

KBOO Radio Policy	Ownership and Distribution of Produced Material	Date: December 2009
POLICY #15	[scheduled for revision]	Approved by: Board of Directors on 12/28/09

1. Material produced outside KBOO, but aired on KBOO, no KBOO finances involved, producer owns rights.
2. Recorded materials produced at KBOO (from producer's material), producer owns rights, KBOO and producer split any sales 50% each (net).
 - a. If sales are through KBOO, KBOO does bookkeeping, pays producer.
 - b. If sales are through producer, producer does bookkeeping, pays KBOO.
 - c. If recorded materials are distributed outside of KBOO by producer, KBOO gets a spoken credit on recording, and mention in print publicity.
 - d. KBOO gets copies of recording materials and unlimited future airplay rights.
 - e. If producer leaves KBOO, it is their responsibility to notify KBOO of further sales and make payments. If KBOO continues to make sales, producer is responsible for notifying KBOO of future address for payments.
 - f. Time limit on sales is two years. Any sales past then must be renegotiated.
3. Specific projects:
 - a. KBOO has the right to assign project to a volunteer before negotiation with an outside producer. Anyone working on assignment is considered to be a volunteer, KBOO owns rights to material.
 - b. If a person creates a new program using existing material (either their own or KBOO-owned material) they are the producer of that program and own rights, KBOO and producer split any sales 50% each (net).
 - c. Producer is responsible for ascertaining the existing rights to any other materials used.
 - d. If KBOO has other material in its archives (but not KBOO-owned material), and producer obtains permission to use this material, KBOO will provide copies to producer and charge duplication costs.
 - e. The station manager, with input from news director or program director, will decide what constitutes "creation" of a new program.
4. Material produced with KBOO as fiscal sponsor or handler of project finances:
 - a. KBOO initiates project:
 1. KBOO hires producer(s)
 2. KBOO administers grant.
 3. KBOO distributes recordings.
 4. KBOO sells recordings (if applicable).

5. KBOO owns rights.
 6. KBOO gets 10% of grant/funding for indirect costs (operating and maintaining equipment and studios, depreciation, administration, office space, supplies, etc.).
 7. KBOO may charge an hourly rate for studio time. The hourly rate(s) shall be established by the Station Manager in conjunction with the Finance Committee. However, this fee may be waived and considered an “in kind” contribution by the station, particularly for material that will be aired on KBOO.
 8. Producer is an independent contractor when possible; may have other duties as specified in contract (training, pledge drives, phones, etc.); salary included in budget.
- b. Producer initiates project:
1. Station Manager must approve grant application.
 2. KBOO Board must approve fiscal sponsorship.
 3. Producer distributes recordings.
 4. Producer sells recordings (if applicable).
 5. Producer owns rights.
 6. KBOO gets 10% of grant/funding for indirect costs.
 7. KBOO may charge an hourly rate for studio time. The hourly rate(s) shall be established by the Station Manager in conjunction with the Finance Committee. However, this fee may be waived and considered an “in kind” contribution by the station, particularly for material that will be aired on KBOO.
 8. Producer is an independent contractor when possible; may have other duties as specified in contract; salary included in budget.
 9. KBOO gets copies of recordings and unlimited future airplay rights.
 10. KBOO gets a spoken credit on recording, and mention in print publicity.
5. Studio rental fees when KBOO is not a fiscal sponsor of project:
- a. Individuals or companies may, from time to time, wish to rent KBOO studios.
 - b. KBOO will charge an hourly rate for studio time, the hourly rate(s) shall be established by the Station Manager in conjunction with the Finance Committee.
 - c. Scheduling priority is given to KBOO productions.
 - d. Considerations for hourly studio rates:
 1. The KBOO studios need to be available for KBOO production. Studio rental rates should generally be priced to encourage in-house uses over third-party or commercial production.
 2. This fee may be waived, particularly for material that will be aired on KBOO or for specific projects by active volunteers and do not interfere with other station operations. Such projects must be approved by Program Director, Volunteer Coordinator and Station Manager.

Policy History:

- Adopted by Board of Directors 12/20/89
- Amended 12/28/09 by Board of Directors to:
 1. Increase administrative fee for grants. This was previously at 5% which didn't adequately compensate for staff time.
 2. Allow Station Manager in consultation with Finance Committee to set studio rates. Studio rates were previously set in the policy. This allows flexibility in setting rates and also offers more meaningful valuations when rates are included as "in kind" services in grant applications.
 3. Update media language. Policy previously referred to "tapes."
 4. Update fiscal sponsorship language.