

CITRUSTV CODE OF BROADCAST STANDARDS

March 27, 2006

I. OVERVIEW

The following Code of Broadcast Standards (the “Code”) has been adopted by CitrusTV (the “Station”) to guide Station members in the creation and production of programming to be distributed by the Station. All members of the Station are expected to be familiar with all elements of the Code, which will be enforced as described herein and pursuant to the Bylaws of the Station. One of the primary goals of the Station is to provide experience in all aspects of the production of programming and the operation and management of a television station. The Station therefore expects all members to exercise mature and professional judgment with respect to the content of programming produced for distribution by the Station. Moreover, the Station recognizes that it is part of the Syracuse University and SUNY-ESF community. In addition to the standards set forth in this Code, all members of the Station are expected to be familiar with the Syracuse University and SUNY-ESY Codes of Conduct, which are nearly identical, and all programming produced for distribution by the Station is expected to comply with said Codes of Conduct.

II. APPLICABILITY

The Code applies to all programming produced for distribution by the Station and all programming actually distributed by the Station, regardless of whether or not such programming was *originally* produced for distribution by the Station. Live, live-to-tape, and any other programs or segments of programs for which scripts cannot be prepared before broadcast are subject to the same standards under this Code as are programs that are completely scripted. The standards set forth in the Code remain applicable regardless of whether the programming distributed by the Station is distributed by the Station via broadcast, cable, Internet or other means of distribution. Pilots produced for consideration by the Station management must meet the standards set forth in this Code. Song lyrics included in programming material are subject to the same standards under this Code as other elements of programming that are subject to the Code.

III. ENFORCEMENT & INTERPRETATION

The Code shall be enforced by the Department Directors and the General Manager and as provided in the Bylaws of the Station. Enforcement decisions shall be made in the first instance by the relevant Department Director, who may consult with the Faculty Advisor. The decision of the Department Director may be immediately appealed to the General Manager, who shall consult with the Faculty Advisor. The decision of the General Manager is final. For any such appeal to the General Manager, there is a strong presumption that the decision of the Department Director is appropriate under this Code.

The interpretation of the specific standards set forth in the Code necessarily shall be made by the Department Director or General Manager on an individual, case-by-case basis, and shall depend on a number of variables. In particular, the full context in which material is presented is

critical for reasoned evaluation of programming material. In evaluating programming material, the following factors shall be considered: (1) the context of the material in the program taken as a whole, (2) the genre of the program, (3) the objective intent of the writers or producers of the material, and (4) the extent to which the potentially offensive nature of the material can be mitigated by the use of advisory announcements and/or audio or video edits pursuant to the applicable provisions of the Code.

IV. ADVISORY ANNOUNCEMENTS

When deemed necessary by the Department Director or the General Manager, any program or program segment may be required to append an advisory announcement at the beginning of the programming material in question to afford viewers a reasonable opportunity to exercise their discretion to avoid program material they do not wish to view. If an advisory announcement is deemed necessary, the Department Director or the General Manager shall determine its content.

V. ALCOHOL CONSUMPTION AND DRUG USE

The Station will not accept programming in which the use of alcohol or illegal drugs is gratuitous or over emphasized. In the context of news programming, the depiction of the use of alcohol or illegal drugs should be reasonably consistent with and necessary to a legitimate news story. In the context of entertainment programming, the depiction of the use of alcohol or illegal drugs should be reasonably consistent with and necessary to plot and character development. The Station recognizes that there is a place for responsible journalistic, dramatic, humorous, or satirical programming relating to the use of alcohol or illegal drugs. Such programming, however, should be presented in good taste and should consider the negative consequences that may result from the abuse of alcohol or illegal drugs.

VI. AUDIO AND VIDEO EDITS

When deemed necessary by the Department Director or the General Manager, any program or program segment may be required to use audio and/or video edits to obscure material that is deemed unacceptable. When audio edits are deemed necessary, all bleeps and/or sound drops must cover the entire unacceptable audio element with no portion remaining audible. When video edits are deemed necessary, images that are deemed unacceptable shall be thoroughly obscured through appropriate means.

VII. INDECENT OR PROFANE MATERIAL

The Station will not accept programming that includes indecent material (as defined by federal law) that has not been edited pursuant to Section VI of the Code to eliminate or obscure such material.

Indecent Material generally is defined as language or materials “that, in context, depicts or describes sexual or excretory activities or organs in terms patently offensive as measured by contemporary community standards for the broadcast medium.”

In determining whether material is patently offensive, the following factors shall be considered: (1) the explicitness or graphic nature of the description; (2) whether the material dwells on or repeats at length descriptions of sexual or excretory organs or activities; and (3) whether the material appears to pander or is used to titillate or shock.

Profanity generally is defined as “including language so grossly offensive to members of the public who actually hear it as to amount to a nuisance.” The use of the “seven dirty words” identified in *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978) (fuck, shit, piss, motherfucker, cocksucker, cunt, and tits), and similar words, should be avoided or edited pursuant to Section VI of the Code, unless the use of such words, taken in context, is necessary for plot or character development and is not gratuitous, excessive, or in any way intended or used to pander, titillate, or shock.

VIII. NUDITY AND SEXUAL ACTIVITY

The Station will not accept programming that contains material containing nudity or explicit depictions of sexual activity. For the purposes of this Code, “nudity” is defined as the depiction of exposed male or female genitalia, female breasts, and the buttocks of a male or female.

IX. OBSCENE MATERIAL

The Station will not accept programming that includes obscene material (as defined by federal law). In order to be deemed obscene, the following must be found to be true: (1) an average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest; (2) the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and (3) the material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

X. OFFENSIVE MATERIAL

A. *Material Concerning Physical or Mental Impairments*

The Station will not accept programming that is intended to ridicule or attack any individual or group based on physical handicaps, developmental disabilities, and/or deformities. The Station recognizes that there is a place for responsible journalistic, dramatic, humorous, or satirical programming that relates to or touches upon these subjects, provided that such programming is done in good taste and so that a reasonable person would not conclude that it was intended to attack or ridicule any group of people.

B. *Material Concerning Age, Creed, Ethnic or National Origin, Gender, Marital Status, Political Affiliation, Race, Religion, or Sexual Orientation*

The Station will not accept programming that is intended to ridicule or attack any individual or group based on age, creed, ethnic or national origin, gender, marital status, political affiliation, race, religion, and/or sexual orientation. The Station recognizes that there is a place for responsible journalistic, dramatic, humorous, or satirical programming that relates to or touches upon these subjects, provided that such programming is done in good taste and so that a

reasonable person would not conclude that it was intended to attack or ridicule any group of people.

XI. VIOLENCE

The Station will not accept programming that includes gratuitous and/or excessive depictions of violence. In particular, depictions of violence should not be used to shock the audience or advocate the use of violence against specific individuals or groups of people. Programming should not include depictions of excessive gore, pain, or physical suffering. The Station recognizes that there is a place for responsible journalistic, dramatic, humorous, or satirical programming that relates to or touches upon the subject of violence, provided that such programming is done in good taste. In the context of news programming, depictions of violence should be reasonably consistent with and necessary to a legitimate news story. In the context of entertainment programming, depictions of violence should be reasonably consistent with and necessary to plot and character development or within the presentation of material whose overall theme is clearly anti-violent.

In addition to the foregoing, any programming element that mixes sex and violence must be approached with extraordinary care and consideration. Rape, non-consensual sexual acts, and other forms of sexual assault are violent, not sexual, behaviors. Depictions or descriptions of such behaviors shall take into account the impact of such depictions may have on all members of the viewing audience.

XII. LOCATION AND TALENT RELEASES

The Station will not accept programming that violates the following policies regarding location and talent releases.

If a program intends to include material shot at or on a private or commercial location that is not owned or controlled by Syracuse University and/or SUNY-ESF, then a written or on camera release must be obtained from the owner of the location before taping.

Whenever the likeness of a real person, who is not (1) a member of the Station or (2) a public figure or celebrity, is to be used in a program in more than an incidental way, then a written or on camera release should be obtained from that person either before or after taping. Permission should be obtained for use of a person's face within a crowd shot, if the crowd shot emphasizes the actions or presence of one individual. People under the influence of alcohol or drugs generally are not considered capable of granting a release.

The Station reserves the right to require producers to provide proof that the foregoing written releases were obtained.

XIII. COPYRIGHTED MATERIAL¹

The Station will not accept programming that violates the copyright laws of the United States.

Copyright is a form of protection to authors of original works, whether published or unpublished, including literature, music, art, video, film, and other intellectual works. With certain exceptions detailed below, producers are required to obtain written permission or a license from the copyright holder to use copyrighted material.² The provision of an acknowledgment of the copyright holder does not eliminate this obligation.

If written permission or a license is obtained to use copyrighted material, then the program must courtesy the source.

Exceptions in which no written permission or license may be needed:

The Station does license a video feed from CNN. Material from this feed may be used without obtaining further permission from CNN.

With funding from the University, the Station maintains a license for music in the ASCAP, BMI, or SESAC song libraries. Songs listed in these song libraries may be used without obtaining further permission from ASCAP, BMI, or SESAC. Use of songs that are not listed in these song libraries or created by Station members for use in Station programming is not permitted without receiving written permission or a license from the copyright holder.

Depending on the way in which copyrighted material is used, permission may not be required; this is sometimes referred to as the “fair use” of the copyrighted material. The factors that determine whether the use of copyrighted material is considered a “fair use” include: (1) *the transformative nature of the use*—i.e., whether the use simply copying the source material or whether it creating something new through, for example, parody, review, or commentary; (2) *the nature of the copyrighted material*—e.g., there may be wider latitude in the use of factual works than fictional works, and there may be more latitude in the use of published works than private works; (3) *the amount and substantiality of the portion used*; and (4) *the effect of the use on the potential market*—e.g., the use actually competes with the copyright holder or otherwise deprives the copyright owner of income.

General examples of “Fair Use” include:

1. Using excerpts of a work in a review of the work for the purposes of illustration, comment, or criticism.

¹ This section is intended to be used merely as a guide for Station producers, Department Directors and the General Manager. This section does not purport to represent a complete and thoroughly accurate statement of the copyright laws of the United States. In some instances, the Station’s policies may be more stringent than the copyright laws.

² The procedure for obtaining a license can be found in section IX of the Station’s Bylaws.

2. Summarizing an address or article or using excerpts of an address or article with quotations in a news report.
3. Parodies of the work, ridiculing the work by imitating it in a comic way.