

# WVUD Bylaws

## I. Introduction

WVUD operates in accordance with its Constitution as affirmed by its membership. These bylaws serve to maintain the integrity of the purposes, responsibilities, and activities of WVUD. The policies and procedures stated in the bylaws safeguard the rights of station members and promote the corresponding responsibilities of those who choose to participate in WVUD.

## II. Regulations and Enforcement of the Bylaws

These regulations provide guidelines for the conduct of individuals engaged in duties related to WVUD. They are superseded by the policies of the University of Delaware, the Federal Communications Commission and local, state, and federal statutes. Nothing in the bylaws is intended to prevent the Operations Board from making a referral to appropriate authorities if warranted by the conduct of an individual.

1. The Operations Board of WVUD is responsible for enforcing the bylaws. It is also charged with development and enforcement of Operations Policies. A complete set of Operations Policies, as well as the bylaws, shall be available in appropriate areas of the station.
2. The following is a list of conduct expectations for station members. Any station member who commits, aids or attempts to commit any of the following acts of misconduct at the station's facilities or in the community as a representative of WVUD, shall be subject to the station's disciplinary procedures and referral to the appropriate on or off campus authorities.

### Actions:

- A. Acts of physical violence or malicious harassment.
- B. Theft or intentional and unauthorized removal of property from the radio station premises or remote facilities.
- C. Willful or malicious violation of FCC Rules and Regulations, including those related to profanity and obscene language.

### Sanctions:

Minimum: Permanent loss of station membership

Maximum: Permanent loss of station membership and referral to the appropriate on or off campus authorities.

### Actions:

- D. Willful or malicious destruction of radio station property, premises or remote facilities.

### Sanctions:

Minimum: Payment of replacement or repair costs and suspension from station activities, length severity to be determined by the Operations Board.

Maximum: Permanent loss of station membership and referral to the appropriate on or off campus authorities.

Actions:

- E . Possessing or being under the influence of alcohol or illegal controlled substances on the station premises.
- F. Negligent destruction or defacement of radio station property, premises or remote facilities.

Sanctions:

Minimum: Written warning and/or payment of replacement or repair costs.

Maximum: Permanent loss of station membership and referral to the appropriate on or off campus authorities.

Actions:

- G. Smoking or bringing food or beverages into any area of the station where prohibited by Operations Policies.
- H. Violations of Operations Policies or Security Policies.

Sanctions:

Minimum: Written warning.

Maximum: Permanent loss of station membership.

3. Station members are responsible for the actions of their guests or any non-member they permit to accompany them to station activities or facilities. Actions of the guest which violate the bylaws will subject the host to the disciplinary actions described above. In addition, the guest may be referred to the appropriate on or off campus authorities.

### **III. The Procedure for Formal Disciplinary Hearings**

1. When a member of the station becomes aware of an alleged violation of the bylaws he/she shall notify the Station Manager promptly. The Station Manager, after reviewing both the evidence and the charges may verbally notify the alleged violator that interim sanctions may be applied pending the completion of the hearing. The Station Manager will send to the station member a written statement of the charge(s), and the date, time, and place of the hearing. The hearing will be held at the next regularly scheduled Operations Board meeting. Written notice of the hearing should be received by the accused at least two (2) days prior to the hearing.
2. The hearing will be held as an informal discussion between the Operations Board and the accused. Procedures of the hearing will be tape recorded. Seven Operations Board members must be present at disciplinary hearings in order for them to proceed. The hearing will be open or closed at the discretion of the accused. The person filing the charge(s) must be present. If the person filing the

charge(s) fails to appear at the hearing without prior notification, he/she must refile the charge(s) within three business days or the charge(s) will be dismissed. Should the Station Manager initiate the charge(s), the General Manager shall be designated the chair of the hearing.

3. After all evidence has been presented, and all parties have made their final statements, the accuser, accused, witnesses, and observers shall be dismissed.
4. The Operations Board shall discuss the case and decide the guilt or innocence of the accused, as determined by a 3/4 majority of those Operations Board members not directly involved in the case.
5. If the accused is found guilty, appropriate sanctions will be determined by a 2/3 vote of the Operations Board. The Station Manager shall have the right to veto these sanctions and determine other sanctions. In cases that do not jeopardize the station's license, the Operations Board shall have the right to override the Station Manager's veto and sanctions by a 3/4 majority vote. In cases which do jeopardize the station's license, the Station Manager's sanctions shall stand.
6. Immediately following the hearing, the accused and accuser will be notified verbally of the decision and any sanctions. Subsequently, the accused shall be notified in writing of the decision and sanctions no later than five days after the hearing.

#### **IV. The Procedure for Appeal**

1. Grounds for Appeal - Any person found guilty by the Operations Board has the right to request an appeal on the grounds that:
  - a. The hearing procedures were violated.
  - b. The sanction imposed is inappropriate, unreasonable or unjust.
  - c. The decision is contrary to the evidence.
  - d. There is new information which was not available at the time of the original hearing. The person who filed the original charges may not appeal the results of the Operations Board hearing.
2. The Appeals Board - Appeals will be heard by an Appeals Board whose five members and one alternate are elected from the General Staff in accordance with election procedures outlined in the Constitution and its bylaws. No members of the Operations Board may be elected to the Appeals Board. If an Appeals Board member cannot fulfill his/her term of office, a special election will be held in accordance with Constitutional procedure. The Appeals Board is chaired by the General Manager, or if he/she is directly involved in the grounds of an appeal, an Appeals Board member shall be designated the chair of the hearing. Both the Station Manager and the General Manager shall serve as non\_voting "ex-officio" members of the Appeals Board.
3. Request for an Appeal - To appeal either the sanctions or the decision, a written request specifying the grounds for the appeal must be submitted to the Station

Manager and any three members of the Operations Board. The written request for an appeal must be submitted no later than seven days after the written receipt of the original decision and sanctions of the Operations Board. The three Operations Board members will review the request and recommend whether or not an appeal is warranted. Within one week of receiving the recommendation of the three Operations Board members, the Station Manager will convene the Appeals Board. Written notice of the Appeals Board meeting should be received by the appellant at least two days before the hearing. Imposition of the sanctions may be deferred by the Station Manager pending the decision of the Appeals Board.

4. Appeal of the Sanctions - The hearing will be held as an informal discussion between the members of the Appeals Board and all parties involved. The procedures of the hearing shall be tape recorded. The hearing will be open or closed at the discretion of the appellant. Five members of the Appeals Board must be present for the hearing to proceed. In appeals of the sanctions, only the members of the Appeals Board and the appellant must be present. After all evidence has been presented and final statements have been heard, the appellant and all other witnesses and observers will be dismissed. The Appeals Board shall discuss the case and decide whether to recommend changing the sanctions. A sanction is removed by a vote of 4 of 5 members of the Board. The Appeals Board shall then discuss what new sanction shall be imposed. A vote of 3 of the 5 members of the Appeals Board shall impose a new sanction. The decision of the Appeals Board shall be final.
5. Appeal of the Decision - The hearing will be held as an informal discussion between the members of the Appeals Board and all parties involved. The procedures of the hearing shall be tape recorded. The hearing shall be open or closed at the discretion of the appellant. Five members of the Appeals Board must be present in order to proceed. In appeals of the decision, the party that filed the original charges, the appellant, all witnesses present at the Operations Board hearing, and any new witnesses must be present. After all evidence has been presented and final statements have been heard, the appellant, all witnesses, and all other observers shall be dismissed. The Appeals Board shall discuss the case and then vote on the appeal. A vote of 4 of 5 members of the Appeals Board for innocence overturns the original decision of the Operations Board. A vote of any less than 4 will uphold the decision and the sanctions originally imposed, unless the sanctions have been appealed as well. A vote of 4 members of the Appeals Board will return the case to the Operations Board in cases concerning procedural violations at the original hearing. All decisions of the Appeals Board shall be final.

## **V. Enforcement Procedures**

1. Written warning - An official notice of disapproval of specified actions issued by the Operations Board.

2. Payment of repair or replacements costs - Assessment of charges in an amount not in excess of damage or loss incurred.
3. Suspension from station activities, the length and severity of the suspension and the activities effected are to be specified by the Operations Board.
4. Permanent loss of station membership - The individual will be stripped of station membership, and denied participation in any station activities.
5. Referral of charges to appropriate on or off campus authorities. This may be as a result of a formal hearing of the Operations Board or decision of the Station Manager based on the seriousness of the offense.

## **VI. Community Volunteers**

WVUD also accepts contributions and participation from Community Volunteers. These Volunteers may serve any role designated by the General Membership or the Station Manager, but may not vote, hold office, or make policy at WVUD. Community Volunteers are guests of the University of Delaware and are subject to the policies of the FCC, the University of Delaware, and WVUD.

### **A. Terms of Volunteer Participation**

Community Volunteers must have completed the membership test to be considered Volunteers at WVUD. Community Volunteers must have also signed the Community Volunteer agreement, and must have that agreement on file with the Station Manager. Community Volunteers shall have their roles reviewed annually by the Operations Board.

### **B. Responsibilities**

1. Community Volunteers are to perform all duties in a manner that demonstrates to the membership and to the listening and general communities an accurate and positive image of WVUD.
2. Community Volunteers agree to adhere to all policies and procedures of the University and all local, state, and federal laws. Community Volunteers will become acquainted with policies and procedures in the Official student handbook and other policies and procedures provided by the University. WVUD is a viable, functioning organization, composed of at least six full time undergraduate students and we do not discriminate on the basis of race, creed, color, gender, age, religion, national origin, veteran, handicap status, or sexual orientation.
3. Community Volunteers are required to keep current with policies of WVUD, the University of Delaware, the Federal Communications Commission, and other relevant agencies. While the Operations Board will provide access to appropriate documents, it is still the responsibility of individual members to regularly review

such documents and obtain any required identification, permits, or licenses.

4. Active participation in WVUD requires adherence to the WVUD Constitution, the by-laws, and other station policies.
5. A Community Volunteer's decision to participate in the activities of WVUD entails the acceptance of the following obligations:
  - a. Respecting the physical plant and equipment of WVUD.
  - b. Actively engaging in the off-air activities of the station.
  - c. Attending monthly meetings of the Membership and Community Volunteers
  - d. Compliance with the decisions made by the General Membership and the Operations Board.

### **C. Rights**

1. Community Volunteers have the right to relevant and appropriate artistic and intellectual expression in all station activities.
2. Community Volunteers have the right to participate in monthly Staff Meetings with the General and Associate Memberships.
3. Community Volunteers are entitled to receive training to perform on-air duties, including a clear statement of the requirements they must fulfill to be approved for such duties. All eligible Community Volunteers are not guaranteed on-air duties.
4. Community Volunteers are entitled to privacy in their communications with the Operations Board. Communications with the Board, or any of its individual members, may not be released to anyone not on the Operations Board without expressed consent of the party or parties involved. A Community Volunteer will receive notice when a third party requests information from the Operations Board on him or her.

### **D. Representation**

One Community Volunteer may be selected by the Operations Board to serve as a non-voting counsel to the Operations Board to represent the interests and concerns of WVUD's Community Volunteers.

## **VII. Guest Policy**

No more than two visitors PER SHOW for any DJ. This is not limited to studio guests, but visitors in general. If you expect to have more than this, you must have prior approval from

the Station Manager, Engineer, General Manager, or Program Director. There will be no more rotating of people in and out of studio as your 'two guests'. Two individuals OTHER than the DJ per show, period. (Station members serving as guests do not count towards your two guests, but they must keep up with membership requirements). If a guest of yours shows up with additional people, they must be turned away. Also, live phone calls are your responsibility too. If a 'phone' guest breaks rules, you are accountable for that too.

You are responsible for your guests at all times. This includes their behavior and actions on and off air.

If you are caught with more than two guests, (either by direct observation, recorded evidence, or note from another station member, the following will happen)

1<sup>st</sup> offense- No guests for one month

2<sup>nd</sup> offense- One week suspension, no guests for four months

3<sup>rd</sup> offense- one month suspension, guest privileges revoked permanently

4<sup>th</sup> offense- termination

### **VIII. Profanity Policy**

1<sup>st</sup> offense- Written letter to DJ, copy kept on file

2<sup>nd</sup> offense- One show suspension

3<sup>rd</sup> offense- One month suspension

4<sup>th</sup> offense- termination

We are defining profanity as 'the big boys' ...not damn, hell, etc. We can hear these live on the air, have them reported to us by listeners or staff, or pick it off the skimmer.

Multiple offenses in the same show will be dealt with on a case by case basis...multiple instances in the same song will be considered one offense, although the DJs attentiveness/dependability will be called into question.

There is a 'clean record' provision for longer-term members. Offenses are cleared after 4 years.

### **IX. Music Uploading Policy**

Anyone uploading material to the WVUD computer must put their name in the Music ID section of the track info. They also should put an ACTIVE date and an End of Message (EOM) on the file. These are extra steps on the part of the person uploading the music,

but are necessary to track who puts what on. While it is still the responsibility of the air DJ to make sure the content is clean, we will also hold the person who uploads the info responsible for it getting onto the air in violation of FCC law. We cannot go back in time to fix old uploads, but from this point forward, anything uploaded that doesn't have a name in the Music ID section will be deleted without warning. Guests should NEVER be allowed to upload anything.

#### **X. Mandatory Retraining**

All participants in WVUD (General and Associate Members, Community Volunteers) are expected to have the most current knowledge of how to use all technology at WVUD. All participants must take part in mandatory retraining with the technical staff of WVUD at least once every four years.

#### **XI. Programming Priority**

WVUD's programming shall be determined by the Program Director, as outlined in the WVUD Constitution. Priority for programming will be given to General Members. Priority in all programming will be determined based on the participant's activity at WVUD and his or her attendance at the relevant mandatory meetings.

#### **XII. Agreements**

All Members must have read and signed the relevant Membership Agreement. All Community Volunteers must have read and signed the relevant Community Volunteer Agreement. Copies of all signed agreements must be on file with the Station Manager.

#### **XIII. Meetings**

As outlined in the WVUD Constitution, the General and Associate Memberships shall meet at least twice per month during the Fall and Spring Semesters. One of these meetings shall be open to Community Volunteers, and attendance by Community Volunteers shall be mandatory.

**ADDENDUM**  
**Student Off Air Volunteer Hours**

This policy places a minimum of required off-air volunteer hours for students currently on the FM to secure the time slots of their show. This policy also provides a system of priority for students wanting to be on FM.

**Requirements**

- Students on the FM need to complete 10 hours of volunteer time.
- This is required of each individual student on the FM.
- This needs to be completed two times a year:
  - January 15 – July 15 to secure time slots for the following Fall Semester Schedule
  - July 15 – January 15 to secure time slots for the following Spring Semester Schedule
- Things that count towards these hours include:
  - Attending meetings
  - Helping in the Music Dept. or Music Library
  - Helping with PSA/Promo Production
  - Volunteering for PR events (kiosks, tables at events, remote broadcasts, etc.)
  - Subbing for a show other than yours
  - Helping train new DJs (talk to Dave, Steve or Tech Director to be approved)
  - Volunteering during Radiothon (answering phones on other show, etc.)
  
  - Other volunteering can be requested and approved by Ops Board Members
- Priority will not change for students who are currently on FM that have done more than the required hours; completing the required hours is sufficient to secure the student's time slot.

**Consequences**

- If the hours are not completed, students will lose priority for the time slot of their show.
- These time slots will be available for other students who have completed the required hours.
- Priority for the available time slots will be based on who has completed more hours (up to the requirement or beyond requirement) if more than one student wants the same time slot.

**Non-FM Students**

- Although it is not required for students who are not on the FM to complete the required hours, priority for open time slots will increase for students who have completed more volunteer hours (up to the requirement or beyond requirement).

**Graduate Students**

- Graduate students who have time slots in the student block are held to the same standards under this policy as undergraduate students.

