



# KDHX PRODUCER CONTRACT

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## SECTION 1: INTRODUCTION

As a KDHX producer, you are responsible for the operation and production of your program.

***Your first and most important responsibility as a producer is to avoid any behavior that will jeopardize our broadcast license or non-profit status.***

When you are on the air, you are temporarily the voice of our 43,000-watt full-time radio station and multimedia company. When you produce content for our platforms, you are representing all of KDHX. Being a community producer for KDHX is a privilege, not a right. An important part of this privilege is that you have a great deal of creative control over your program. However, you are required to follow FCC and KDHX rules and regulations.

A successful experience as a KDHX producer depends upon mutual respect between you, the audience, KDHX staff and other KDHX volunteers. It is important that every producer be familiar with the basic policies and regulations of KDHX and the FCC in order to ensure compliance with them.

## SECTION 2: GENERAL REQUIREMENTS AND PROHIBITIONS

The following requirements for producers ensure that KDHX programming is of the highest quality and that we are providing the best possible service to our listeners, while adhering to the regulations of the FCC and KDHX. Failure to comply with these requirements will result in warnings, suspension or removal as a producer.

### PRODUCER REQUIREMENTS

***As a KDHX radio producer, you are required:***

- To be proficient in the operation of the studio equipment including the control board, EAS system, transmitter monitor, and various audio input devices.
- To sign on and off of the Transmitter Log for the time you are on the air. This indicates responsibility for broadcasted content during that time period. When your program is pre-recorded, you are responsible for filling out the bottom portion of the log, which can be done in advance of the air date/time for the content. The board operator is responsible for completing the transmitter reading portion of the log.
- To take transmitter readings per station policy. The KDHX policy is that transmitter readings must be taken every two hours (during even hours). Any time the reading for tower lights, transmitter power or building temperature is outside the parameter shown at the top of the corresponding column of the log, it must be reported via phone call to the Studio Engineer or Chief Engineer immediately. A signature is required in this section.

- To air, as closely to the scheduled time as possible, all items in the Wide Orbit log.
- To air underwriting messages within five minutes of their scheduled time, without exception. Producers are also expected to listen that they are airing the correct message. If an airtime is missed, the wrong spot is aired, or the log is incorrect, producers will notify staff immediately. NOTE: *Producers may not play music under Underwriting announcements, nor make any comments about the announcement before or after it has been played. (Not even "Thank You.")*
- To keep up with KDHX log-keeping information requirements: enter and post a complete and accurate playlist online (including title, artist, album and label) for music shows within 48 hours of your shift.
- To miss no more than six shows annually. If you cannot do your scheduled program, you are responsible for arranging an approved and appropriate substitute. Call or email the Music Director for names and phone numbers of approved and appropriate programmers and substitutes. You are also required to notify the Music Director when a substitute will be hosting your show.
- To be at the station on time for your scheduled program. You must arrive at least ten minutes before the beginning of your show.
- To end your show as scheduled (typically at :03 before the hour) and assist the next producer in making a smooth program transition.
- To clean up the air studio after your air shift, which includes re-shelving music. You are responsible for cleaning up any other area (such as the DJ prep area) after you are finished using it.
- To report all studio equipment problems to staff immediately, to avoid passing the problem along to the next producer. The message should include the name of the equipment and a brief description of the problem. Contact information for relevant staff is posted just outside the airroom and in the info binder in the airroom.
- To report all problems with pre-recorded content in Wide Orbit to the Traffic Manager ASAP. This includes expired or inaccurate information quality issues, etc. Contact information for the Traffic Manager is posted just outside the airroom and in the info binder in the airroom.
- To log and respond to EAS alerts in an appropriate manner as required by law.
- To be responsible for the proper conduct of guests, ensuring that your guests comply with FCC and KDHX rules, regulations and policies, both on and off the air while in the building.
- To make positive contributions to the KDHX Membership Drives. Positive contributions

include, but are not limited to: pitching on a program other than your own; volunteering for phone or supervisor shifts; sending post-drive thank you notes and representing KDHX in a positive and accurate manner in your on- and off-air appeals.

- To keep up with station information. You are expected to check your mailbox, email, and the bulletin board outside the broadcast room on a weekly basis, at a minimum.
- Programmers may make requests for live performances to be arranged by contacting the Music Director. Scheduling of a session, including arranging production volunteers, reservation of the performance studio, and confirmation with the artist may only be handled by programming staff.

## **PRODUCER PROHIBITIONS**

***Violation of the following regulations by a producer or guest could result in immediate dismissal of the producer:***

- Engaging in slander or defamation on-air.
- Violation of any civil or criminal law while on the premises.
- Intentionally damaging, abusing or tampering with station equipment, property or corporate assets.
- Broadcasting or operating KDHX equipment while possessing, using or being under the influence of alcohol or controlled substances.
- Allowing any on-air guest to consume alcohol or controlled substances while on station property, including outside the building without the written permission of the Executive Director.
- Having food or drinks other than water in the air room or any of the production rooms. Containers of water must be sealable.
- Smoking inside the building. E-cigarettes are allowed in designated areas in the building.
- Leaving the 2<sup>nd</sup> floor of the building during your air shift. This includes leaving in order to smoke.
- Accepting monetary, material or other gifts of value for consideration of airplay of recordings. This rule also applies to any on-air performance or interview.
- Contacting music companies or distributors and requesting recording product (music) service at any address other than KDHX, 3524 Washington Avenue, St. Louis, MO 63103 without permission from management.

- Unauthorized use of KDHX logo or stationery.
- Removing any station property (including CDs, records, tapes and DVDs) from studio premises without permission of management. All recordings, publications or materials that are delivered to KDHX are considered the property of KDHX unless management releases them. NOTE: *Library Music may not be “borrowed” or taken off site for review – please use our listening station or production studios.*
- Illegally airing telephone calls. It is illegal to put a caller, or a tape of the caller, on the air unless the caller has prior knowledge that the call is to be broadcast. (During call-in talk segments; callers have reasonable knowledge that their comments will be broadcast. This is accomplished by encouraging listeners to call in with questions or comments and then notifying the callers that they will be put on the air).
- Disclosing personal contact information of any individual without explicit permission for any reason on the air. This includes e-mail addresses, phone numbers, and addresses. Further, contact information for organizations should be limited to a website and/or general phone number.
- Airing KDHX internal business and/or politics.
- Leaving the production facility unattended. If the producer who follows you does not arrive to do his or her show and you are unable to stay, you must contact a member of staff immediately for instructions.
- Unapproved subs and guests: All show hosts must be trained, approved by the Program Committee, and contracted before substituting for other programmers. An individual guest may not appear on one show more than three times per calendar year unless approved by the program committee as a programmer.

## **PRODUCER EVALUATIONS**

Every new program is evaluated within six months on the air. All programs are evaluated at least once per year each year thereafter. The Program Committee evaluates the show and the producer will receive a copy of his or her evaluation within a week of the committee meeting at which it was evaluated. In some cases, the committee may recommend or require changes and request that the program be re-evaluated sooner than one year. Questions about evaluations should be addressed to the Chief Media Production Officer.

The producer contract must be renewed on an annual basis.

## SECTION 3: NON-COMMERCIAL CONTENT

### FCC NON-COMMERCIAL LANGUAGE REGULATIONS

As a non-commercial FCC licensee, KDHX is subject to several restrictions to language used on-air.

Producers are required to brief guests who are representing a for-profit business with these three rules before they are permitted to speak on the air:

1. **Pricing Information:** DO NOT mention dollar amounts, and remember that according to the FCC, “free” is considered a price, yet you may say that “there is no cover.”

*NO: “...and it only costs 5 bucks.”*

*OK: “There will be a nominal fee at the door.”*

2. **Calls to action may not be used.** Use factual information instead.

*NO: “You’ve just got to come and see this show.”*

*OK: “This show will take place tonight at ...”*

3. **Superlative or qualitative language may not be used.** Use descriptions instead.

*NO: “its is the biggest, best Steel Guitar convention in the area, not to be missed...”*

*OK: “the Steel Guitar convention is a gathering of many well-known steel guitar players...”*

### EVENT ANNOUNCEMENT GUIDELINES

The following are acceptable types of events that may be announced on-air:

- **Fundraisers and Non-Profit Events:** an event with an admission charge in which the proceeds benefit a legally recognized non-profit 501(c)3 organization. Avoid mentioning pricing information for non-profit events
- **Transient For-Profit Event:** any commercial event may be mentioned on the air in the context of a calendar (with a minimum of three events). Live performance information may also be announced in conjunction with identifying music played on-air. While announcing for-profit events, avoid prohibited language as detailed above.
- **Ongoing, but Temporary For-Profit Event:** an arts group, performing in the metro area for a discrete period of time (e.g.: “Cirque du Soleil” at Scottrade Center, June 15 - Sept 20; “The Lion King” musical at The Fox, Aug. 28 – Sept. 14). While announcing for-profit events,

avoid prohibited language as detailed above.

## **CALENDAR GUIDELINES**

When presenting a concert or event calendar as a part of your program, limit the length to two minutes or less, and focus on the following types of events in order to keep the calendar relevant to the audience:

- o Events taking place within the next week to ten days.
- o Recently announced shows.
- o Events taking place within our listening area.

## **SECTION 4: INDECENCY AND OBSCENITY**

All producers must read and follow the guidelines found within the most recent version of the KDHX Indecency and Obscenity Policy. Producers are subject to the policies outlined therein. A copy of this policy can be obtained from the Chief Media Production Officer or downloaded from our intranet.

These guidelines are intended to keep KDHX safely within federal requirements. Given the severity of penalties recently imposed by the FCC, we would rather err on the side of caution than push the envelope, in order to preserve the other freedoms that KDHX's DJs, hosts and audience enjoy. And remember the safe guideline, "When in doubt, leave it out."

## **DUMPING VIOLATIONS**

The equipment at the Larry J. Weir Center for Independent media includes a "dump" button, which allows for a short segment of programming to be dropped before it is broadcast, due to the delay between the studio signal and broadcast signal (this is referred to as "dumping"). If a producer hears a policy violation in recorded content then he or she is obligated to dump the violation by immediately hitting the dump button. If a guest commits a violation, then the producer must dump the violation and turn off the guest's mic. The producer must brief the guest on the violation and prohibited language before allowing the guest back on-mic.

Do not make any comment about the violation or the fact that you have used the dump button on the air. It is not noticeable to the listener. The dump button cuts out the violation and time shifts the following programming so that it is completely transparent to the listener. There are 2 x :07.5 second lags available to dump. Use one, fix the problem, and be aware that you have one more dump available before real-time broadcasting. The re-building of the 15 second broadcast lag will take approximately 20 minutes to become available again.



## SECTION 5: FACILITY ACCESS

The KDHX production facilities – the 2<sup>nd</sup> floor of the Larry J. Weir Center – is open to producers and production volunteers. During business hours, when staff is in the building, access to the 2<sup>nd</sup> floor will be handled by staff. During non-business hours, and particularly overnight, the producer on the air is responsible for building access. You are not required to allow entry to anyone who does not have a security key to the front door. If you do allow such a person in the building, you are responsible for that person's conduct until they leave the building.

Due to increased security concerns, volunteer producers shall access the building only immediately before or after their regular air shift, in conjunction with a staff approved studio reservation, or in order to meet with a staff member during office hours. We request that no volunteer access the facility to visit or *hang out* with other volunteers who are here to produce content. An attempt to access additional facilities (other than the 2nd floor) without staff permission may result in immediate dismissal.

If you are issued an access card (aka "proximity card") then you must abide by the following:

- You must not write anything on the card, including (but not limited to) your name, the building address, or anything else that might identify the card as providing access to KDHX facilities.
- You must notify staff immediately if the card is lost or stolen. The card will immediately be deactivated and replaced.
- The card may not be shared with any other individual, including other producers or volunteers.
- You may not allow another volunteer in with you, even if you know them. It is impossible for each volunteer to know the current access status of any other volunteer. Each volunteer requiring non-supervised access should have their own key card, and if lost, they will need to contact their staff supervisor to acquire access to the facility. If you let the person in, you are responsible for them until they leave.

## PARKING

Parking for DJs in the lot immediately east of the LJW Center is reserved for the on-air and next to be on-air DJ(s) only, due to the need for immediacy in their role. There are three spots clearly marked for On-Air Host/DJ parking. You may park in this spot during your show, and one hour before and after your show.

The remainder of the LJW parking lot is reserved for executive staff. If you come in to pre-record your show, or to produce any other form of content, you must give yourself the time to park elsewhere. Recommended parking areas for standard volunteer producers are the street (feed meters until 7pm), one block north on Sam Shepard (where there are no meters), or any of the many paid lots in the district. We are unable to make exceptions.

## SECTION 6: CONFLICT OF INTEREST

***KDHX programmers must NOT promote or feature anything on the air that may POTENTIALLY benefit them financially, give the appearance of benefiting them financially, or benefit their professional reputation.***

There is a violation of this policy ONLY if BOTH of the following criteria are met:

- a. The programmer has a professional interest in a certain artist (including him or herself), item or event.
- b. The programmer promotes or features that same artist, item or event in which he/she has a professional interest.

A programmer is allowed to feature or promote artists, items or events that he/she does not have a professional interest in. Similarly, a programmer is allowed to have a professional interest in artists, items or events, provided that the programmer doesn't promote or feature it on the air.

Promoting or featuring something includes but is not limited to the following:

- a. Building a contest or giveaway around a certain artist, item or event.
- b. Devoting a large section of one's program to a certain artist, item or event. For example, this could include an entire set of a certain artist or record label, or could mean a live broadcast of a certain artist, item or event, or a special (or entire) program devoted to a certain artist, label, item or event.
- c. Singling out a certain artist, label, item or event from other elements in a program for an extra special mention, whether this mention is special because of duration or enthusiasm.
- d. Urging listeners to purchase a certain artist, label, item or ticket or attend an event.

The word "professional" above refers to activities that offer a programmer a source of income (including in-kind income). Things that could benefit a programmer include, but are not limited to affiliation with a band, venue, record label, business, event (free or with paid admission), DJ spin, personal appearance, or item for sale. The word "potentially" refers to anything that you could possibly benefit from, NO MATTER HOW UNLIKELY IT IS THAT YOU MAY ACTUALLY MAKE MONEY.

PLEASE NOTE: Programmers may present recordings or mention artists, labels, items or events that they have a potential professional interest in only if all of the following conditions are met:

1. The announcement or recording is merely one element in a larger regular program or feature,
2. The event or item is not highlighted or emphasized over other items in any way,
3. The event or item is not mentioned or presented in a promotional way,
4. The programmer's participation in the event or item is not highlighted.

For example, if a programmer on KDHX also DJs at events in the community for pay, he/she may announce his/her own appearances only if they are a part of a regular program feature which mentions many related events, such as a calendar.

The calendar feature must be appropriate to the genre/focus of the program, and must include a minimum of three (3) shows. The calendar announcement must be done *in completely value-neutral language with no emphasis on the specific show and no call to action*. When there is a pre-produced calendar for the type or genre of music, the producer may not add to that calendar any announcement of a show in which he or she has a financial interest.

Remember that it is possible for the frequency or length of such announcements or recordings to increase to such a point that their duration does present a conflict of interest. Also, if a program feature is MANUFACTURED for the purpose of including specific recordings or announcements, this constitutes a conflict of interest. For example, if our programmer gives out a list of events only when he/she is DJing at an event, this is no good. Likewise, even if the calendar is given out every week, if it was initiated only to allow the mention of his/her own appearances, this too will not wash.

In addition, programmers may not urge other programmers to promote products or events that they have a promotional interest in. A programmer who has an interest in something may follow normal promotional channels to see if any other, disinterested programmers are interested in doing interviews, announcements, live broadcasts or giveaways. Examples of acceptable normal promotional channels include, but are not limited to leaving flyers in programmers' mailboxes, setting up in-studio performances through the music department, and requesting sponsorship of an event through staff. The interested party must tell the disinterested party of his or her interest in the matter. The only problem arises when the interested programmer is taking EXTREME ADVANTAGE of his or her presence as a programmer to facilitate such promotions, or when the interested programmer is applying heavy pressure, or a hard sell, to another programmer to facilitate such a promotion.

If there is any question about whether some activity would constitute a violation of the conflict of interest policy, that question should be directed to the Chief Media Production Officer or Executive Director before -- not after -- it can become an issue.

Producers must complete Attachment A: Conflict of Interest Statement.

## **SECTION 7: CONTENT LICENSING, OWNERSHIP AND COPYRIGHT**

Producers may not violate copyright, digital rights, or intellectual property rights by airing content that is not licensed for broadcast, including but not limited to limitations on the number of tracks you can play from the same CD, album or cassette ("CD"), limitations on the number of songs by the same artist, and limitations on how many songs from the same CD or artist can be transmitted consecutively:

In any three (3) hour period you can transmit up to three (3) different selections of sound recordings from any one CD, but you can transmit no more than two (2) consecutively. Additionally, in any three (3) hour period you can transmit up to four (4) different selections by the same featured artist, or up to four (4) different selections of sound recordings from any set or compilation of CD's, but you can transmit no more than three (3) consecutively.

KDHX broadcasts and podcasts may not be used, duplicated, or distributed on the Web by any party other than KDHX. Broadcasts and podcasts are property of KDHX and producers do not have reuse consent from KDHX, nor the licensors of KDHX.

KDHX does live streaming of its air signal on the KDHX.org website in compliance with the DMCA (Digital Millennium Copyright Act) and under license agreement with the appropriate licensing agents. KDHX streams archived content, in compliance with the SoundExchange license agreement. This agreement does not extend to volunteer usage of KDHX content.

KDHX retains ownership, broadcast and distribution rights for all programming prepared by volunteers using KDHX facilities or equipment. KDHX also retains ownership of program names for all programming prepared by KDHX volunteers using KDHX facilities or equipment. Re-use of content produced for air at KDHX requires written permission of the Executive Director.

### **LIVE PERFORMANCES**

All on-air performances (music and spoken word) require a release form to be signed and filed with the Chief of Media Production. Forms can be obtained from the Production Department staff.

In the case of spoken word performances in the Air studio, programmers are responsible for gathering the release, including the titles of the works performed/recited. In the case of live music performances, the responsibility of gathering the release lies with the session engineer.

*NOTE: Program playlists should reflect these titles, and include "LIVE at KDHX (date)" as the name of the album/recording and "KDHX" as the label.*

## CONFIRMATION AND SIGNATURE

Please detach this page and any attachments for submission to KDHX staff, and retain Sections 1 through 7 for future reference. Submit these pages to the Chief Media Production Officer.

*By signing below, I acknowledge that I understand and agree to all acknowledgements in the KDHX Producer Contract.*

Printed Name
Signature / Date
Key Card Number
Address
City/State/Zip
Mobile/Home Phone No.
Work Phone No.
Emergency Contact & Phone No.
E-mail Address
Volunteer Role / Program Title

## ATTACHMENT A: CONFLICT OF INTEREST STATEMENT

After having read the Conflict of Interest Policy, please answer the question below. Listing potential conflicts of interest does not imply that the transaction or arrangement is improper or that it should be terminated, merely that it exists and has been disclosed.

Do you or any member of your family have any potential financial interest in any bands, venues, record labels, business, events, DJ spins, personal appearances or any other activities that offer a source of income (including in-kind income)? If yes, please list below:

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By completing this form and signing the Producer Contract, you assert that the answers to the foregoing are accurate to the best of your knowledge and belief, and you will promptly notify the Chief Media Production Officer or Executive Director of any change that would make any of your answers above materially inaccurate, or any additional conflicts that present themselves after turning in this statement.

**Initial** \_\_\_\_\_