

**CRTC Notice of Consultation 2010-146-4
CKLN-FM Radio Inc.**

Presentation of

**National Campus and Community Radio Association
Association nationale des radios étudiantes et communautaires**



Wednesday, December 8, 2010

1. Good morning. I appreciate the opportunity to appear before you today. My name is Shelley Robinson and I'm the Executive Director of the National Campus and Community Radio Association/l' Association nationale des radios étudiantes et communautaires, also known as NCRA/ANREC.
2. The NCRA/ANREC is a not-for-profit group committed to volunteer-driven, community-oriented radio across Canada. We have more than 75 members across the country and our goals are to ensure stability and support for individual stations and to promote the long-term growth and effectiveness of the sector.
3. We are here today to support CKLN and the work they have done to come into regulatory compliance. We also want to ensure, through ongoing work with our members and consultation with the Commission, that the kind of crisis experienced by CKLN is never repeated at CKLN or any other campus or community station.
4. The NCRA recognizes that compliance and accountability to broadcasting legislation and policies are of utmost importance and that it is the responsibility of every broadcasting licensee to be fully apprised of its regulatory obligations and responsibilities. We also appreciate that the Commission views each licensee as one continuous entity regardless of which individuals are responsible for its governance at any point in time. But we believe that the focus in this situation should be on the steps the current CKLN Board of Directors has taken to rectify past mistakes it inherited, rather than created.
5. We also note that governance work can be thankless at not-for-profit stations, where volunteer boards are held responsible for any problems that arise. Board members do this work regardless because they believe their stations are valuable to their communities.

6. Just how thankless this work is for the current CKLN board can be seen by the numerous complaints the Board has fielded about improper practices, failures, incidents, and actions. Some of these complaints are clearly outside the regulatory scope of this proceeding, some are without merit, and others are valid concerns. All have been treated seriously and with due process. It's hard, however, for us to understand why some people would prefer CKLN to have its license revoked than to put their differences aside and support the station as it moves forward.
7. From our perspective, it would be a huge loss to see any campus/community station, and particularly one like CKLN, have its license revoked. In its 27-year history CKLN has been known as a distinct "voice of the underground", featuring unique spoken word and music programming produced by a diverse pool of committed volunteers. It is a hub of community and cultural expression in downtown Toronto and amplifies the voices of those under-represented in other media, including youth, people of colour, new Canadians and the queer community.
8. CKLN is also known for its contributions to the NCRA's best practices and key projects over the last 20 years, including proposing our annual Women in Radio conference; the Aboriginal opening ceremony performed by local elders at our annual conferences; greater inclusion of persons with disabilities at our stations; and the development of equity and anti-oppression policies throughout the sector.
9. Though not intended as such, the six months since this hearing was adjourned have been a test of CKLN's ability to come into regulatory compliance and maintain these changes while fulfilling the broader mandate of what it means to be a campus-based community radio station. We believe they have passed this test.
10. In terms of the specific areas of non-compliance cited by the Commission in the Notice of Consultation and subsequent letter, we have a few comments based on

our understanding of the c/c sector as a whole as well as the changes CKLN has made in addressing their previous deficiencies.

11. Regarding the failure to file annual returns and respond to inquiries, we can only say that we believe it is unclear, even to the current board of directors, why the previous board and staff did not comply with these regulatory responsibilities. The current board clearly understands that these are mandatory requirements and have rectified all previously outstanding unfiled returns, completed all incomplete audits, and responded within a reasonable timeframe to all commission correspondence and listener complaints.
12. Regarding the sound quality of audio recordings, we note that many stations in the c/c sector have encountered similar problems due to lack of funds to purchase new and reliable equipment. You heard during the policy review of our sector about the financial realities faced by our stations that result in many using unreliable equipment. They also face problems with frequent volunteer turnover and insufficient technical expertise to troubleshoot problems with their audio equipment. This does not excuse stations from complying with the requirement to maintain intelligible recordings, but it is a reality we believe should be kept in mind by the Commission in determining the appropriate response to these types of infractions. In addition, CKLN has installed a new computer-based logging system, upgraded their sound card to ensure improved sound quality, and added a back-up.
13. Regarding CKLN's use of a jazz format and lack of volunteer involvement before the governance conflict was resolved, these issues were addressed long ago. The station has been running a wide range of music and spoken word programming since October 2009. They now also have a volunteer roster of more than 170 on-air volunteers, including former programmers and Ryerson students, and the board is aware of its responsibilities under the Campus Radio Policy regarding diverse local content and student, university, and community involvement.

14. Regarding the insufficiencies with CKLN's bylaws, the Board has made extensive revisions to meet CRTC board composition requirements and rectify other problems, and has scheduled a special general meeting to present and approve these changes.
15. Regarding the RSU/CKLN ownership and control issues, we note that for most licensees that broadcast and transmit from rented premises (which includes almost all c/c stations in Canada), the landlord frequently retains some measure of control over the premises, particularly in the face of serious security concerns. It is not surprising that this could result in a landlord exercising ownership and control in extreme situations such as the one that occurred at Ryerson.
16. Similarly with the student levy, we note that it may not be unusual for student unions to apply basic safeguards and conditions to the process of dispensing funds to stations that they have collected from students, particularly where there are serious concerns about the stability of the station's governing body.
17. CKLN has since developed a strong working relationship with both the Palin Foundation and the Ryerson Student Union and there is a willingness on all sides to amend CKLN's written agreements to address the Commission's concerns.
18. To that end, and as referenced in our letter to the Commission on this issue in June, we propose a broader review of all agreements in place between stations, landlords, and bodies dispensing student levies to develop recommendations for all c/c stations in drafting these types of agreements.
19. Regarding CKLN's lack of paid staff and financial difficulties, we note that this is also not unusual across the c/c radio sector. The vast majority of c/c stations have few or no staff. We don't believe that should be seen as an indication that a station would be unable to provide effective and compliant broadcasting services.

We feel this is particularly true given all that CKLN's volunteer Board and programmers have accomplished in the last few months.

20. Further, CKLN has also eliminated their debt, reinstated their student levy, and begun fundraising in an effort to hire permanent staff and replace equipment. This will help ensure the continued adherence to regulatory requirements and volunteer training.
21. Regarding CKLN's non-compliance in the area of program logs, we note that stations in the c/c sector have had ongoing difficulty understanding the specific requirements for collection of information. This does not excuse stations from complying with the requirements, but it highlights the fact that CKLN's difficulties in this regard are not unusual. CKLN worked with the NCRA to create new and compliant program logs that have been in use since this past spring. We continue to work with other members in this area.
22. In conclusion, the Commission has acknowledged the valuable contribution of c/c broadcasting services to the Canadian broadcasting spectrum. In its diverse local content and pool of dedicated volunteers, in its community outreach and national leadership, CKLN has demonstrated some of the best of Canadian community radio. In its internal strife and regulatory non-compliance it showed some of the worst and serves as an important warning to other c/c stations. But the strides CKLN has since made in coming into regulatory compliance, combined with the ongoing commitment to the other parts of what it means to be an accountable community broadcaster, are heartening.
23. We strongly discourage the Commission from revoking CKLN's licence, and instead encourage the Commission to take a constructive approach to the situation to ensure that CKLN can provide continued and future service to the greater Toronto community.

24. We therefore recommend a renewal period of two years. In the meantime we believe both the Commission and the NCRA can play a role in providing ongoing support to assist CKLN in maintaining its new and improved services, and ensure continued compliance, thereby preserving the existence of a vital and remarkable broadcasting service.

25. Thank you.