

Statement on Editorial Practices & Funding Standards for National Distribution of Public Radio Specials

General Principles for Determining the Acceptability of National Program Funding

Three "tests" are applied to every proposed funding arrangement in order to determine its acceptability:

- *Editorial Control Test*: Has the underwriter exercised editorial control? Could it? (The elements of this test are described in detail below.)
- *Perception Test*: Might the public perceive that the underwriter has exercised editorial control?
- *Commercialism Test*: Might the public conclude the program is on public radio principally because it promotes the underwriter's products, services or other business interests?

Editorial Control Test

Public radio is comprised of free and independent noncommercial broadcasters, thus it is committed to providing programming that is produced in accordance with the very highest ethical, journalistic and professional standards. *This means editorial control may be exercised only by the shows producers, and cannot be exercised by anyone else, including program funders.*

The guiding principle for this is the following: The audience has a right to feel secure in its assumption that program judgments are being made by professional journalists and by the broadcast licensees who are held accountable as trustees of the public airwaves. To allow program judgments to be controlled by program funders would be to breach the public's trust. Therefore, the producers will not accept a funding if the program funder has asserted, or has the right to assert, editorial control over a program.

In general, a program funder's participation in the development of broad program concepts or proposals it might wish to fund is not considered an aspect of editorial control unless the facts and circumstances warrant a different conclusion. Thus, a program would be acceptable where the potential program funder were to make it known that it would

be interested in funding, for example, a series on the performing arts or, more narrowly, modern dance. (Assuming, of course, that the proposed series has not been created to serve the business or other interests of the funder, which would be unacceptable.)

Though program ideas will, in most cases, be generated by program producers, the principles articulated here does not prevent funders that have conceived ideas for new programs from acting as a catalyst to see their ideas realized on radio. On the other hand, the producers will not accept funding where the potential funder has removed control and discretion from the producer by specifying in detail what the resulting program or series should be, or by pre-ordaining the conclusion the listener should draw from the materials presented. What constitutes such control will depend on the circumstances, although the strictest standard will be applied to current affairs programs.

A program funder's actual participation (or right to participate) in the program production process after the initial idea stages are complete and after a producer has been engaged will be considered to be the assertion (or the right to assert) editorial control over the program or program series, and the proposed program funding will be unacceptable for distribution. The right to, or the actual assertion of, such control can take many forms. For example:

- The program funder's insistence, by contract or otherwise, on choosing, for example, individual dramas within a drama series, or holding or exercising veto power over a producer's selection of dramas.
- The program funder's insistence, by contract or otherwise, on reviewing scripts, outlines or treatments after the initial funding decision is made, whether or not such review could result in termination of the grant. The same would be true where the funder retains the right to bar delivery of the programs. The ability to withhold or control distribution will be treated in the same manner as the ability to control content.

- The program funder's insistence, by contract or otherwise, on appointing or approving the appointment of experts to an editorial advisory panel when content decisions are expected to be a primary function of that panel.
- The program funder's insistence, by contract or otherwise, on being present in the editing room, or approving or even reviewing rough cuts, fine cuts or the final program prior to broadcast. The potential for influence is so palpable in these situations that, even if nothing were changed as a result of such participation, the resulting program would not be acceptable.
- The program funder's insistence, by contract or otherwise, on owning or controlling the copyright or other program rights to the production it funds. Ownership of copyright establishes actual editorial control in terms of both program content and the right to control program distribution. Therefore, program funders may not hold or control copyright to a program. A program funder may, however, participate in the distribution of revenue derived from the exploitation of ancillary rights by the producer, so long as the funder does not hold or exercise such rights itself.
- The deliberate avoidance or alteration of certain material topics within a program or treatment in order that a particular underwriter make the program unacceptable for national broadcast.
- The program funder's insistence, by contract or otherwise, on participating in or attempting to control the program scheduling process. Funding arrangements which call for such participation would be unacceptable.
- The program funder's insistence, by contract or otherwise, on a "stepped" or contingent funding arrangement that enables the funder to become involved with program content.

(Note these guidelines have been adopted from the PBS Funding Standards & Practices)