



Broadcasting Decision CRTC 2012-391

PDF version

Route reference: 2011-797

Ottawa, 19 July 2012

National Campus and Community Radio Association's proposed *Codes of Conduct and Guidelines and Best Practices*

*The Commission **rejects** the National Campus and Community Radio Association's proposed Codes of Conduct and Guidelines and Best Practices as filed on the basis that they include insufficient detail to provide appropriate guidance on matters of high standard.*

Introduction

1. Complaints about content standards in programming fall under the high standard objective set out in section 3(1)(g) of the *Broadcasting Act* (the Act) and, when appropriate, the provision against the broadcast of abusive comment set out in section 3(b) of the *Radio Regulations, 1986* (the Regulations). The *Equitable Portrayal Code* and the *Broadcast code for advertising to children*, to which all radio licensees are required to adhere by condition of licence, further elaborate on certain matters relating to the high standard objective.
2. Private broadcasters have addressed other matters of high standard, such as sexually explicit content and coarse or offensive language, in the *CAB Code of Ethics*. This code, to which radio licensees are not required to adhere by condition of licence, includes references to other industry codes, such as the *Equitable Portrayal Code*, the *CAB Violence Code* and the *RTNDA Code of (Journalistic) Ethics*. The Commission currently uses the *CAB Code of Ethics* to guide its determinations as to whether content is of high standard for all radio licensees, including campus and community radio licensees.
3. During the proceeding leading to Broadcasting Regulatory Policy 2010-499 (the Campus and Community Radio Policy), the National Campus and Community Radio Association (NCRA) proposed that the Commission consider an approach to the adjudication of content complaints specific to the campus and community radio sector. In that policy, the Commission stated that the record was insufficient to allow it to determine if a separate code of practice for this sector would be appropriate, but directed the NCRA to file its proposed code for Commission approval within one year of the date of the Campus and Community Radio Policy. The Commission added that once a code of practice had been developed and submitted, if the NCRA chose to pursue its plan to develop such a code, it would issue a notice inviting public comment.

The proposed *Codes of Conduct*

4. On 22 July 2011, the NCRA filed its proposed *Codes of Conduct* (the Codes), as well as its proposed *Guidelines and Best Practices* (the Guidelines). In Broadcasting Notice of Consultation 2011-797, the Commission called for comments on the NCRA's proposed Codes and Guidelines.
5. The NCRA submitted that the Guidelines were intended to articulate its members' shared values and responsibilities to their communities, provide context for interpretation of matters included in the Codes and provide non-binding guidelines and best practices on topics not covered in the Codes. In this respect, the NCRA expressed its belief that "the [*CAB Code of Ethics*] and other codes developed by the CBSC [Canadian Broadcast Standards Council] and its members are, in many cases, not a good fit for our stations, because they were developed by the commercial sector to suit their needs and values, which can be very different from those of the community sector in both structure and substance."
6. The NCRA indicated that it had attempted to create codes that incorporate flexibility to the greatest extent possible, in accordance with the flexibility that it claimed the community radio sector needed to best serve stations' unique and diverse audiences and communities. The NCRA stated that the Codes, which would replace the *CAB Code of Ethics*, would be voluntary in that it would be up to individual member stations to choose whether to adhere to the Codes by condition of licence. Further, as the NCRA does not currently have the resources or staff to adjudicate complaints pertaining to its members' programming, it proposed that the Codes be administered by the Commission.

Interventions and applicant's reply

7. The Commission received interventions in support of the proposal by licensees of campus and community stations, as well as opposing interventions by two individuals and The Centre for Israel & Jewish Affairs.
8. The campus and community stations that supported the Codes generally stated that the Codes would permit the distinctive requirements of the community to be met and that it would be appropriate to allow stations sufficient flexibility in determining the scope and content of some policies.
9. The individuals expressed concern that the Codes largely duplicated the existing *CAB Code of Ethics* and would result in confusion and inefficiencies. The Centre for Israel & Jewish Affairs objected to the Codes, arguing that certain of the NCRA's recent activities demonstrated an anti-Israel stance and that these views could result in an inequitable application of the Campus and Community Radio Policy and make the complaints procedure ineffective.
10. In its reply, the NCRA reiterated that portions of the *CAB Code of Ethics* were not necessarily appropriate for its members, who should be subject to distinct content

standards when the Commission addressed programming complaints. The NCRA also submitted that the Codes incorporated the high standards of the *CAB Code of Ethics* while addressing the unique nature of the campus and community sector and the diverse communities it serves. Finally, the NCRA was of the view that the Codes would ensure that stations meet the requirements of high standard programming while also allowing stations the room to develop policies that better reflect their own communities. In response to the comments by the Centre for Israel & Jewish Affairs, the NCRA noted that it would be the Commission and not the NCRA that would enforce the Codes and that therefore any actions of the NCRA as a representative organization were irrelevant to the evaluation of the Codes.

Commission's analysis and decision

11. The Commission acknowledges the concerns expressed by the NCRA that the codes administered by the CBSC do not necessarily reflect the needs and values of the NCRA's membership. The Commission considers that a sector-specific code of ethics could be appropriate, as long as it was sufficiently robust and complete to provide appropriate guidance on matters of high standard.
12. However, the Commission considers that the Codes do not provide the necessary appropriate guidance. In particular, the Commission notes that the Codes, in several cases, simply require each individual station to create its own programming policy on a given matter. As the Commission would not approve each individual station's policy, the Commission would be unable to ensure that stations adhere to the high standard provision of the Act. Moreover, differences between the policies to be enforced by each station would leave too much room for interpretation and confusion as the Commission, listeners and industry attempt to understand each station's policy. The Commission notes that in contrast various decisions rendered by the CBSC, as well as by the Commission, provide clear interpretation regarding the clauses of the *CAB Code of Ethics* and the high standard provision of the Act.
13. The Commission further considers that voluntary adherence to the Codes by NCRA members would lead to an ineffective and confusing mechanism for adjudicating complaints for the Commission and for campus and community stations.
14. In light of the above, the Commission **rejects** the Codes proposed for the campus and community radio sector and will continue to use the *CAB Code of Ethics* to guide its determinations as to whether content is of high standard for all radio licensees, including campus and community radio licensees.

Secretary General

Related documents

- *Call for comments on the National Campus and Community Radio Association's proposed Codes of Conduct and proposed guidelines and best practices*, Broadcasting Notice of Consultation 2011-797, 20 December 2011

- *Campus and community radio policy*, Broadcasting Regulatory Policy
CRTC 2010-499, 22 July 2010
- *Guidelines for Developing Industry-Administered Standards*, Public Notice
CRTC 1988-13, 29 January 1988