

Live Announcement Language Policy for KUNM On-Air Personnel

Adopted : June 2002

On-air language issues are many and complex; therefore, no single document can provide definitive answers for all on-air language questions. If you have questions please consult with KUNM's Operations Manager, Program Director, Development Director or General Manager.

Regents' Goals for KUNM:

KUNM is a noncommercial radio station, licensed by the FCC to the Regents of the University of New Mexico. The Regents Goals for KUNM include the following:

Serve the people in KUNM's listening area by providing a variety of high quality programming that serves diverse interests, particularly programming that might not be available on commercial radio stations,

Comprise an integral component of the University's academic mission

Maintain a high standard of quality in content, presentation and technical competence.

Few Clear-Cut Answers

By their very nature, language issues are extremely complex. While the FCC has articulated some clear requirements, many regulations provide only broad guidelines which must then be interpreted and applied by station personnel.

However, this *does not* protect the station from liability. Anyone can challenge the legality of a specific message or wording. If the FCC rules that this language is unacceptable, they can (and usually do) impose a fine and/or other sanctions. *They can also impose fines on individual operators.*

Therefore, you are encouraged to be well-informed about your choice of words as they relate to this policy. Whenever you have a question, consult with KUNM staff. **If an immediate decision is required and you have any doubts, we strongly recommend that you not use the language in question.**

Remember that an incorrect decision can have serious consequences for KUNM, regardless of your good intentions.

This document does not address specifics of FCC rules on obscenity, indecent speech, libel or slander. These language issues are included in the KUNM Volunteer and Operating Staff Policies and Procedures.

For-Profit Vs. Non-Profit (Tax-Exempt)

The rules in this policy apply to "for-profit" and "non-profit" organizations. It is important that you, as a programmer, are able to understand and apply the distinction between for-profit and non-profit organizations.

Please note that in order to qualify as a non-profit organization, an organization *must have been formally granted legal, tax-exempt status by the federal government* (501c3 status). Government agencies are also considered non-profit organizations.

If you are not absolutely certain that an organization has legal tax-exempt status, you must treat it as if it were a for-profit organization.

Here are some examples of tax-exempt and government organizations:

New Mexico Jazz Workshop, Outpost Productions, Santa Fe Pro Musica
University of New Mexico, TVI
City of Albuquerque Transit Department
KUNM, KNME, Channel 27
NM State Institute on Aging, Presbyterian Health Care

Definitions:

- Non-profit organization: an official 501c3 organization.
- For-profit organization: all other (than non-profit) organizations and individuals.
- Promote: to state price information, call to action, inducements, or personal endorsement. Use of superlative, qualitative or comparative language.
- Identify or mention: stating only time, date, place, "value neutral" factual information.
- Consideration: anything of value given by a present underwriter, a non-profit organization or a for-profit organization to any KUNM staff member in exchange for an on-air statement being made.

- **Transitory event:** Concerts, plays, activities of non-profit and for-profit organizations, and other events where admission charges are required, or goods or services are offered for sale. FCC rules provide for some flexibility on language restrictions when it comes to transitory events. KUNM has adopted stronger standards which apply equally to transitory and non-transitory events.
- **Disclosure:** Prior to live, on-air statements, each staff member must make a written disclosure of receipt of consideration on the appropriate form.
- **Length:** The length of an announcement may also contribute to a message being judged “promotional” by the FCC. A lengthy description of a for-profit business may be considered promotional, even if it does not include qualitative language. And saying the name of a for-profit business repeatedly may also be considered promotional by the FCC. The FCC has made differing interpretations on standards for "length" and "repetition".

For-Profit Rules

The following are **expressly prohibited** by the FCC for for-profit organizations when consideration has been received by KUNM or a KUNM staff member:

- **Calls to action.** Examples: “Don’t miss it,” “Stop by,” “Get your tickets now.”
- **Inducements.** Examples: “Free buffet,” “Two-for-one drinks during happy hour,” “Free t-shirt to the first 50 attendees,” “I hope to see you there.”
- **Endorsements.** “I can’t wait to see them,” “This is going to be a great show,” “I love this band,” “I’ll be there.”
- **Any reference to price or value.** Examples: “Tickets are \$10,” “Student discount available,” “Half off the regular price,” “Cheap,” “Tickets are reasonably priced.”
- **Superlative, qualitative, and comparative language.** Examples: Great, wonderful, best, biggest, luxurious, exciting.

While the FCC has more relaxed rules for for-profit organizations when no consideration is received, KUNM has adopted policy that also restricts the use of this language when there is no consideration.

Non-Profit Rules

The FCC has fewer restrictions for announcements related to non-profit organizations. However, KUNM has adopted policy that prohibits calls to action, inducements and reference to price or value.

KUNM does permit announcements for non-profit organizations to include endorsements and superlative, qualitative or comparative language.

A “Fact” Is Not Necessarily Legal

Through various rulings, the FCC has established that a factual statement is *not necessarily* a legal statement. For example, it may be a statement of fact that Acme Restaurant has a Happy Hour from 4-6 p.m. This statement is considered by the FCC as an inducement to patronize Acme Restaurant. Inducements for "for-profit" organizations are prohibited by the FCC when consideration is given, so this statement would be illegal.

Another example: Acme Restaurant is voted the best by the readers of the Weekly Rag. We cannot say this on air, because it clearly implies that Acme is the best, which is qualitative and comparative, which is prohibited.

Additional Mentions for Underwriters:

All underwriting carts must be aired as scheduled on the log; do not give these carts *extra* air play. Do not make comments on air about KUNM underwriters.

Personal Use of the Airwaves:

UNM policy prohibits the use of UNM facilities or property for personal benefit. You may not use your time on the air to look for a job, find a roommate, sell your car, find homes for your kittens, get free pizza delivered, or get a date, etc. UNM policy prohibits the

use of UNM facilities or property for personal benefit. UBP Policy 7710, Section 1 states in part, “*The University of New Mexico may acquire, maintain, protect, use, and dispose of property required to perform its mission. University property and resources may be used only for University business.*” You should never mention a for-profit event or business through which you personally benefit, either directly or indirectly.