in the report. We have a contract with a reporting service (as of March 2016 with Spintron) for the reporting of this information. All programmers who air sound recordings must file the report of the music that has been aired on the reporting service then currently in use by KKFI, either contemporaneously during the on-air show or as soon after the show as possible.

The DMCA also imposes restrictions on advance publication of certain information about copyrighted music sound recordings that will be aired. See Section III.T.

S. Pledge Drives

Programmers shall cooperate with station initiatives regarding pledge drives and adhere to pledge drive directives given by the Development Director and other applicable station representatives and committees.

T. Announcement of Music Selections.

It is good radio to tell our listeners about the music selections that they are listening to on KKFI. Programmers are required to announce their music selections on-air at regular intervals, either before or after the music is played, or both. Such announcement shall include, at a minimum, the performing artist and the song title. The programmer may also announce other commonly-cited information, such as the name of the album and the year of release.

There are Digital Millennium Copyright Act (DMCA) considerations relating to advance announcements of music selections of copyrighted work. (See Section III.R. and Appendices C and D for information about the DMCA.) As noted in Appendix C, DMCA rules state that stations should not publish advance announcements of the titles of specific sound recordings to be played, and that advance announcements of the artists to be played should not say that the artists will be featured within a specified future time period. Because of these restrictions, programmers may not issue or publish their planned playlists in advance of the airing of their programs. While it is permissible to announce that an upcoming show will feature a certain artist (e.g., a show containing an interview, a tribute to a specific musician, or a focus on a specific musical genre or sub-genre in respect to which a specific artist may be mentioned as an example, etc.), it is not permissible to publish or otherwise announce the song titles that the programmer intends to air, or to give the specific time frame during a show in which an artist will be heard, in advance of the show. (Announcements that do not include titles of specific sound recordings and the performing artists featured on the sound recordings do not fall under the rules.)

In summary, for compliance with DMCA rules, if you announce music selections during your show before the music is played, titles of music to be played should only be announced immediately before a set of music (as described in the first paragraph, above). There is no restriction on announcing artist and title information after the music has been played.

U. KKFI Policy On Airing Potentially Objectionable Content

As a community radio station, KKFI strives to be inclusive of the entire community, to encourage healthy and respectful dialogue and to demonstrate these values to its listenership. This policy supports such values by addressing limits on material played on the air. In considering what they broadcast, all programmers must strive to ensure that KKFI not be seen as promoting hate, prejudice or contempt for our listenership, and to be especially sensitive to groups that have been marginalized, ignored or stereotyped elsewhere in our society (whether due to race, gender, gender identification, ethnicity, sexual orientation, disability or other human characteristic).

This policy does not in any way seek to prohibit the reasonable exercise of free speech, which principle KKFI supports. If a programmer believes that it is important to broadcast content that may be offensive to some in order to serve KKFI's mission of informing and educating

listeners, then, before airing the material, the programmer must (a) warn listeners about the material they will hear, (b) issue a disclaimer making it clear that neither the programmer nor KKFI endorse the views expressed in the material, and (c) either before or after airing the material, provide a plausible explanation as to how the material should be understood and why it is important to air it.

This policy does not prescribe specific penalties for violations of this policy. Any penalty determinations will be made in accordance with KKFI's then-current policies and procedures.

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GLOSSARY

Community Room - Room where volunteers, programmers, guests, staff and others may gather.

EAS - Emergency Alert System

Editorialize - Public statement of opinion by the board or management of a radio station

Engineer - Technical specialist who keeps the station running

FCC - Federal Communications Commission

Grievous - Potentially fatal-gravely serious-treasonous

ID - Identification

Loitering - Linger without purpose

Operator - Person who operates the on-air control board

Other Designated Person - Person designated by the Board to exercise the rights and responsibilities as described in the KKFI Programmers Policy & Operations Manual.

PAL - (Program Air Log)-Computerized on-air play panel

Private Person - An unknown independent person, withdrawn from observation, not in public life

Production Room - The recording studio, also known as Studio B

Producer - The person designated by the station to be primarily responsible for ensuring that a program is produced in compliance with all KKFI and FCC policies.

Program Associate - A person who occasionally hosts a KKFI original show in conjunction with an Operator and/or Programmer and undertakes responsibility for presentation of the show. To host a show means to choose the music to be played, to conduct an interview (live or recorded), or otherwise select content to be broadcast during a show

Program Log - (Also known as the Traffic Log)-A running list of scheduled shows, IDs, PSAs, promos, and underwriting announcements planned for the day

Programmer - A person who has regular and ongoing responsibility for presentation of a KKFI original show by contributing on a regular or fill-in basis to the show's content, including but not limited to Producers, Operators, announcers, and disc jockeys, as more fully explained in the By-laws

Promo - Promotion

PSA - Public Service Announcement

Public Figure - a well-known, prominent person or government official

Segue - (pronounced 'seg-way') Transition between programs

Suspension - Temporary expulsion from some or all activities related to the station

Termination - Permanent expulsion from all activities related to the station

Transmitter Log-Also known as the Operator Log-An ongoing tabulation of station functions required by the FCC

APPENDIX A

COMPLIANCE POLICY OF MID COAST RADIO PROJECT, INC. WITH RESPECT TO OBSCENE, INDECENT AND PROFANE PROGRAMMING

As an FCC licensee, Mid Coast Radio Project, Inc. (the "Company"), and its employees and volunteers must adhere strictly to applicable law and Company policy with respect to the airing of obscene, indecent or profane programming. Section 1464 of the United States Criminal Code provides for a fine and imprisonment of up to two years for anyone airing obscene, indecent or profane programming over a television or radio station. The Communications Act of 1934 and the rules and policies of the Federal Communications Commission (the "Commission" or the "FCC") provide for fines and sanctions that can be levied against a licensee or an employee or volunteer that uses a station's facilities for the broadcasting of obscene, indecent or profane programming.

Statement of Policy

I. General Policy

No person responsible for the content of any programming broadcast over a Company station shall permit any programming that is obscene, indecent or profane, as those terms are defined by the Federal Communications Commission, to be aired over a Company station in violation of FCC rules and policies or Company policy. The Company reserves the right to set limits on programming that may be more restrictive than FCC policy.

II. No Obscene Programming at Any Time

No obscene programming shall be broadcast over any Company station at any time. 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. Under the FCC's policies, there is no "safe harbor" period during which obscene programming can be aired. It has no protection under the U.S. Constitution and can lead both to criminal prosecution and sanction by the FCC.

III. No Indecent Programming or Profane Programming (Except in the "Safe Harbor" Period as described below)

A. No indecent programming or profane programming shall be broadcast over the station (with the exception of indecent or profane programming in the "safe harbor" period if FCC and Company requirements for such broadcast in the safe harbor period are met).

- a) **Indecent Programming.** 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 for the broadcast medium, sexual or excretory activities or organs." The FCC considers three factors in determining whether

material is indecent. 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. The second factor is whether the material *dwells on or repeats sexual or excretory matters at length*. Although this factor is still "on the books," recent FCC decisions make clear that even one fleeting or isolated use of a single sexually-related word (the F-word and its variations), or of the word "bullshit," can produce heavy fines for an indecency violation. 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.

- b) **Profane Programming**. 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" or of "the most offensive words in the English language, the broadcast of which are likely to shock the viewer and disturb the peace of the home." Recently the FCC has limited profanity to sexual and excretory terms, and has excluded racial and religious epithets from its definition of profanity.
- c) **Safe Harbor**. See Section IV below for a description of the "safe harbor" period and FCC and Company requirements.

- B. Caution should be used and discretion exercised in airing any double-entendres with sexual or excretory overtones.** For example, the FCC imposed sanctions for airing "Candy Wrapper," a song in which various candy bar names symbolized sexual activities. ("I whipped out my Whopper and whispered, Hey, Sweettart, how'd you like to Crunch on my Big Hunk for a Million Dollar Bar? Well, she immediately went down on my Tootsie Roll and you know, it was like pure Almond Joy.").
- C. Exercise caution and discretion in the broadcasting of any puns or jokes with overtones or connotations that are sexually explicit.** For example, in radio, a DJ's comment that "Liberace was great on the piano but sucked on the organ" led to FCC action.
- D. Songs, even popular songs, which contain language that is obscene or indecent, including songs that contain repeated references to sex or sexual organs, are not to be broadcast (with the exception of programming in the "safe harbor" period if FCC and Company requirements are met).**
- E. Because references to sexual or excretory activities or organs can be found by the FCC to be indecent as described above, use caution and exercise discretion with respect to any non-clinical references to sexual body parts, oral sex, anal sex, gay or lesbian sex, sexual relations with children, masturbation, ejaculation, bestiality, intercourse, urination, defecation, penis or breast size, menstruation, erections, orgasms, or the like and avoid any description or simulation of sexual acts.** The Commission has fined stations for all of these.
- F. Use caution and exercise discretion with respect to any banter concerning tabloid sex scandals, amusing news stories or any other content involving sexual or excretory**

matters. That banter frequently starts off innocuously enough, but often leads to discussions that could be deemed to be indecent.

- G. Do not become involved in discussions with talk show guests or callers concerning intimate sexual questions.**
- H. Prohibited Terms.** The following terms shall not be used over the air (with the exception of programming in the "safe harbor" period if FCC and Company requirements are met): fuck (or any word containing the word "fuck"), shit (or any word containing the word "shit"), cunt, cocksucker, motherfucker, cock, pussy, blow job, piss, tits and any other slang terms for any of the foregoing.
- I. Terms Which May Be Permissible Depending upon Context.** The FCC has ruled that a number of other "dirty" words – including "dick," penis," "testicle," vaginal," "ass," "bastard," "bitch," hell," damn," orgasm," "breast," "nipples," "can," "pissed," and "crap – were not impermissible given the context in which these words were used. However, the FCC did not immunize the use of these words in all, or even most, situations. As always, context is key.
- J. Screen All Recorded or Taped Material and All Programs or Other Content Produced or Provided by a Source Other Than the Company.** The Commission has no sympathy for stations that air prerecorded material that contains obscene, indecent or profane material. The Company and its personnel are liable for violations for the airing of material obtained from outside sources. If a program has both a broadcast and an uncensored version, make sure that only the broadcast version is obtained, and review it before it is aired. Remember that the FCC will decide each complaint on its particular facts. In reviewing programs, recognize that recently the FCC has given little deference to the artistic or other merit of programs or to the judgment of the licensee. For example, the FCC makes its own evaluation of whether offending parts of audio are essential to the nature of the artistic or educational work or essential to informing the public about a matter of public importance. If the FCC finds that substituting other language or not showing certain video would not have materially altered the nature of the work, it will find a violation. The case of the World War II film "Saving Private Ryan" is the main exception; there the Commission decided that the use of indecent language was necessary to realistic presentation of the story line and not used to shock or titillate.
- K. If It Becomes Necessary to Broadcast Programming that Mentions Sexual or Excretory Activity or Sexual Organs (For Example, As Part of a News Story or Documentary), Broadcast the Material Without Unnecessary Repetition and Without Presenting the Material in a Pandering or Titillating Fashion.** Although it may in some instances be acceptable merely to mention such activities or organs, descriptions of such matters are more likely to be deemed to be indecent if the discussion dwells on them in a pandering or titillating fashion or if the discussion becomes repetitious or goes into great detail, especially if the description or discussion uses highly sensational language intended to shock the listener.

L. Don't Treat Any References to Excretory or Sexual Activities or Bodily Parts in a Patently Offensive Manner. Each case will be dealt with based upon its own facts. The guidelines set forth in this policy statement highlight the situations in which the Commission or the Company is likely to find that programming is patently offensive. It cannot take all fact patterns into account, however, and, as a result, Company personnel responsible for programming must look at any programming that deals with excretory or sexual matters and make a determination as to whether the programming is patently offensive.

M. Don't Use Profanity (i.e., Swear or Cuss Words) on the Air.

IV. Safe Harbor.

A. Basic Rule. Indecent and profane content are prohibited on broadcast TV and radio between 6 a.m. and 10 p.m., when there is a reasonable risk that children may be in the audience. Under Company policy, as approved on May 25, 2022, it is permissible to broadcast indecent and profane content between 10 P.M. and 6 A.M., commonly referred to as the "safe harbor" period, provided that all FCC and Company requirements are met.

The Safe Harbor rule was established by the US Supreme Court case FCC v. Pacifica. This "safe harbor" is based on evidence that children 17 years of age and under are less likely to be in the audience during these hours. Sexual content and foul language are lawfully channeled to times of the day when children are less likely to be in the broadcast audience.

The Company's approval of a Safe Harbor policy was given in recognition that the station's role in the community, and mission and philosophy statements, make it appropriate for the station to expand the broadcast of permissible content within the period of time that the Supreme Court and FCC have authorized.

B. Safe Harbor Does Not Authorize Obscenity at Any Time. As noted, broadcasting obscene content is prohibited by law at all times of the day. Obscene content cannot be broadcast during the "safe harbor" period.

C. Show Should Be Identified as a Safe Harbor Show. Shows on which indecent and profane material may be broadcast during the "safe harbor" period should be identified as such. Among other reasons, this allows listeners to screen shows that their children may listen to, and to otherwise have the necessary information about the possible content of a show to make listening decisions. Guidelines for how such identification will be made will be established by the Board, Station Manager or Other Designated Person.

D. Programmer Training. All programmers are expected to attend training on general station matters as required by the Company, including training on obscenity, indecency and profanity. The Company may require programmers hosting safe harbor shows to undertake additional or more frequent training on obscenity, indecency and profanity matters.

E. Safe Harbor Authorization of Indecent and Profane Material Is Limited to Recorded Content. The Company's establishment of a Safe Harbor period is only for the broadcast of music and other recorded content. No matter what time of day, it is NEVER acceptable for any programmer, guest or visitor during a broadcast to curse or use indecent or profane language.

F. Indecent and Profane Material Cannot Be Aired Outside the "Safe Harbor" Period. Indecent and profane material is prohibited between the hours of 6 A.M. and 10 P.M., which is outside the "safe harbor" period.

V. Questionable Materials Should Be Cleared in Advance by the General Manager or Other Designated Person.

While obscene programming is never justifiable on rare occasion, a question may arise as to whether certain programming that is particularly worthy of airtime is indecent or profane. For example, a public affairs program dealing with adult themes may include language that could conceivably be considered to be indecent or profane. Although the FCC does take merit and context into account in determining whether programming is indecent or profane, those are only two factors considered by the Commission and the video and/or audio in the program could be such as to outweigh the merit of the program and the context in which it was aired. No indecency or profanity complaint has yet been denied by the Commission solely on the grounds that the material was meritorious. In fact, the Commission refused to issue a declaratory ruling that James Joyce's Ulysses, arguably one of the greatest works of 20th Century literature, is not indecent. Similarly, the Commission found that broadcast excerpts from a play about AIDS were indecent despite the context. Rather than relying on the possibility that the FCC will find that the merit or context of a program will outweigh the graphic nature of the language used in the program, personnel responsible for programming should discuss the matter with Company management to determine whether the program should be aired.

VI. Caller Conversations and Other "Live" Material to be Broadcast Should Be Pre-recorded or Delayed.

This reduces the possibility that a caller's obscene, indecent or profane material will be broadcast.

VII. Report Any Obscene, Indecent or Profane Programming to Company Management.

The Commission expects licensees, and the Company expects local management and staff, to take immediate, unprompted remedial action if programming that violates the Commission's or the Company's obscenity, indecency or profanity policies is broadcast. Commission penalties may be substantially reduced if a licensee can show that it took such action. If the licensee waits until a complaint is filed with the Commission, it may well be too late. On occasion, particularly in the case of syndicated or music programming, management may not be aware that there is a problem

with programming that has aired. Reporting these instances to management permits management to determine whether remedial action needs to be taken.

VIII. Report Any Complaints of Obscene, Indecent or Profane Programming to Management.

Listener complaints are often the canary in the mineshaft, alerting management to the fact that a station's programming has crept too close to the obscene, indecent or profane. In addition, listener complaints registered with the station may signal that a complaint will be filed with the Commission. If management is promptly apprised of a listener complaint, remedial action, if necessary, can be taken quickly and, even, perhaps, in advance of any complaint being filed with the FCC – thus making it easier to make the case that management has been diligent in taking remedial action.

IX. Company Management Must Promptly Investigate Any Violation of this Policy and Any Listener Complaints. The fact that an investigation is taking place, and the results of the investigation, must be promptly reported to the Company.

Penalties For Noncompliance

I. Company Sanctions

Failure to comply with this policy may subject an employee or volunteer to Company-imposed sanctions, up to and including loss of show and termination, whether or not the failure to comply with this policy results in a determination of violation of law or FCC regulations.

II. Federal Law Penalties

The Commission may also impose penalties that run personally to the employee, volunteer and/or the Company.

Company Assistance

Each employee's and volunteer's compliance with this policy is of the utmost importance both for the employee/volunteer and for the Company. If an employee or volunteer has any questions about this policy or its application, the employee/volunteer should obtain additional guidance from the General Manager or Other Designated Person.

Certification

All employees and volunteers must certify their understanding of, and intent to comply with, this policy. A copy of the certification that on-air employees and volunteers must sign is attached to this policy.

This policy supersedes any previous policy of the Company with respect to obscenity, indecency and profanity when approved by the KKKFI Board of Directors.

APPENDIX B

KKFI PREEMPTION POLICY

What is a preemption?

In this context, a preemption is a temporary change of program or program content from that expected by our listeners based on KKFI's On-Air-Guide or official schedule. The station may preempt a program from time to time for a variety of reasons. A programmer can also preempt his or her own program any time he or she decides to change the format of the show for more than an incidental time, for instance by substituting a public affairs segment for all or part of a music program, or by playing a collection of hip hop selections in a folk music program (see the KKFI Programmers Policy & Operations Manual, Section III-I). A programmer or other authorized person may also preempt a show temporarily by interrupting it for emergency broadcast material (regardless of the amount of time involved).

Notwithstanding the above, scheduled KKFI fundraising efforts will not be considered a preemption of the shows in which we raise funds, but changing the format of a show in order to continue fundraising appeals during a program not scheduled for fundraising would be a preemption of that program.

Why do we need a preemption policy?

Our regular listeners generally have the right to have their reasonable expectations met when they tune to 90.1 FM KKFI. Meeting their reasonable expectations is simply good radio. Those expectations are set in part by our published program schedule, with related materials describing the content to be found in each of our shows (as well as by their experience of our programs over time), and in part by advance announcements we may make from time to time about our fundraising efforts or other approved program changes. If we're going to disrupt those expectations for good and sufficient reasons, we need a policy that explains how we will collectively go about making the decisions to do so.

Two kinds of preemption

There are basically two kinds of preemptions permitted under defined circumstances by KKFI station policy: (1) unscheduled preemptions due to regional or national emergencies, for instance weather emergencies or natural disasters, invasions or attacks, or other events of compelling news interest for those within the area reached by our radio signal; and (2) scheduled preemptions that are approved using one of the processes described below.

Regional or national emergencies

Under certain circumstances, we are required by the Federal Communications Commission (FCC) and federal law to preempt our normal programming for national, state or local level alerts provided by the Emergency Alert System (EAS). Thus, one of the operator's duties as set out in the KKFI Programmers Policy & Operations Manual is:

Performing emergency broadcast & other procedures as needed & making notes on the Transmitter and Program Logs which include the time, your initials, the type of procedure and any other relevant information.

The EAS Operating Handbook states in summary form the actions to be taken by personnel at broadcast stations, cable systems and wireless cable systems, and other participating entities upon

receipt of an EAN (Emergency Action Notice), an EAT (Emergency Action Termination), tests, or State and Local Area alerts. It is issued by the FCC and contains instructions for the above situations. A copy of the Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions. [63 FR 29663, June 1, 1998]

Programmers are responsible for becoming familiar with EAS procedures, both for the periodic tests that are scheduled on the log and for actual emergencies; consult the Chief Operator for additional information.

- I. When severe weather is affecting part of our listening area, programmers for locally produced shows or board operators for syndicated shows may receive an instruction from the Station Manager, the Chief Operator, the head of the Programming Committee, or other person authorized by the KKFI Board of Directors, to periodically interrupt their scheduled program to provide alerts and instructions issued by the National Weather Service. They should comply with this instruction at the frequency requested. In the absence of any such instruction, programmers and board operators should use good judgment in volunteering to provide this needed information to those within range of our signal. Where severe weather is known to be present in our area, programmers and board operators have a responsibility to independently investigate whether relevant alerts have been issued, in order to exercise this judgment in an informed manner.

To obtain the needed alerts and information, go to www.weather.gov on the Internet, enter Missouri or Kansas (or both in sequence) underneath “Warnings and Forecasts – Warnings by State”, click “Go”, then click on any current alert. If instructed to read this material by one of the individuals named above, or if you elect to read it based on your own judgment, then read on air the name of the event, the alert information, and safety instructions, indicating that this is done as a public service by KKFI. Depending on the severity of the event in question, its impact in our listening area, and other factors, programmers may need to read the updated material every fifteen or thirty minutes during the course of their shows.

- II. If the Station Manager, Chief Operator, head of the Programming Committee, other person authorized by the Board, programmer, or board operator becomes aware of a non-weather-related local, regional or national news story constituting a compelling emergency, he or she may preempt current programming at his or her own judgment, either for an announcement, for periodic announcements, or for continuous news coverage, *provided* that (1) a fully credible source exists for the content aired, (2) the content is attributed on air to the source by name, and (3) every effort is made to ensure that the content aired is professionally presented. If any one of these criteria cannot be met, then it would be preferable to either air only a brief announcement directing those interested to some alternative information source(s) or to air nothing at all concerning the event. Such decisions may be taken without seeking broader approval, but where made by programmers, board operators, or the head of the Programming Committee, are subject to the post facto review of the Programming Committee, which may take whatever steps it feels desirable in the event of decisions it views as bad.

For national news coverage regarding events of such compelling and immediate interest, we will rely on Pacifica Radio. Procedures for use of the Pacifica feed will be developed and communicated shortly.

Scheduled preemptions of multiple programs or dates or both

Anyone desiring to preempt, as defined above, more than one program, or a program on more than one date, or both, must complete an “Application for Producing Special Programming or Special On-Air Events for 90.1FM KKFI”, and present the proposal, in person where possible, to the Programming Committee for consideration between 30 and 60 days prior to the first program it is proposed to preempt. Because the process of obtaining approval is highly dependent on the scheduling of Committee and Board meetings, and moreover because the approval process may meet with obstacles, producers of special programming are urged to commence this process as far in advance of the event as they possibly can, but not of course before enough is known about what is being proposed to present a compelling case for the value and priority of the proposed preemption to KKFI and its listening community. Because it is possible that approval to air the special programming will not be given, producers must communicate clearly to outside parties regarding the approval process and advise them of when we expect to know whether KKFI has committed to air the special programming or not.

Where possible, before the proposal comes up for formal consideration at the Programming Committee, the producer should contact staff or volunteers working on special events marketing and underwriting to determine whether there might not be marketing or underwriting tie-ins available in connection with the special programming, and should present specific ideas for such tie-ins, if any, to the Committee as part of the proposal.

In addition, if the proposal is for any reason tied to the preemption of specific programs on specific dates, then the producer is responsible for notifying the potentially affected programmers in advance of the date of the Programming Committee meeting at which the proposal will be presented, and giving the potentially affected programmers notice that they can appear at the Programming Committee meeting to hear more about the proposal and to provide input to the committee’s deliberations, should they wish to do so. The Programming Committee will ask whether this has been done, and if not, may give that fact some weight in its deliberations.

Should the Programming Committee approve the preemption, it will provide a recommendation to that effect at the next following Board meeting. The recommendation will include the producer’s original or revised application, the specific dates and times to be preempted by recommendation of the Committee, and a description of the publicity or promotional requirements placed on the producer by the Committee if any, along with a brief statement explaining the Committee’s view of the value of the special programming and the priority accorded it as a result. The producer and potentially affected programmers should be notified of the date, time and location of the Board meeting at which the recommendation will be presented, in order that they can appear at that meeting if they desire to provide input to the Board.

If the proposal is approved by the Board, and the process has proceeded smoothly, the Board authorization will be obtained somewhere in the period 20-50 days prior to the first program to be preempted. No later than 15 days before the first airing of the special programming, the producer is then responsible for:

1. Working with the Station Manager, Development Director, or other Board-designated person to develop any desirable or required press releases to media outlets
2. Creating or causing to be created promotional spots for airing on KKFI at scheduled times prior to the airing of the special programming, both during the shows that will be preempted and during other shows whose audience might be expected to be interested in the special programming in question; placing those spots in PAL; and ensuring that the Chief Operator

schedules the spots when and as often as desirable or as required by the Programming Committee

3. Creating or causing to be created a statement to be played on the air on the day of the event, introducing the special programming and advising when the next airing of the regularly scheduled programming will occur.

No later than 15 days after the airing of the special programming, the producer should prepare a report for the Programming Committee, detailing any difficulties that were encountered in producing the special programming, and providing whatever feedback is available from our listeners, programmers, volunteers, or others about how the programming was received and any steps we should take to follow up on any good will or interest that was created in the community.

Scheduling preemption of one or more programs in whole or part on a single date

The following process is available only if all three of the following are true: (1) inadequate notice of the possible special programming made following the more formal process above impossible due to the time involved; (2) the proposed preemption involves only a program or programs on a single date; and (3) the producer of the proposed special programming has obtained the agreement of all affected programmers or board operators in advance.

The producer of the special programming is still required to complete an “Application for Producing Special Programming or Special On-Air Events for 90.1FM KKFI.” The producer must attest that he or she has contacted the potentially affected programmer(s) and has his/her/their approval to proceed. If time permits prior to the time programs are to be preempted, this application should be presented at a Programming Committee meeting. If time does not permit, the proposal must be presented to the Chair of the Programming Committee if possible, or to the Vice Chair of the Programming Committee in the event the Chair is not available.

In these circumstances, the Board authorizes the Programming Committee, Chair of the Programming Committee, or Vice Chair of the Programming Committee to authorize the preemption if in their best judgment it represents an appropriate opportunity for KKFI to add value to its listening audience. If one of these groups or persons approves the preemption, he/she/it will send an e-mail explaining the decision to the President of the Board, and also to all Programming Committee members.

The producer remains responsible for performing all of the steps listed in items 1-3 of the final paragraph of the process above, however short the time frame. We should not be airing unexpected and unannounced content in this sense save in the event of a regional or national emergency.

Final recourse to the Executive Committee of the Board of Directors

Any preemption proposals failing to obtain approval through one of the processes set out above may be taken to the Executive Committee of the Board of Directors, and if approved by that Committee in formal session shall constitute an authorized preemption. The Executive Committee may set whatever requirements it wishes on individual applicants as a condition of approval.

APPENDIX C DIGITAL MILLENNIUM COPYRIGHT ACT GUIDELINES

Streaming and the DMCA

I. The Digital Millennium Copyright Act limits what can be streamed: *We cannot stream albums in their entirety*, for example.

II. The Short Version:

Some of our music falls outside the bounds of this law (which restricts how many songs from one album can be played), and can be aired on our analog signal, but not on the web stream. There's also a rule against downloading music and moving forward and backward through a stream. So the choice is to make it "non-downloadable" and disable "scrolling" of archived music files, or to never archive music programming.

III. The Long Version:

The Digital Millennium Copyright Act (DMCA) is a U.S. law, passed in 1998, regulating many aspects of Internet activity. It was established to protect the copyrighted material of artists, scientists, writers, etc., in these times of growing technology. Part of this act establishes that the recording industry would have a right to collect royalties for their performers based on Internet "airplay."

It took a while, but in 2003 - amidst much debate and confusion - a set of rules and royalties was established for webcasters to follow. In order to track what songs are played, webcasters must submit thorough reports on every song they play.

We're prepared to do whatever we can to continue streaming.

Some DMCA rules affect any archiving of recorded music, since:

- Archived shows can appear for 14 days consecutively;
- Archived shows must consist of 5-hour-long files.

Some of these DMCA rules outline restrictions on the frequency some songs can be played.

In any 3-hour period, we can webcast:

- No more than 3 songs from one album; no more than 2 played consecutively from one album
- No more than 4 songs from a set/compilation; no more than 3 played consecutively
- No more than 4 recorded songs by the same artist (**live studio appearances are okay**)

See Appendix D, "KKFI Programmer Guidance for DMCA Rules re: Multiple Artist Plays."

Shows from our broadcast past that ventured beyond these limits cannot appear in the archives. Gaps must be created in the live stream for the playing of any entire albums. Said gaps must be filled by other music or other programming.

Another element of the rules states that listeners should not be able to download or call up any particular song on demand; so therefore, no music should be "downloadable" and there should be **no way to "scroll" forward or backward** through the streaming shows that contain recorded music. That feature in Windows Media Player and MP3 must be purposely disabled for music programming.

Another element of the rules states that stations should not publish advance announcements of the titles of the specific sound recordings to be played, and that advance announcements of the artists to be played should not say that the artists will be featured within a specified future time period. Therefore, you may not publish or announce song titles in advance of your show, or announce the songs being played on your show until just before the song (or a set with the song in it) is played. If you publish information about artists to be featured in an upcoming show, you should not include specified time periods in which you will feature the artists.⁽¹⁾

We have the choice of following the guidelines or giving up our audio presence online.

More info: Here's some more information about the DMCA:
(web links will open in a new browser window)

- US Copyright Office summary of the DMCA: <https://www.copyright.gov/legislation/dmca.pdf>
- The complete text of the DMCA: <https://www.copyright.gov/legislation/pl105-304.pdf>

⁽¹⁾ DMCA provisions say that stations that stream should not “publish by means of an advance program schedule or prior announcement the titles of the specific sound recordings or phonorecords embodying such sound recordings to be transmitted.”* The DMCA also has provisions about advance announcements of the artists whose music will be played, saying that stations that stream should not publish by means of an advance program schedule or prior announcement, “the names of the featured recording artists, except that this clause does not disqualify a transmitting entity that makes a prior announcement that a particular artist will be featured within an unspecified future time period.”* These DMCA restrictions about advance publication of titles and names of featured artists should be kept in mind both (a) in connection with announcements of music selections before the music is played during your show and (b) in connection with information about an upcoming show that is published before the show is aired. (Announcements that do not include titles of specific sound recordings and the performing artists featured on the sound recordings do not fall under the rules.)

* See DMCA Section 405(a)(2)(C)(ii), codified at 17 U.S.C. Section 114(d)(2)(C)(ii).

APPENDIX D
KKFI PROGRAMMER GUIDANCE FOR DMCA RULES RE: MULTIPLE ARTIST PLAYS

A summary of the Digital Millennium Copyright Act (DMCA) Guidelines is attached to the Programmers Policy & Operations Manual as Appendix C. As the Guidelines summary indicates, radio stations that livestream their content (as does KKFI) are subject to DMCA restrictions on how often songs by the same artist may be aired during any 3 consecutive hours of broadcasting. Programmers may NOT play:

- * More than 4 songs credited to the same artist
- * More than 3 songs from the same album or more than 2 songs *consecutively* from it
- * More than 4 songs from a compilation (e.g., hits package or boxed set) or more than 3 songs *consecutively* from it

Note that the above restrictions do NOT apply to live-in-studio appearances.

Guidance has been sought from the Programming Committee as to what is meant by the “same artist”.

The DMCA and related copyright rules do not define what is meant by an “artist”. Instead, the DMCA uses the term “featured performing artist” and references the “title of a sound recording” and the “title of the phonorecord embodying such sound recording, if any”. For example, in the rules requiring the reporting of information about music that is broadcast, broadcasters are required to report “information encoded in that sound recording, if any, by or under the authority of the copyright owner of that sound recording, that identifies the title of the sound recording, the featured recording artist who performs on the sound recording, and related information”. Given the context in which the term is used in the DMCA and rules, it appears that the referenced “sound recording” on which the artist is featured is an album or other sound recording released by an artist, and that it is therefore reasonable to conclude that, for the purposes of applying the limitations on how often songs by the same artist may be aired during any 3 consecutive hours of broadcasting, the term “artist” means the individual performer to whom (or performing entity to which) the release is credited.

Following is an example that illustrates what can and cannot be done relative to a particular artist’s catalog based on this interpretation. If in doubt about a playlist that you’re assembling, please ask the Station Manager or Programming Committee Chair. If you wanted to play a lot of **ERIC CLAPTON**:

You could only play up to 4 songs (3 per album) by artists in which Clapton’s name is a part of the name of the artist to which the release is credited or is otherwise designated as the artist that released the album, such as:

Eric Clapton (solo albums);
John Mayall’s Bluesbreakers with Eric Clapton;
B.B. King & Eric Clapton; or
J.J. Cale & Eric Clapton.

You could also play up to 4 songs (3 per album) from each of the following artists:

Cream;
Blind Faith;
Derek & The Dominos; or
Any other band in which Clapton played, where the band (rather than Clapton individually) released the album and Clapton was not otherwise designated as the artist that released the album.

Also, you could play up to 4 songs (3 per album) by each named artist on whose release Clapton guested, where Clapton was not designated as the artist that released the album, such as:

Steve Winwood’s “Nine Lives”	Roger Waters’ “The Pros And Cons Of Hitch Hiking”
Carole King’s “City Streets”	The Band’s “The Last Waltz”
Bruce Hornsby’s “Halcyon Days”	Phil Collins’ “But Seriously”
George Harrison’s “Cloud Nine”	Dr. John’s “Sun, Moon & Herbs”
Bob Dylan’s “Desire”	Billy Preston’s “That’s The Way God Planned It”

With a little creativity – coupled with a decent amount of research – it is possible to assemble a DMCA-compliant playlist that pays tribute to a certain performer and includes more than 4 tunes to which the performer contributed, but where the performer was not the “artist” for DMCA purposes – especially for performers who have been in the business for many decades and whose session work has been pretty prolific.

Still having trouble making the shoe fit? Here’s a suggestion for creating a playlist for an entire show that seeks to pay tribute to an artist in respect to whom you cannot assemble enough material *and* still follow the DMCA rules as summarized above: You might consider including cover versions of the artist’s material as performed by other, entirely unassociated performers.

Finally ... don’t forget that KKFI can be subject to some harsh consequences if it fails to comply with the DMCA rules (or reporting our playlist data by timely and accurately entering same into Spintron) – including fines, suspension, loss of rights to air copyrighted material or even loss of licensure – any of which penalties would be devastating to KKFI. Thanks for doing your part to ensure that the station is compliant!

CERTIFICATION

I, _____, certify that I have received the foregoing KKFI Programmers Policy & Operations Manual, including without limitation the Introduction, Table of Contents, body of Manual, Glossary, and Appendix A (“Compliance Policy of Mid Coast Radio Project, Inc., with Respect to Obscene, Indecent and Profane Programming”), Appendix B (“KKFI Preemption Policy”), Appendix C (“Digital Millennium Copyright Act”) and Appendix D (KKFI Programmer Guidance for DMCA Rules re: Multiple Artist Plays) with revisions periodically approved by the KKFI Board of Directors (collectively, the "Policy"), that I am responsible for reading and understanding its contents, and that I have read and understood its contents. I understand that I am expected to follow these guidelines and standards of conduct throughout my employment. I further understand that the Company (as defined in Appendix A) may change, rescind or add to the Policy described in this policy statement from time to time in its sole and absolute discretion, such as to reflect further changes in applicable law, and I agree that I will read, understand and implement any and all revisions of the Policy that the Company provides to me.

I understand that if I violate the Policy, I could face disciplinary action up to and including termination.

Employee's (or Volunteer's) Signature Date

Supervisor's Signature Date

I, Kathryn Peters, Secretary of the Board of Directors of the Mid-Coast Radio Project, Inc., certify this document to be the official KKFJ Programmers Policy & Operations Manual, with updates periodically approved by a unanimous vote of the Mid Coast Radio Project Board of Directors in open session, including most recently updates approved August 23, 2023.

Certified by:

Kathryn P. Peters

Kathryn Peters, Secretary of the Corporation
October 9, 2023

[Corporate Seal]

