

Media Independence Policy

Category Operational

Version 1

First ratified October 2019

Last ratified October 2019

1. Purpose

- 1.1. The Otago University Students Association Incorporated (OUSA) owns various media outlets including Radio One 91FM, Critic Te Arohi, and a range of print products, websites and social media.
- 1.2. OUSA recognises the importance of independence for all Student Media outlets so that an independent student voice and opinion is retained to report on student-orientated activities and campus life at the University of Otago.
- 1.3. Since all Student Media outlets are under the control and oversight of the Association's Chief Executive Officer the Association wishes to help safeguard the independence of Student Media by appointing a Media Advisory Group to provide non-binding recommendations on issues of independence in accordance with this policy
- 1.4. Nothing in this policy will contradict the OUSA Constitution, nor will any person or persons subject to this policy act in a manner which is inconsistent with the OUSA Constitution.

2. Interpretation

- 2.1. In this policy, unless the context otherwise requires:
 - 2.1.1. Advisory group is appointed as in clause (4) which is an independent group to provide recommendations on issues of media independence.
 - 2.1.2. CEO is the Chief Executive Officer.
 - 2.1.3. Communication means meeting, teleconference, email exchange, phone call.
 - 2.1.4. Controversial Matter is a matter that is limited to allegations of defamation and disputes from media activities.
 - 2.1.5. Initial Notice is a notice given to the CEO on a controversial matter.
 - 2.1.6. Reconsideration Notice is a notice if the referring party is unhappy with the outcome decided by the CEO without going to the advisory group.
 - 2.1.7. Referring Party is the party which refers to a controversial matter to the advisory group.
 - 2.1.8. Student Media is Critic Te Arohi, Radio One 91FM and their associated digital publications.
 - 2.1.9. Confidential Information means any information which is disclosed to an Advisory Group member pursuant to or in connection with their role as an Advisory Group member (whether orally or in writing or otherwise and irrespective of whether or not such information is expressly stated to be confidential).

3. Function

- 3.1. The role of the Advisory Group is to provide recommendations to the CEO on any concern or complaint that relates to matters reported or to be reported in the Student Media that is referred to the Advisory Group in accordance with clause 4 below on any Controversial matter.

4. Advisory Group

- 4.1. The Advisory Group shall consist of no more than three members.
- 4.2. The Advisory Group members should have an expertise in media or mediation and;
 - 4.2.1. At least one of those members must have some legal experience.
 - 4.2.2. No current employees, contractors or agents of the Association (whether past or present) or current members of the Executive are eligible to be members of the Advisory Group.

- 4.3. The Advisory Group members must be:
 - 4.3.1. Jointly nominated by the CEO and the President; and/or;
 - 4.3.2. Appointed by a Resolution of the Executive.
- 4.4. An Advisory Group member can be removed at any time following:
 - 4.4.1. The joint recommendation of the CEO and the President, and;
 - 4.4.2. A Resolution of the Executive.
- 4.5. An Advisory Group member can resign from the Advisory Group at any time by providing written notice to the CEO and the President.
- 4.6. The term of office for each Advisory Group member will be three years.
- 4.7. An Advisory Group member can be re-appointed after the expiry of their term.
- 4.8. The Advisory Group members will each be paid an annual honorarium while they are an Advisory Group member. That honorarium will be set by a Resolution of the Executive provided that the initial amount of the honorarium will be \$500 payable in arrears on each one year anniversary of appointment to the Advisory Group.
 - 4.8.1. No meetings are required however the Advisory Group members shall communicate and consult with each other as and when needed.

5. Procedure for Referring a Matter to the Advisory Group

- 5.1. The Referring Party can be any of the following persons;
 - 5.1.1. The President;
 - 5.1.2. The Executive by Resolution;
 - 5.1.3. The Editor of Critic;
 - 5.1.4. The Station Manager of Radio One;
 - 5.1.5. The Planet Media Sales Manager; or;
 - 5.1.6. The CEO.
- 5.2. The referring party may by notice in writing raise an Initial Notice of a Controversial Matter to the CEO and ask for the CEO to refer the Controversial Matter to the Advisory Group.
- 5.3. On receipt of the Initial Notice, the CEO may in their discretion:
 - 5.3.1. Make a decision on the Controversial Matter without referring it to the Advisory Group; or
 - 5.3.2. Consult with the Advisory Group to obtain its recommendation before making a decision.
 - 5.3.3. If the CEO makes a decision without obtaining the Advisory Group's recommendation and the Referring Party is dissatisfied with the CEO's decision then the Referring Party may request Reconsideration Notice by the CEO in writing, outlining the reasons for its request.
- 5.4. On receipt of the Reconsideration Notice the CEO must reconsider their decision, and notify the Referring Party of the outcome of such reconsideration and their reasons.
- 5.5. If the Referring Party still disagrees with the CEO's decision and the CEO has not referred the matter to the Advisory Group for its recommendation, the Referring Party can request a recommendation by the Advisory Group by notice in writing to the CEO and the Advisory Group. Such notice must include a:
 - 5.5.1. Summary of the Controversial Matter,
 - 5.5.2. The reasons for the request
 - 5.5.3. All relevant supporting information.
- 5.6. The CEO will remain responsible for any decision made on the Controversial Matter, despite what the advisory group recommends.
- 5.7. The President will act in reference as the CEO if the Controversial Matter involves;
 - 5.7.1. The CEO personally; or;
 - 5.7.2. The CEO is unavailable for more than two (2) working days of the date of the Initial Notice or the Reconsideration Notice and the Controversial Matter is considered by the Referring Party (acting reasonably) to be urgent.
- 5.8. If clause 5.7 applies to the President in the Controversial Matter and the CEO is unavailable a backup person will be appointed. The backup person will normally be

the Manager of OUSA Marketing and Communications department, appointed by the President and/or CEO.

6. Advisory Group Recommendations

- 6.1. A recommendation of the Advisory Group can be made by any one of the Advisory Group members.
- 6.2. If either the CEO or the Advisory Group reasonably considers the Controversial Matter to be a serious matter then the recommendation of the Advisory Group must be made by at least two of its members.
- 6.3. For any Controversial Matter referred to the Advisory Group the Advisory Group may make any recommendation it sees fit including one or more of the following:
 - 6.3.1. That the relevant Student Media outlet must not publish certain material, information or images in whole or in part;
 - 6.3.2. That the relevant Student Media outlet may publish certain material, information or images in whole or in part; or;
 - 6.3.3. That the relevant Student Media outlet must publish a clarification or apology.
- 6.4. The Advisory Group will make its recommendation to the CEO and the reasons for its recommendation.
- 6.5. The recommendation can be either verbally or in writing:
 - 6.5.1. If the recommendation is made verbally then the Advisory Group will on request from the CEO confirm the recommendation in writing.
- 6.6. The Advisory Group will endeavour to make recommendations in a timely manner so as not to unnecessarily delay the publication of any material.
- 6.7. The Advisory Group's recommendations are not binding on the CEO but are to be taken into consideration by the CEO acting reasonably in reaching a decision on any Controversial Matter.
- 6.8. Accordingly the Advisory Group members will have no responsibility for the outcome of any decision made on any Controversial Matter.

7. Relevant Considerations for the Advisory Group

- 7.1. When determining any Controversial Matter referred to it, the Advisory Group may (without limitation) take into account the following factors:
 - 7.1.1. Whether the publication of the material will likely result in legal consequences for the Association or individuals;
 - 7.1.2. Whether publication of the material will breach the New Zealand Broadcasting Standards or the relevant national standards for print and online publications;
 - 7.1.3. Whether publication of the material breaches a person's privacy rights;
 - 7.1.4. Whether the public value of knowing the information outweighs any likely significant negative consequences or impacts for concerned parties;
 - 7.1.5. Whether the material is related only to the private life of the persons concerned rather than their role or relationship to the Association or the University of Otago;
 - 7.1.6. Whether publication of the material would likely damage the Association's or University of Otago's commercial or business relationships;
 - 7.1.7. Whether publication of the material could bring the Association or the University of Otago into disrepute; and;
 - 7.1.8. Whether publication of the material could bring the Student Media outlet into disrepute.
- 7.2. The Advisory Group is entitled to assume that the content of the Student Media in question is balanced and accurate unless there is evidence to the contrary.

8. Information Requests

- 8.1. In considering any Controversial Matter referred to the Advisory Group, the Advisory Group may request information from relevant parties and impose reasonable deadlines for the provision of such information taking into account the urgency of the Controversial Matter.
- 8.2. The Advisory Group may decline to consider any information received after the deadlines it has imposed.

- 8.3. Any relevant parties involved or impacted by a Controversial Matter that has been referred to the Advisory Group shall be entitled to submit a written statement to the Advisory Group for consideration. To the extent practicable, the CEO will notify all relevant parties of that entitlement.
- 8.4. The Advisory Group may request submissions (whether in writing or otherwise) from relevant parties involved or impacted by a Controversial Matter.
- 8.5. In the case of any Controversial Matter involving the Executive, the request must be made through the President and then the CEO. For any other Controversial Matter the request must be made directly to the CEO.

9. Confidentiality

- 9.1. Each Advisory Group member agrees that it must maintain as confidential at all times, and must not at any time directly or indirectly:
 - 9.1.1. Disclose or permit to be disclosed to any person;
 - 9.1.2. Use for itself; or;
 - 9.1.3. Use to the detriment of the Association, the University or the Advisory Group.
- 9.2. The Advisory Group members do not have to remain confidential if;
 - 9.2.1. Required by law;
 - 9.2.2. Is already or becomes public knowledge, otherwise than as a result of a breach of any provision of this clause 8; or;
 - 9.2.3. Authorised in writing by the Association.
- 9.3. If the Advisory Group member becomes legally compelled to disclose any Confidential Information, the Advisory Group member will:
 - 9.3.1. Immediately notify the CEO in writing so that the Association may seek a protective order or other appropriate remedy or waive compliance with the provisions of this clause; and;
 - 9.3.2. Furnish only that Confidential Information which is legally required and will exercise reasonable efforts to obtain reliable assurance that confidential treatment will be accorded the Confidential Information so disclosed.
- 9.4. Each Advisory Group member must promptly return to the Association on demand and without keeping copies, all Confidential Information whether in written or electronic form and all copies of it or any part of it and any papers containing extracts taken from the same or based upon its contents which are in the Advisory Group member's possession, and shall provide the Association on demand with a statement certifying compliance with this clause.
- 9.5. The confidentiality obligations under this clause nine (9) will continue in full force and effect until such time as the Advisory Group member is released in writing by the Association from such confidentiality obligations.

10. Notices

- 10.1. A notice to be given under this policy shall be in writing and delivered or electronically transmitted to the receiving party's last known place of business or to such other address or email address as any party shall advise to the other from time to time.
- 10.2. A notice given under this policy shall be deemed to have been given:
 - 10.2.1. On the day of delivery where the notice is delivered between 9am and 5pm on a business day;
 - 10.2.2. On the following business day where the notice is delivered after 5pm or on a day that is not a business day;
 - 10.2.3. On the day of despatch where an email or other electronic communication is despatched between 9am and 5pm during business hours on a business day.
- 10.3. The CEO will present a written report outlining the justification for their decision to the Executive upon conclusion of matters referred to the advisory group.