

The KPFT Program Council Agreement

Preamble:

The Program Council was established November 2004 by KPFT Management and the KPFT Local Station Board (LSB) as they embraced the democratization envisioned and outlined in the "new" Pacifica Bylaws. They wanted to develop ways to operate collaboratively and transparently, to strengthen the station's outreach and the size of the listener base by building a positive work environment that supported and empowered volunteers and staff.

Pacifica is "radio for peace." As such, the functioning of the Program Council shall be based on principles of cooperation, respect, and unity.

Purpose:

The Council is the body authorized by KPFT Management and the Local Station Board to work collaboratively with the Management, LSB, paid staff, volunteers and listener members to facilitate all on-air programming and program-related functions at the station.

The Council shall be an ongoing "working" body that shall consider all new programming and develop scheduling in collaboration with and implementation by the Program Director.

The Council shall monitor, evaluate and provide feedback for all station programming. The Council shall develop programming procedures for "on-air" operations in conjunction with the Program Director and management. These procedures will address such issues as training and education for current and new programming, procedural avenues for communication between programmers and management and program review and evaluation.

Membership:

The Council shall have twelve (12) voting members consisting of four KPFT Listener Members, four KPFT LSB Members, and four KPFT Staff Members from the volunteer staff. The Program Director shall serve as an ex-officio, non-voting member (i.e. co-chair).

KPFT Listener Members are elected from a pool of current KPFT Listener Members, who are in good standing, as defined by the Pacifica Bylaws. They will be nominated by self, LSB, staff or management, or other Listener Members. Qualifications are confirmed collaboratively by the LSB and management. Two

(2) Listener Members are elected by the Local Station Board via Single Transferable Voting and two (2) members by Management.

Four (4) KPFT LSB Members are elected from a pool of LSB members in good standing. Candidates are nominated by the LSB – four (4) members elected by Single Transferable Voting.

KPFT Volunteer Staff candidates are nominated by self and volunteer staff. Management shall select 4 members from the nominated pool. To be eligible for membership, volunteer staff is required to have completed 30 volunteer hours in the previous three (3) months.

Election Procedures and Process:

The Council election process shall be governed by its Election Procedures and Process document (attached).

Terms of Service:

Program Council members will be seated following the regularly scheduled LSB meeting in February.

A regular term shall be one year with a maximum of three consecutive terms. A member shall not be eligible for further service until one year has elapsed after the termination of the member's third consecutive term. If the member is elected three consecutive times, that member is not eligible to run in the next election following his/her third term but may do so after being out of office for one year.

Officers:

The Council shall elect its own officers (Chair, Vice Chair, Secretary) by majority vote or unanimous selection. The positions should be filled as soon as possible as one of the first orders of business for the new council. Current Officers may be reelected in the same office or for a different office for the length of their terms of eligibility.

Procedures for Member Removal:

Any member shall be removed from the position of Program Council member, and cease to be a member, upon the occurrence of any of the following:

- Said member's death or resignation;
- Upon the occurrence of a disqualifying act, e.g. an LSB member representative loses LSB member status;

- Failure of a member to attend three consecutive unexcused meetings;
- Or
- Upon a fair and reasonable determination, by a 3/4 vote of PC members.

“Unexcused” means that the member has not communicated with the council in a formal manner, requested to be excused, and not stayed abreast of the issues on the table.

If a member position becomes vacant mid-term, that member shall be replaced for the remainder of his/ her term by the highest ranked candidate from the last election of members for that division of members who was not elected and who is available.

Subcommittees:

- Subcommittees shall be created as needed to accomplish work.
- Subcommittees shall be of the size necessary to carry out their assigned tasks.
- Subcommittees shall elect their own chairpersons, subject to PC ratification.

Operations:

The Chair and the Program Director shall collaborate on setting the agenda, in effect acting as co-chairs.

The Council does not come under the open-meeting rules and can conduct its business in closed meetings.

Official Business Meetings require a quorum. A quorum shall consist of a simple majority of members.

Program Council members cannot make decisions for the body as individuals. Decisions are made within the body as a whole.

The Council shall conduct open forums to the public for consultation on a minimum quarterly basis.

The Council shall meet at least monthly and more often if necessary to complete the work of the council. The Council on an as-needed basis shall decide additional meetings.

Each Council member shall sign a confidentiality agreement in order to meet the requirements of maintaining Council Membership. The agreement must be signed by each Member of the Council prior to the beginning of official Council participation. In the case of new members to the Council who join during a term, the agreement must be signed at the first meeting attended. Any breach of confidentiality can lead to the suspension or expulsion of the member.

Decisions made by the Program Council are made first with a sense of duty and commitment to the mission of KPFT and Pacifica and to the welfare and interests of programmers, listeners and the Houston community at large.

The Council will operate as transparently as possible, avoiding the atmosphere of secrecy or exclusiveness. However, because the nature of business discussed by the Program Council will often require utmost confidentiality, personnel issues or tentative program changes that have not been finalized or approved and therefore fall under the confidentiality requirements and regular meetings may be closed to the public. Minutes from these meetings may be published on the KPFT/PC Web site in an acceptable form for public view so as to inform and include the KPFT body.

The Council shall use the procedure of consultation and consensus in its decision-making.

Conflict of Interest:

To avoid a conflict of interest or the appearance of a conflict of interest, a Council member(s) with a "hands on" connection to a program, e.g., production or on-air involvement, shall refrain from voting on an issue involving that specific program. If there is an issue of whether or not to recuse, the Council may, by majority vote exclude the vote of said member to avoid issues of conflict of interest as defined previously.

Consultation Procedures:

The principles of consultation used by the Program Council are an effort to solve problems in an atmosphere of respect, humility, dignity, and unity, despite varied opinions. The intent is that a spirit of careful consideration as a body with detachment of personal contributions of opinion gives the body the authority to

come together in consensus building rather than expending time and energy in an atmosphere of dictatorial polarization, wrangling, hostility, disrespect, and division.

Every member of the body is to freely and independently consult in candor while expressing their opinions. The various opinions are offered to the group, not as if they are the correct and right way, but for consideration and debate. Members consider the views advanced by others with open-mindedness.

The decisions may be reached by obvious consensus without need for a formal vote. However, a formal vote may be requested. If there are differences of opinion, a majority of voices shall prevail. The ultimate decision might be one that is quite different from what appeared to be the direction of the decision at the beginning of consultation. Once the body makes a decision, the entire group supports it. If in the future the decision appears to have been a wrong one, it will not be because an individual or individuals followed their own judgment, did not carry it through, and therefore undermined it. The group can then return to the decision as a body for reconsideration and correcting the decision.

Consensus:

"There is rarely pure consensus in the real world of organizations. What can be achieved is Practical Consensus:

Achieving practical consensus starts with the recognition that on virtually any important question there will be a variety of legitimate views. After reviewing them all, the team agrees to act in a unified manner in order to meet the needs of its customers (either internal or external).

Practical Consensus exists when:

1. All members have been heard from, fully, frankly and respectfully, and have honestly and sincerely expressed their views and feelings. (The role Meeting Manager is critical here.)
2. All views have been weighed without prejudice. (Participants should keep their minds open, and argue not to win but to help achieve their "desired outcome.") Win-Win attitudes are crucial. "

Native America and the Evolution of Democracy

Consensus is based on the principle that every voice is worth hearing and that every concern is justified. If a proposal makes a few people, even one person, deeply unhappy - then there is a valid reason for that unhappiness, and if we

ignore it, we are likely to make a mistake. Instead of spending energy trying to convert people to agree to something they don't want, we drop either or both alternatives and look for a new solution, one that satisfies everyone's concerns. The universe is not either/or choices; it is "rich with infinite possibilities" The consensus usually works with a facilitator (the chair possibly), who is agreed by the group at the start of the meeting.

One person puts forward a proposal. The facilitator makes sure everyone gets a chance to put forward concerns, or speak for it. Negative reactions are not expressed as hard/fast positions. Instead of saying, "I am categorically against it", you say "I am concerned about it, because..." Voicing concerns allows the proposal to be modified to meet those proposals.

In consensus decision-making the intent is to arrive at the best decision for all the people involved. The purpose is not to pick between two options, or to say yes or no. The purpose is to examine a proposal, find all the concerns that would make the members unsure about going forward with it, and examine those concerns. Rather than a majority voting down a proposal, those who don't agree with it will explain what they feel is wrong about the proposal. Or rather than a minority being against a proposal but outvoted, those few are able to voice their concerns. This allows the opportunity for a group dialogue that may change some members' minds. More importantly, it may lead to an improvement of the proposal, that settles the concerns of some of the members, and perhaps allows the decision to go forward. Consensus is more about a group dedication to making good decisions than it is about voicing opinions and decisions. In majority voting, you have a chance to voice your opinion, but nothing more.

Communications:

The Council shall give a written report to the LSB at its regular monthly meetings.

The Council shall receive reports from LSB-created, program-related committees.

The Council shall consult with the General Manager on a regular basis.

The Council shall make available to the public information about its plans and decisions. The Council shall use its Web site to provide information about scheduled meetings, policies, procedures, plans and decisions. The Council shall publicize its email address and a box at KPFT to receive questions, complaints, and ideas from programmers and listener-members.

The Council will call upon programmers, listener members, the LSB, and the Houston community at large for advice and counsel.

Program Evaluation:

The Council shall work with the Program Director and station management to develop policies for adding, evaluating, and sunseting programs. These policies shall be added by amendment to this agreement. It is expected that all programming on KPFT, particularly locally produced programs, will be given evaluation, critical feedback and constructive criticism on at least an annual basis.

Procedures for Schedule and/or Program Changes:

1) The Program Director shall conduct day-to-day program management and shall have the authority for program preemption in times of emergency, when time does not permit bringing the matter before the Council. If such program preemption occurs, the Program Director shall bring the issue to the Council within 14 days.

2) Proposals for schedule and/or program changes voted on by the Program Council must be communicated in writing to the General Manager at least 30 days before final decision is made for implementation. The General Manager may offer a written assessment of the proposal, or may appear before the Program Council.

3) Prior to permanent schedule changes, the Council, to the fullest extent possible, shall seek consultation with and advice from programmers who will be affected by potential program changes. This will be done prior to any announcements regarding changes.

4) Proposals for schedule and/or program changes voted on by the Program Council must be publicly posted in the station and communicated to programmers for comment at least 14 days before their implementation. Methods of feedback (i.e. email, letters) must be clearly stated with such communications.

5) Proposals for schedule and/or program changes voted on by the Program Council must be communicated to listeners via online and on-air announcements at least 10 days before their implementation. Methods of feedback (i.e. email, letters) must be clearly stated with such communications.

6) Recommendations for schedule and/or program changes must pass by at least a two-thirds (2/3) majority to be approved.

7) The Program Council must give consideration to pledge drives in implementation of schedule and/or program changes. Changes cannot be implemented less than three weeks before or after 6 weeks after a pledge drive.

8) The Program Director will not implement programming changes without presenting said changes to the Program Council for discussion and approval, at least three weeks prior to planned change date.

9) When a schedule or program change is decided upon, the Council shall inform the General Manager, in writing, a minimum of 14 days before the Program Director is to implement the change.

10) If the General Manager amends the Council's decision, the General Manager shall return to the Council within 20 days with a written explanation of the amendment.

11) The Council shall submit an annual report to the LSB's MSRC one (1) month prior to the end of the calendar year.

Amendment of Agreement:

The LSB and Management shall review the council and its organizational structure annually.

The terms of this agreement may be amended at any time by the mutual agreement of the LSB and Management.

Renewal:

Unless renewal of the agreement is mutually agreed on by the LSB and Management, the Program Council shall terminate automatically at the end of its 2 year agreement.

Termination of this Agreement shall require notification of possible action 90 days prior to the end of the current term and placement on the LSB agenda for discussion and public comment at least 60 days prior to the end of said term. This will allow pending Program Council issues to conclude leaving no business pending.