



Broadcasting Notice of Consultation 2011-797

PDF version

Ottawa, 20 December 2011

Call for comments on the National Campus and Community Radio Association's proposed Codes of Conduct and proposed guidelines and best practices

The Commission calls for written comments on the National Campus and Community Radio Association's (NCRA's) proposed Codes of Conduct (the Codes) and proposed guidelines and best practices (the Guidelines). The Codes address, among other things, clauses relating to programming, the handling of complaints, sponsorship and advertising, and employees and volunteers, as well as the application and administration of the Codes. The Guidelines are intended, among other things, to provide additional context for the interpretation of the Codes. If approved by the Commission, NCRA members would abide by the Codes instead of the CAB Code of Ethics.

*The deadline for the submission of comments is **16 February 2012**. The NCRA may file a reply to the comments by **7 March 2012**.*

Background

1. Programming complaints about content standards 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). As required by condition of licence, all radio licensees must adhere to *Equitable Portrayal Code* and the *Broadcast code for advertising to children*, which elaborate on certain matters relating to high standard.
2. Other common programming content concerns, such as sexually explicit content and coarse or offensive language, are also matters of high standard. Private broadcasters have addressed such matters in the *CAB Code of Ethics*, which provides guidelines in a variety of areas, including human rights, children's programs, news and opinion, the scheduling of television programming intended for adult audiences, and advertising. This code also includes references to other industry codes such as the *CAB Equitable Portrayal Code*, the *CAB Violence Code* and the *RTNDA Code of (Journalistic) Ethics*. Various decisions rendered by the Canadian Broadcast Standards Council (CBSC) as well as by the Commission provide interpretation regarding the clauses of the *CAB Code of Ethics* and the high standard provision of the Act.
3. Adherence to the *CAB Code of Ethics* is not imposed as a condition of licence for any radio broadcaster. Rather, private broadcasters adhere to it as a condition of membership of the CBSC. The vast majority of campus and community stations are not CBSC members. The Commission uses the *CAB Code of Ethics* to guide its

determinations of whether or not content is of high standard for *all* radio licensees, including campus and community radio licensees.

4. During the proceeding leading to the issuance of 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 it did not have sufficient record to determine if a separate code of practice for the campus and community radio sector would be appropriate. However, the Commission directed the NCRA, if it chose to pursue its plan to develop a code of practice for the campus and community radio sector as proposed in the above-noted proceeding, to file its proposed code, for Commission approval, within one year of the date of the Campus and community radio policy.
5. The Commission stated that once a code of practice has been developed and submitted, it would issue a notice inviting public comment, pursuant to the process set out in Public Notice 1988-13.

The proposed Codes of Conduct

6. On 22 July 2011 the NCRA filed its proposed Codes of Conduct (the Codes) as well as its proposed *NCRA/ANREC Guidelines and Best Practices* (the Guidelines). The NCRA submitted that the Guidelines are 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 regard to the above, the NCRA expressed its belief that "the [*CAB Code of Ethics*], and other codes developed by the CBSC 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."
7. The NCRA indicated that it has attempted to create codes that incorporate flexibility to the greatest extent possible, in accordance with the flexibility that the association claims the community radio sector needs to best serve stations' unique and diverse audiences and communities. The Commission notes in this regard that the proposed Codes require radio stations to develop their own programming policies on certain matters, rather than setting out specific guidelines in the proposed Codes themselves. This is the case, for example, regarding potentially offensive content, including coarse language, graphic sexually explicit material, graphic depictions of physical harm, and appropriate scheduling of adult-oriented material.
8. 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, the NCRA proposed that the Codes be administered by the Commission, as the NCRA does not currently

have the resources or staff to adjudicate complaints pertaining to its members' programming.

9. The documents (English language only) submitted by the NCRA as part of the present proceeding can be accessed through the following links:
 - NCRA cover letter;
 - Proposed Codes of Conduct;
 - Proposed NCRA/ANREC Guidelines and Best Practices.

Call for comments

10. The Commission calls for comments on the proposed Codes and on the proposed Guidelines, as submitted by the NCRA. In particular, the Commission seeks comment in regard to the following questions:

- Is a distinct Code(s) to be applied when adjudicating programming complaints for the campus and community radio sector appropriate?
- Do the proposed Codes provide appropriate guidance on matters of high standard?
- Is it appropriate for the proposed Codes to require radio stations to develop their own programming policies on certain matters, rather than setting out specific guidelines in the proposed Codes themselves?
- Should adherence by NCRA members to the proposed Code(s), if approved by the Commission, be voluntary, as proposed by the NCRA?

Procedure

11. The new *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions and, the procedure for filing confidential information and requesting its disclosure. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."
12. The Commission invites interventions that address the issues and questions set out above. The deadline for filing interventions is **16 February 2012**. Interventions must be served on the NCRA.
13. The NCRA may file replies on or before **7 March 2012**, copying those interveners to whom it is replying.

14. In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.
15. Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

16. Submissions longer than five pages should include a summary.
17. Each paragraph of the submission should be numbered. In addition, where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been altered during electronic transmission.

Important notice

18. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.
19. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
20. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

21. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.
22. The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

23. A list of all interventions will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and clicking on the "Interventions/Answers" link associated with this notice.
24. The public may examine public interventions and related documents at the following Commission offices during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Regional offices

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia
B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

205 Viger Avenue West
Suite 504
Montréal, Quebec

H2Z 1G2
Tel.: 514-283-6607

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
M4T 1M2
Tel.: 416-952-9096

360 Main Street
Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

2220 – 12th Avenue
Suite 620
Regina, Saskatchewan
S4P 0M8
Tel.: 306-780-3422

100 – 4th Avenue South-West
Suite 403
Calgary, Alberta
T2P 3N2
Tel.: 403-292-6660
Fax: 403-292-6686

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *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