

Radio Free Montclair

Volunteer Code of Conduct

MISSION:

RADIO FREE MONTCLAIR is an online, freeform, community radio station that serves as a public space for audio that encapsulates all that Montclair was, is, and needs to become. A locally-focused host for content that intrigues, challenges, introduces and inspires, RFM seeks to be “what Montclair sounds like.”

CODE OF CONDUCT (2022)

Radio Free Montclair is dedicated to providing a safe, equitable, accessible, supportive, and inclusive environment, both for its volunteer participants and content producers / show hosts as well as its listeners in the community. We hold the expectation that all individuals who participate in this organization will treat others civilly, respectfully and safely. To ensure that everyone who participates in RFM can do so in a civil, respectful and safe environment, all RFM volunteers, content producers, hosts and guests, callers on programs, social media users, and members of the public/visitors must abide by the following Code of Conduct:

We do not tolerate discriminatory language or behavior on our airwaves or among our volunteers on the basis of actual or perceived: race, age, religion, gender, sexual orientation, or ability. We do not tolerate harassment or violence in any form, including but not limited to: comments that are lewd, lascivious, demeaning, or derogatory; verbal comments that reinforce social structures of domination; deliberate intimidation; sexual harassment; or inappropriate physical contact.

We strive to address any unwelcome harmful, oppressive, or discriminatory behavior through policy, practice, and action. It is our policy to center the needs of the harmed party. We will work with them to determine the action that RFM should take to address the harm.

Members of Radio Free Montclair who are acting either in an on-air capacity or representing the station in any way are required to be aware of and to understand the Code of Conduct and abide by it at all times. This Code also applies to live event DJs.

If an RFM station volunteer has violated these standards or otherwise treated you inappropriately, we encourage you to report the violation to the Station Manager or other members of the core team. Anyone who violates this Code of Conduct is subject to disciplinary actions that may include suspension of access and privileges for varied lengths of time, removal of their programming from the station schedule, prohibiting them from participating in future RFM activities, or even permanent suspension when necessary.

Other violations of our Code of Conduct include but are not limited to:

- Stating of epithets, slurs (racist, homophobic, sexist, etc.), derogatory jokes or comments, or other uncivil behavior
- Making a personal attack or threat against another person
- Knowingly stating an untruth about another person or group of people
- Use of indecent language
- Condoning, inciting, or encouraging criminal activity or public disorder
- Interference with the orderly conduct of RFM activities
- Theft, vandalism, or willful damage of RFM facilities or equipment. I understand that I will be held financially liable for any damage to RFM premises or equipment arising from non-compliance to, or ignorance of, Radio Free Montclair's rules, policies, and protocols.
- Willful injury to or theft of the personal property of RFM volunteers, programmers, or visitors

- Consumption of alcohol, cigarettes, vaping, cannabis, or illegal substances on RFM property or when representing RFM
- Use of the station facilities or equipment by people under the age of 14 without prior permission, unless supervised by an adult
- Misuse, abuse, or negligent use of RFM facilities and equipment
- Removal of equipment from RFM facilities without authorization
- Providing access or entry to RFM facilities (such as by copying a key or providing an entry code) to a third party without first obtaining authorization
- Missing an on-air shift for two consecutive scheduled broadcasts without giving prior notice and providing a good reason
- Speaking in any formal capacity on behalf of the station when on-air or at any other time without prior authorization
- Recording and/or broadcasting someone without their consent or in a way that is unfairly taken out of context
- Wilful or multiple instances of disregard for RFM policies and procedures
- Broadcasters shall be available for training in the use of studio equipment and studio protocols as required by station leadership
- Broadcasters shall fulfill RFM contractual obligations to advertisers.
Community notices and trailers are to be broadcast in accordance with the guidelines set by station leadership
- Any messages received during a broadcast shall be noted in full and passed on to the appropriate person as soon as possible.

ON-AIR LANGUAGE

Although we don't have a broadcast license and are not required to follow federal broadcast regulations, Radio Free Montclair has also decided to prohibit indecent material in our programming, which is defined as content that "portrays sexual or excretory organs or activities in a way that is patently offensive." Furthermore, obscene content is also not allowed, given that it's not protected by the First Amendment and

could put the station in legal jeopardy. Check out the [FCC's webpage](#) for more details about all of this.

Profanity may be OK in moderation, but we'll judge on a case-by-case basis and might decide to program content containing explicit language for evening hours (after 10pm) if it seems like something younger listeners shouldn't hear. Please try to also refrain from broadcasting music that has excessive profanity. If the situation warrants, show producers should consider issuing a content advisory to warn listeners at the start of the segment (ditto for any important trigger warnings that seem appropriate).

DEFAMATORY LANGUAGE, STATEMENTS, OR BEHAVIOR

A statement is considered defamatory if it 'unfairly damages reputation by exposing a person to hatred, contempt, shame, or ridicule or makes a person likely to be avoided or shunned.' If a person is defamed through writing – such as newspapers or magazine articles, blogs, or social media postings – it's called "libel." "Slander" is the act of making a false oral statement (such as through a radio broadcast) about the character or professional standing of another person. The legal benchmark to determine whether a statement is defamatory is whether a 'reasonable person' or 'right thinking member of society' would consider the victim less favorably as a result of the comment.

- Defamation does not prevent a broadcaster from reporting facts about an individual or organization, providing they can prove them to be true (and the burden of proof lies with the individual claiming to be defamed).
- A comment is no less defamatory just because it has already been made elsewhere. For example, if a newspaper makes defamatory comments and a radio station reads the story on air, the radio station can be held to account – whether or not the newspaper is also sued.
- A comment can still be defamatory even if it is reported as a rumor – or even if it is reported as being untrue. For example, 'Someone has just phoned in to

say that Joe Bloggs the window cleaner has been washing windows with dirty rainwater, but we know for a fact he fills his bucket from the tap' could still be held to be slanderous as it is repeating a defamatory comment.

- The word 'allegedly' is no defense. In fact the opposite is true, since a court may well consider it proof that the broadcaster was aware that the comment may be unjustified.
- A comment can be defamatory even if the victim has the immediate right to reply and deny the accusation.
- Specific (and true) allegations are not defamatory, but generalizing from them can be. If host A says 'Joe Bloggs washed my windows with dirty rainwater this morning,' that would not be slanderous (if true). But if host B added 'Yeah, he's always doing that,' that would be considered defamation if Joe Bloggs could demonstrate that at least sometimes he uses clean water.
- You *can* defame someone without naming them. For example, imagine a host says, 'We hear a certain local tradesman has been filling his bucket with rainwater again, so if you see someone armed with a ladder and bucket in the High Street area, watch he doesn't splash your shoes.' If Joe Bloggs can convince a court that a reasonable listener would take this to be referring to him, he can successfully sue.
- Context is everything. A joke made on a comedy sketch show is much less likely to be considered slanderous than a report on a news broadcast, but this isn't always the case. If a court judges that the listener may not have realized the show was meant to be funny (and we've all heard comedy shows like that) the case could still stand. Context also applies to the program or program excerpt. The court will not take a statement out of context if the whole of the rest of the segment or program would have undermined the reasonable person's belief in the contentious statement.

FAIRNESS

- Broadcasters must avoid unjust or unfair treatment of individuals or organizations in programs.

- Except in exceptional circumstances, when a person is invited to make a contribution to a program they should give ‘informed consent’ – that is:
 - be told the nature and purpose of the program, what the program is about, and be given a clear explanation of why they were asked to contribute and when (if known) and where it is likely to be first broadcast;
 - be told what kind of contribution they are expected to make, for example, live, pre-recorded, interview, discussion, edited, unedited, etc;
 - be informed about the areas of questioning and, wherever possible, the nature of other likely contributions;
 - be made aware of any significant changes to the program as it develops that might reasonably affect their original consent to participate, and which might cause material unfairness

- Makers of factual programs should do their best to ensure that material facts are complete and accurate
- Fictional programs or dramas should not unfairly portray any real individual or organization
- Allegations of wrong-doing or incompetence should be accompanied by a right-to-reply for those involved (and taking careful note of our anti-defamation policy)
- Deception of interviewees should only be used when there is strong public interest and there are no alternative methods available
- If the purpose of a deception is entertainment (e.g. practical jokes), then written consent of the ‘victim’ must be obtained before broadcast

PRIVACY

- Infringements of privacy must be warranted by public interest – e.g. exposing crime, or protecting public safety.

- An individual's private address or contact details should not be broadcast without permission or strong public interest justification.
- If an individual or organization's privacy is being infringed, and they ask that the recording or live broadcast be stopped, the broadcaster should do so, unless it is warranted to continue in the public interest.
- Conversations or telephone calls may only be recorded with the participant's permission, unless warranted by public interest.
- People in distress, whether or not in a public place, must be treated with sensitivity and should not be put under pressure to participate in broadcasts.
- People under the age of 18 should be protected from invasion of privacy, irrespective of their place in, for example, a notorious family or an event at school, and should not be questioned about private matters without parental consent.

RIGHTS

I understand that Radio Free Montclair will retain non-exclusive rights to any and all programming content produced at or for Radio Free Montclair. This includes rights to re-broadcast or use recordings of my content for promotional or any other purposes, and to reproduce, publish, and distribute copies of such recordings, photographs, or cinematographic works in perpetuity, throughout the world and by any and all means and in any and all media formats, whether now known or hereafter devised. I will retain ownership of any content I produce, however, and am free to re-release and/or monetize this content on other platforms of my choosing, including websites, social media, and podcast feeds.

I _____ acknowledge that I have read, and do hereby accept all terms and conditions contained in the Radio Free Montclair Volunteer Code of Conduct.

(signature of volunteer)

(date)