

KKFI Discipline Policy
Approved by the KKFI Board of Directors February 26, 2020

This Discipline Policy (the “Policy”) is aimed at the enforcement and implementation of the following KKFI and government regulatory policies and rules (henceforth called “the rules”):

- KKFI Programmers Policy and Operations Manual (2019)
- FCC Regulations
- Regulations of non-profits by the IRS
- KKFI Quality Assurance Policy
- KKFI Bylaws
- KKFI Code of Conduct
- The Digital Millennium Copyright Act (DMCA)

This Discipline Policy applies to all KKFI volunteers. However, some of the rules apply to programmers only.

An alleged violation of the rules may be reported by any volunteer or member of the public to a manager. If no manager is available, then such reporting may be made to the Board President or to a staff person. The alleged violation should immediately be referred to the volunteer Management Team or the General Manager (if one exists) for investigation and assessment of discipline.

Managers or the Management Team in charge of discipline shall be trained in how to investigate and assess discipline in order to protect the station and in accordance with due process for the person allegedly responsible for the violation and respect for any victim of the action and for their privacy.

The following language from Section III.O of The KKFI Programmers Policy & Operations Manual of August 2019 shall be adopted for this policy and applied to all cases covered by this policy:

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.

Beyond that, KKFI’s guiding principles for assessing discipline are as follows:

- Make sure that discipline is used to address misbehavior, and not infractions that occur due to lack of training or misunderstanding, which should be handled with more training and communication for the violator.
- Except for egregious or otherwise obvious bad behavior, deal with infractions at the lowest level first.
- Discipline should be undertaken with consistent standards and avoiding actions that are arbitrary, capricious or discriminatory.
- Discipline, except in particularly egregious cases that threaten the security of individuals or the station, should be corrective and progressive. Progressive discipline may include warning, oral reprimand, written reprimand, short-term suspension (e.g., 1-2 weeks), long-term suspension (e.g., 30-180 days) or termination.

The Management Team will discuss who will take the case and investigate it. The manager selected (Investigating Manager) will engage in a fair and thorough investigation of the charge(s)¹ by interviewing the person allegedly responsible for the infraction and any witnesses. The Investigating Manager will review any relevant documents and recordings, consult with others in order to determine the facts of the case, and determine whether the alleged violator is responsible for the violation or not, and the level of responsibility of that person. The Investigating Manager will make a recommendation to the Management Team, which will review the investigation, determine whether standards of due process have been met and then determine what (if any) discipline will be assessed. The Management Team will make the final decision on these matters, subject to violator's right to appeal such decision to the Grievance Committee and, subsequent thereto, to the Board.

In determining blame for the violation, the Management Team should adhere to the following guidelines for due process:

1. Is the rule that has allegedly been violated clear and unambiguous, and has it been clearly communicated to the volunteer accused of a violation? Was there adequate warning? Warning can be a written rule, something posted or even verbal. Was the volunteer aware of the possible consequences of their actions? (Some conduct is so egregious that the volunteer doesn't require a warning, e.g., theft, grievous harm to the station, etc.)
2. Did the Investigating Manager investigate before deciding on discipline? (If the violation warrants immediate suspension, that is permissible as long as a fair investigation takes place afterward and the volunteer is reinstated if it is found there was no violation.)
3. Was the investigation fair and objective? Were all known witnesses interviewed? (The Investigating Manager should not also be a witness.)
4. Did the investigation produce substantial evidence or proof of guilt?

¹ In the case of on-air alleged violations, the Programming Committee will conduct the investigation with findings communicated to the Management Team for discipline.

5. Have the rules and penalties been applied in a fair and even-handed manner and non-discriminatorily?
6. Does the punishment fit the violation? Has the Investigating Manager taken into account the tenure of the volunteer with the station, the seriousness and risk to the station or other volunteers because of the infraction, the motivation of the volunteer in committing the infraction, and any mitigating circumstances?

Once the Management Team decides on disposition of the case, the Investigating Manager should meet with the volunteer and explain what actions have been or are to be taken, and what (if any) actions are to be accomplished in order to resolve the issue. Actions may include warning, retraining, retesting, suspension, or termination. In the case of suspension, the violator may be required to provide additional volunteer hours in order to be reinstated.

The Investigating Manager should also inform the volunteer of their right to file a grievance.

A record of the alleged violation, the investigation, the Investigating Manager's recommendation for action and the Management Team's decision should be kept in a secure file in the office.

A record of discipline will be kept for three years. If there is a repeat violation, that record may be taken into account in assessing further discipline.