



*Atkinson Community
Television*

ACTV-20

Policies and Guidelines

Adopted 01/30/2012

Approved:

Atkinson Community Access Television ACTV-20

Policies and Guidelines

I. Introduction

A. History/Preface

Atkinson Community Television was established in June of 1989 by the Atkinson Cable Advisory Committee, under the auspices of Atkinson's Board of Selectmen, to provide the citizens of Atkinson with Public Access to Cable TV through use of the cable access channel provided under the Town's franchise agreement with Herron Communications. From the beginning, Atkinson Community Television (hereinafter referred to as ACTV-20) has operated as both a Public and Government Access Channel, providing Public and Government Access programming to the cable subscribers of Atkinson on Cable Channel 20. ACTV-20 operated briefly as an Education Access Channel as well until such time as the Town's second access channel (Cable Channel 22) was activated and turned over to Timberlane Regional School District to become part of the Timberlane Educational Network (TEN).

In the beginning, ACTV-20 was staffed entirely by volunteers, and day-to-day operating decisions were ultimately in the hands of the members of the Atkinson Cable Advisory Committee (ACAC). As time went on, the role of the Cable Advisory Committee receded when it became clear that the day-to-day operating decisions of ACTV-20 were better left in the hands of one knowledgeable person — at first, a volunteer, and later, the paid position of PEG Access Studio Coordinator. When the initial enthusiasm of the volunteers began to wane a few years after ACTV-20 was established, it was also decided that Government Access programming was better accomplished by paid employees of the Town than by volunteers. Though they are no longer a part of the Government Access component, volunteers are still at the heart of Public Access, and it is this dual aspect of employee/volunteer, Government Access/Public Access that guides the organization of both the station and this document.

B. Statement of Purpose

As currently organized, the Atkinson cable access channel and facilities are operated and managed by the Atkinson Community Television PEG Access Studio Coordinator under the authority granted by the Atkinson Board of Selectmen. The local production organization known by the working name ACTV-20 provides facilities, resources, expertise, and training so that programming of local interest and importance can be produced by community members and groups.

ACTV-20 is intended to serve the particular needs and interests of the community of Atkinson. Community-produced programs provide a unique way to disseminate information and offer entertainment of distinct local appeal and value. With this in mind, ACTV-20 strives to operate in a manner that furthers the following goals:

- To stimulate and promote the use of ACTV-20 as a community resource and foster broad-based participation in such use.
- To provide training in the proper handling and use of television equipment and instruction in television production techniques.
- To encourage and facilitate the production of non-commercial Public Access programming for playback on ACTV-20.
- To engage and involve the residents of Atkinson in their local government through regularly-televised government board and committee meetings.
- To make and administer regulations governing the use of the access channel and facilities, and to schedule and coordinate use of those facilities by both employees and volunteers.

In order to serve all of these ends, what follows is split into three distinct sections:

Section II. Standard Operating Policies and Procedures – Rules and procedures that apply to all users of Atkinson Community Television equipment, facilities, and services, irregardless of the type of programming being produced.

Section III. Government Access Policies and Procedures – Rules and procedures specific to the needs and requirements of Government Access Programming.

Section IV. Public Access Policies and Procedures – Rules and procedures specific to the needs and requirements of Public Access Programming.

Note: The policies, procedures, and operating rules found in this document may be amended in part or in total from time to time at the discretion of the Access Studio Coordinator and as adopted by a vote of the Board of Selectmen. All users are bound by the rules in effect at the time and as may be declared by the Atkinson Community Television Access Studio Coordinator. All rules will be applied at all times without regard to race, sex, age (except as applies to minors), physical disability, religious or political beliefs, or sexual orientation.

II. Standard Operating Policies and Procedures

A. Definition of Terms

adjournment – The official end of a public meeting. In order for a meeting to officially adjourn, a motion must be made, seconded, and voted in the affirmative by a majority of the board or committee. A chairperson saying, “This meeting is adjourned” without a vote by the board or committee does not end a meeting.

Cable Provider – any company doing business in the Town of Atkinson that has a current franchise agreement with the Town to provide cable television services to the Town's businesses and residents.

call to order – The official start of a public meeting.

Content Discrimination – A law or policy that discriminates based on the content of a message – as opposed to the time, place, manner in which the message is made, or the reactions it incites in people (Rules that engage in this kind of exclusion are generally deemed unconstitutional).

Content Neutrality – The opposite of content-based laws, content neutrality means any restrictions placed on free speech are based solely on the time, place or manner in which a message is conveyed, but does not bar its content.

copyright – A Constitutional clause that creates property rights for the creators of expressive works and limits the extent the work can be copied by others. Atkinson Community Television shall hold the copyright of all governmental programming produced by ACTV-20 employees. Producers of public access programming hold the copyright to programs they create.

employee – Individuals hired by ACTV-20 on a part-time or on-call basis for the purpose of producing and broadcasting governmental programming and/or meetings. Such individuals are subject to all the rules and regulations outlined in this document in addition to those found in the rest of the Town’s Employee Handbook.

job description – A written description of the work, skills, and knowledge employees of ACTV-20 shall be required to perform or demonstrate.

media – when used as a noun, any material used for the recording, storage and playback of an audio-visual program, including, but not limited to, videotapes, DVD's, solid state drives, hard-disk drives, etc.

Prior Restraint – A violation of the First Amendment that occurs when the government attempts to censor expression before its publication or transmission.

public access producer – any person who, through their own creative efforts or the creative efforts of others, provides television programming for playback on ACTV-20. Usually, such persons have been certified to use ACTV-20 equipment or work with people who are certified.

Public Forum – a place that has a long-standing tradition of being used for, is historically associated with, or has been dedicated by government act to the free exercise of the right to speech and public debate and assembly.¹

Viewpoint Discrimination – A law or policy that discriminates on the basis of viewpoint when it attacks a particular group or individual's message, as opposed to the mode in which the message is conveyed. Viewpoint discrimination is considered an especially egregious form of content discrimination.

volunteer – Any unpaid individual who has received training on ACTV-20 equipment and uses that equipment to produce public access programming for ACTV-20. Employees can also be volunteers if they wish to create public access programs, but such work is not done as an employee of this station and shall not be compensated as an employee unless otherwise approved by the Board of Selectmen.

"public forum." *Merriam-Webster's Dictionary of Law*. Merriam-Webster, Inc. 17 May. 2010. <Dictionary.com http://dictionary.reference.com/browse/public_forum>.

B. General Policy

Any resident of the Town of Atkinson or official representative of an organization located in the Town of Atkinson may request training, equipment, production facilities, or channel time. Residents will be required to show proof of residency. Individuals who work for an organization or go to school within the Town of Atkinson must also be prepared to prove such. ACTV-20 reserves the right to limit the amount of programming not produced by Atkinson residents, students, or organizations.

If an applicant is under the age of 18 years, he/she must have a parent or guardian co-sign his/her application form and agreement. The co-signer will be responsible for any damage to ACTV-20 equipment or facilities. Individuals under the age of 18 may also be required to use ACTV-20 equipment and facilities under the supervision of ACTV-20 staff or a legal parent/guardian.

ACTV-20 will schedule and conduct workshops and training sessions for any qualified applicants who have filled out a workshop/training request form. Anyone wishing to utilize ACTV-20 equipment or facilities must successfully complete training and receive certification for the use of the equipment/facilities requested.

Equal time for legitimate opposing opinions or points of view will be made available as requested, providing those individuals have completed the requisite training and certification. It is understood that it is not the responsibility of ACTV-20, the Town of Atkinson, or the Cable Provider to solicit such activity. The views and opinions expressed in public access programming are solely those of individual producers and do not necessarily represent those of ACTV-20 staff, the governing Board of Selectmen, or the Town of Atkinson and its employees.

Channel time and equipment/facility time will be on a first-come, first-served basis with time slots established by the Studio Coordinator.

C. Equipment and Facilities

ACTV-20 equipment and facilities may only be used by trained employees, certified volunteers or individuals working under the direct supervision of the Studio Coordinator. Equipment and facilities may also be used under the supervision of a trained and certified user with written approval by the Studio Coordinator.

All users of ACTV-20 equipment and facilities must successfully complete any and all equipment and studio training the Studio Coordinator feels necessary to obtain certification on every piece of equipment they wish to use. Members of the community can request training by filling out a Training/Workshop Request Form. Training for certification may include, but is not limited to, the set up and use of tripods, cameras, audio equipment, lighting equipment, editing equipment, and studio equipment. Users will not be certified to use a piece of equipment until they have completed any and all training required by the Studio Coordinator and have demonstrated they can use and operate ACTV-20 equipment and facilities correctly.

Users found to be mishandling or abusing ACTV-20 equipment or facilities may be issued warnings as set out by *Section II, subsection D – Standards of Professional Conduct* – and risk forfeiture of access and rights to ACTV-20 equipment and facilities.

Reservations for use of studio or production equipment may be made up to six (6) weeks in advance. Equipment and studio requests are subject to the following:

1. Use of the equipment is for the purpose of producing programs for the community television channel ACTV-20.

2. The amount of equipment provided users will be determined by the Studio Coordinator based on the experience of the user(s), the scope of the production, and the needs of other users.
3. Equipment and facility check out, use, and check in must take place in specified time blocks as determined by the Studio Coordinator.
4. Users may check out equipment for periods of twenty-four (24) hours during the week and seventy-two (72) hours over the weekend. Requests for longer loan periods will be considered by the Studio Coordinator at the time of the reservation.
5. Each piece of equipment must be signed out with appropriate forms. Users are responsible for loss or damage due to negligence or abuse while the equipment is checked out to them.
6. Users under the age of 18 checking out equipment must obtain the written consent of a parent or legal guardian accepting full responsibility for the equipment and actions of the minor prior to obtaining the equipment. Parents and/or legal guardians will be responsible for replacing any equipment lost or damaged by the minor.
7. Users must notify the Studio Coordinator of any equipment problems, malfunctions, or damage while the equipment is checked out so that the appropriate repair and maintenance may be performed.
8. Users may not alter the ACTV-20 studio or equipment, “open”, or try to repair any piece of equipment. Users may not rewire any studio configuration without prior written permission from the Studio Coordinator.
9. Requests for equipment must include the location(s) where the equipment will be used. Locations outside the community of Atkinson may be refused.
10. Equipment being checked out must be packed for transportation. Equipment is not to be transported so that it is excessively bounced around or shocked, such as in the back of a pickup truck. Anytime equipment is transported, it must be properly packed.
11. All facilities and equipment must be returned to their original clean, organized, and properly packed condition after use.
12. User is responsible for enlisting adequate certified crew for any given production.

13. Sets, props, etc. not present in the studio and not identified as the property of ACTV-20 must be supplied by the user and removed after production.

Users not adhering to the rules and regulations set out above may lose their right to use the ACTV-20 equipment and facilities.

ACTV-20 reserves the right to refuse the use of facilities and/or equipment to any person under the influence of alcohol, drugs, or otherwise not under full control of his/her faculties.

No equipment other than equipment owned by ACTV-20 may be used in conjunction with ACTV-20 equipment without express written permission from the Studio Coordinator. Regardless of any permission granted, ACTV-20, its staff and volunteers, the Atkinson Cable Advisory Committee, the Town of Atkinson and its representatives, and the Cable Provider will not assume any responsibility for outside equipment and any loss or damage thereto while used in conjunction with the ACTV-20 facilities and/or equipment.

D. Standards of Professional Behavior

All communication between participants in programming will meet professional standards of behavior, of courtesy, and cooperation. Professional standards of behavior will be maintained between the staff of ACTV-20, the members of the Atkinson Cable Advisory Committee, and any person using, requesting the use of, or inquiring into any aspect of ACTV-20. Any person not conforming to professional standards of behavior while using the equipment and/or facilities of ACTV-20 will forfeit his/her access to the use of said equipment and/or facilities.

All users of ACTV-20 equipment and facilities agree to all the rules and policies adopted in this document and as may be amended from time to time. Violations of any provisions of the rules and regulations may result in ACTV-20 issuing warnings, suspending rights, revoking certifications, and forfeiting rights of usage and access to equipment and facilities.

Minor violations may include but are not limited to:

- Failure to cancel scheduled studio or equipment time
- Late pickup or return of equipment without notification
- Mishandling or abuse of equipment

- Abuse of staff, volunteers or other users (verbal abuse of a premeditated nature)
- Placing food or drinks on the control boards or equipment
- Failure to clean up after using the facility or leaving the area in disarray
- Handling off-limited equipment or being in an off-limit area

Minor violations may result in the following actions:

1st offense- written warning

2nd offense- written warning

3rd offense- 30 –90 day suspension

4th offense- permanent forfeiture of privileges

Major violations may include but are not limited to:

- Commercial or profit-making use of ACTV-20's equipment or facilities
- Misrepresentation of user's affiliation with ACTV-20 to others
- Falsifying forms and/or documents
- Taking or reserving equipment without permission
- Abuse of equipment including attempted repair
- Disregard of Policies and Guidelines
- Any cablecast in violation of copyright, FCC regulations, or local, state, or federal law

Major violation may result in immediate and permanent forfeiture of privileges.

The Studio Coordinator and the Atkinson Cable Advisory Committee are authorized to issue warnings, suspensions, and forfeitures. Appeals may be made to the Board of Selectmen, whose decision is considered final.

E. Community Bulletin Board

ACTV-20 provides a Community Bulletin Board designed to inform the public of activities and events of general interest. Anyone wishing to place an announcement on the bulletin board must submit a request to ACTV-20 *at least* two (2) weeks in advance of the desired cablecast time. Bulletin board requests not received two (2) weeks in advance are not guaranteed to be aired. ACTV-20 reserves the right to limit the amount of time an announcement may run in order to accommodate as many requests as possible. ACTV-20 will make every attempt to air announcements for at least one (1) week prior to the date of the announced event or service.

Bulletin Board request forms are available at Town Hall and through the Town website. The bulletin board request must include:

Name, address, and phone number of individual submitting request

The time period over which the announcement is to be aired

The copy/ content of announcement

Applicant's signature

Advertising material promoting the sale of commercial products and services and political announcements by or on the behalf of any announced political candidate, party, or ballot measure are prohibited. ACTV-20 reserves the right to edit the content of any bulletin board request to fit the space requirements of bulletin board pages. ACTV-20 reserves the right to reject any announcement and any acceptance or rejection at a particular time is not to be considered as a precedent for future decisions.

F. Program Duplication

Anyone wishing for a copy of a previously cablecast program from ACTV-20 may request to purchase one. Copies of Town meetings or public events of which ACTV-20 holds complete ownership of the program will be made available for purchase to anyone who requests one if a copy is available. Copies of programs produced by public access producers and whose copyright those producers hold will be made only with the written consent of the producer, except when required by a regulatory body or court of competent jurisdiction, in which case the producer will be notified.

The cost of duplicating programs for the public will be set by the Studio Coordinator and approved by the Board of Selectmen. Cost of duplicated programs will take into account the current price of blank media and the time of ACTV-20 staff to copy the program to said media. Current rates for duplication are part of the Town of Atkinson Record Duplication Expense Schedule kept in the Selectmen's Office. Acceptable forms of payment for duplicated programs will be cash or personal checks made out to "Town of Atkinson". Individuals will receive a receipt for payments made.

Town employees and members of Town boards/committees may request copies of archive recordings free of charge if the requested copy is needed to conduct the Town's business. If the requested copy is for personal use, normal duplication fees shall apply as outlined above.

III. Government Access Policies and Procedures

Government access programming is a resource for awareness and understanding of municipal government and provides citizens with the opportunity to become aware of and involved in their local government by televising the conduct and business of governing bodies in a public forum. Examples of government programming would include Selectmen, Planning, Zoning, or Budget Committee meetings. Government access programming does not include programming by individuals or non-governmental bodies, or programming that provides political commentary or opinions other than those expressed during the official business of the governing body.

Atkinson Community Television shall televise Government programming in a way that provides a neutral perspective with respect to individual points of view. Government programming shall be produced by Atkinson Community Television staff and employees shall be compensated for such production at a rate set by the Board of Selectmen.

A. Employee Classification

Since the broadcast of government meetings serves as a vital informational tool for the residents of Atkinson, Atkinson Community Television will hire and use ACTV-20 staff to direct and run cameras for town meetings and other community events as outlined below:

1. Town Deliberative Session (mandatory)
2. Regularly scheduled Town Board and Committee Meetings
3. One-time meetings held by Town boards, committees, or departments (i.e., Library Public Hearings, etc.)
4. Any other meeting or community event as determined by the Access Studio Coordinator and/or the Board of Selectmen.

Individuals hired to direct, run cameras, or produce other programming deemed “government access” are considered employees of Atkinson Community Television and the Town of Atkinson and are subject to all rights and regulations outlined in this document in addition to those found in the rest of the Town of Atkinson Employee Handbook.

With the exception of the Access Studio Coordinator, ACTV-20 employees will work on an as-needed or on-call basis, with no set or guaranteed minimum hours or days.

With the exception of the Access Studio Coordinator, ACTV-20 employees are hired to run cameras and direct broadcasts of government meetings and events. ACTV-20 employees hired for the specific purpose of broadcasting meetings are not required to

perform duties other than those outlined in the job descriptions for Camera Person or Show Director.

B. Broadcast Priority Schedule

Meetings will be broadcast according to the following priorities:

1. Deliberative Session
2. Board of Selectmen
3. Budget Committee
4. Planning Board
5. Zoning Board of Adjustment
6. Conservation Commission and other Boards or Committees

Regularly scheduled meetings will take precedence over specially scheduled meetings.

C. Meeting Coverage Policies

Atkinson Community Television will broadcast LIVE (where possible) the regularly scheduled meetings of the Board of Selectmen, Budget Committee, Planning Board, Zoning Board of Adjustment, and the Conversation Commission. Other meetings will be broadcast by request, providing they do not conflict with other meetings as outlined in the broadcast priority schedule. ACTV-20 will broadcast the meetings of town boards and committees that occur at times other than regularly scheduled days/times (where possible) providing the board or committee chairperson notifies the Access Studio Coordinator verbally or in writing at least 48 hours in advance of the meeting.

All meetings and Public Hearings will be broadcast in their entirety. Broadcasts will begin slightly prior to the call to order and end after the official adjournment of the meeting. ACTV-20 will only stop broadcasting after a meeting has been adjourned by a majority vote of the board or committee. It shall be at the discretion of the board or committee chairperson whether or not to broadcast “housekeeping issues” such as minutes or correspondence that take place prior to a call to order. It shall also be at the discretion of the board or committee chairperson whether or not to broadcast meetings that are classified as Workshops.

D. Employee Conduct During Government Broadcasts

Employees shall arrive at the place of broadcast one half hour before the scheduled meeting time (unless otherwise requested) in order to set up and test equipment prior to

broadcast. If a microphone audio check is deemed necessary, employees shall inform board and committee members when the microphones are active.

During a recess or non-public session, the cameras shall be focused on a neutral background, such as a picture on the wall or a wide shot of the room, and not on a particular person/people. There shall also be an on-screen graphic announcing that the board/committee has recessed or entered non-public session.

During a recess or non-public session all microphones shall be turned off via the studio “kill” switch and background music will be turned on. It is the responsibility of the Director to inform the meeting chairperson the microphones are muted and need to be turned on prior to coming back from recess.

All meetings and Public Hearings will be broadcast in their entirety, as outlined in *subsection C – Meeting Coverage Policies*.

E. Archive Policy

ACTV-20 records each meeting it broadcasts Live. These recordings are made solely for the purpose of re-broadcasting meetings according to the formula outlined in *subsection F – Re-Broadcast of Government Meetings* below. The broadcast of town meetings and any recordings produced from such broadcasts are not considered the official record of said meeting. ACTV-20 retains these recorded meetings for a maximum period of four months or a maximum number of four meetings of a particular board/committee, whichever comes first. After such time, these recordings are purged, and the media containing such recordings are recycled or re-used, where practical. It is not the standard policy of ACTV-20 to archive the recordings of any meeting. ACTV-20 will, however, archive and store recordings according to the following conditions:

1. The chairperson of a board or committee specifically requests meetings be archived, and the board/committee votes to allow it.
2. The Board of Selectmen requests and votes to archive such meetings, in which case the vote of the Selectmen will be final (Currently, ACTV-20 archives Board of Selectmen meetings under a decision rendered by the Board of Selectmen on May 23, 2005).
3. Any recordings of meetings archived and stored by ACTV-20 shall be retained for a period of five years, at which point, the Access Studio Coordinator, board or committee chairperson, and/or the Board of Selectmen will determine if such recordings shall be destroyed or remain in the archive.

4. If copies of a meeting originally recorded solely for re-broadcast are requested by a party or parties pursuant to potential legal action (This scenario assumes the recording in question has not been purged already under the provisions of this policy).

ACTV-20 archive recordings of government meetings are considered to be public records and as such ACTV-20 will make copies of archived recordings for residents or other interested individuals. See *Section II – Standard Operating Policies and Procedures, subsection F – Program Duplication* for more information.

F. Re-Broadcast of Government Meetings

ACTV-20 will re-broadcast recorded Government meetings at intervals determined by the Access Studio Coordinator. Meetings taking place on a weekly basis will be re-broadcast a minimum of two times per week prior to the next regularly scheduled meeting. Meetings taking place on a monthly basis will be re-broadcast a minimum of two times per month prior to the next regularly scheduled meeting. Additional re-broadcasts will be determined by the Access Studio Coordinator based on available time and community interest.

IV. Public Access Policies and Procedures

Public access programming is programming produced by members of the community. Public access programming provides residents and local organizations with the opportunity to express ideas and opinions or to inform or entertain the community by utilizing the equipment, facilities, and training that Atkinson Community Television provides. Examples of public access programming would include (without being limited to) recreational events, sporting events, meetings of non-governmental bodies (Historical Society or Gardening Club), and informational programming by local non-governmental organizations or non-profit groups.

Public access programming is not produced by Atkinson Community Television or its staff; rather, it is produced by community volunteers who have completed training on equipment Atkinson Community Television provides. As such, public access producers are not employees of Atkinson Community Television or the Town of Atkinson and shall not represent themselves as such. The views and opinions expressed in public access programming are solely those of individual producers and do not necessarily represent those of ACTV-20 staff, the governing Board of Selectmen, or the Town of Atkinson and its employees.

Since public access television, by its nature, is a form of public forum, public access programs are generally afforded the protection of the First Amendment of the United States Constitution. As such, ACTV-20 and the Town of Atkinson try to maintain a policy of Content Neutrality where public access programming is concerned. ACTV-20 shall not bar any viewpoint (viewpoint discrimination) or any program content (content discrimination) as long as the program in question adheres to all policies, standards and technical requirements outlined in this document. ACTV-20 does reserve the right, however, to limit playback of any program irregardless of content, without prejudice, in order to accommodate as many programs and public access producers as possible.

A. Rights of Public Access Producers

Public access producers retain all rights to the content of their programs. Cablecasting on ACTV-20 gives ACTV-20 limited rights to cablecast and to repeat the programming on ACTV-20. By using ACTV-20 equipment and/or facilities, access producers agree that ACTV-20 has the right to cablecast any programming produced with its equipment or facilities.

If a public access producer receives any profit or remuneration for any work created using ACTV-20's equipment and facilities, ACTV-20 must be reimbursed for such use at fair market value of the equipment or facilities utilized or fifty percent (50%) of the profits, whichever is smaller. Prize money awarded to a public access producer from a film festival or student festival will not be subject to repayment providing ACTV-20 has been given appropriate production credit.

Blank media shall be provided by ACTV-20 on a limited basis per production. Additional media may be bought from ACTV-20 or provided by the public access producer (full details of this policy are outlined in *Section IV, subsection E – Program Identification, Procedure, and Ownership*). All other media provided by ACTV-20 shall remain the property of ACTV-20. Media provided by ACTV-20 must remain at the ACTV-20 facilities or with production equipment unless permission for removal is granted by the ACTV-20 Studio Coordinator. Producers wishing to make copies of their program must either purchase blank media from ACTV-20 or provide their own blank media for dubbing. All copies must be made within two (2) weeks of last cablecast unless more time has been previously approved by the Studio Coordinator.

ACTV-20 will not use public access programs for commercial purposes other than promoting the public access channel.

ACTV-20 will not make copies of a public access producer's program for a third party without prior permission, except when required by a regulatory body or court of competent jurisdiction. The access producer will be notified of such an action, and the individual requesting copies shall be charged as outlined in *Section II, subsection F– Program Duplication*.

ACTV-20 may initiate further distribution of any program made through our facilities to other media outlets or submission of said programs for award consideration with the full knowledge and consent of the public access producer as well as appropriate credit for the producer and other crew credited on the original production. Likewise, after initial cablecast on ACTV-20, the public access producer may initiate further distribution to other media outlets or submission for award consideration providing ACTV-20 is duly acknowledged and credited for their participation and support. The public access producer retains any further distribution rights, providing ACTV-20 is duly acknowledged and credited.

B. Responsibilities of Public Access Producers

The public access producer assumes full responsibility for the use of ACTV-20 equipment and productions facilities and agrees to incur all costs of repair and/or replacement other than normal wear and tear.

Community access programming is prohibited from containing:

1. Advertising material designed to promote the sale of commercial products, businesses, or services (such material violates the non-compete clause of the Town's franchise agreement with the current Cable Provider, outlined in *Section*

3.7 – Access Programming, subsection g of the Franchise Renewal Agreement with Adelphia Cable Communications dated January 12, 2004).

2. Political advertising urging a vote for a particular candidate or specific ballot measure.
3. The direct solicitation of funds for any purpose. Credit for underwriting grants which were obtained and used to support the production of the program may be given credit at the end of the program in such a form as:
“This program was made possible, in part, by a grant from the John Doe Foundation.”
4. Material which violates any local, state, or federal law.
5. Any material in violation of copyright. Public access producers assume full legal responsibility for obtaining releases necessary for copyrighted materials including music, graphics, photos, etc. Public access producers are legally responsible for any unauthorized use of copyrighted material. ACTV-20 must be provided with copies of all release forms prior to cablecasting of the program.
6. Any material of or about individual(s) obtained without written permission of said individual(s). Public access producers are legally responsible for obtaining signed release forms from individual(s) appearing or featured in programming. Public access producers will assume responsibility for any legal action that may result.

The public access producer is responsible for obtaining all necessary clearances and authorizations and must sign a Statement of Compliance in addition to presenting copies of written releases to the Studio Coordinator prior to any cablecast.

The public access producer understands that programs cablecast over ACTV-20 do not necessarily represent the views or opinions of the ACTV-20 staff, any or all Town staff, officials, agents, representatives, the governing Board of Selectmen, or the Cable Provider. The Studio Coordinator may require a disclaimer saying such at the beginning and/or end of any cablecast programming.

C. Program Scheduling Procedure

Types of programs that may be presented for scheduling include **Live, One-Shot, Series,** and **Bicycled** programming.

Live programs are cablecast on ACTV-20 as they happen in real time and can include events of interest such as sporting events, meetings, issue forums, and cultural events. Live programs may originate from the ACTV-20 studio or from remote locations.

Origination of live programming from the ACTV-20 studio facilities is dependent on both cablecast time and studio availability. It is the responsibility of the public access producer to assure that all necessary conditions have been met. ACTV-20 reserves the right to cancel any Live studio cablecast up to one week in advance if necessary arrangements have not been made by the public access producer.

One-Shot programs are self-contained programs that are unique in topic/content and can be Live or recorded.

Series includes programming produced on a periodic (daily, weekly, bi-weekly, monthly, etc.) basis, containing material of the same topic or format and airing under the same title. Series programs may be cablecast Live or recorded for cablecast at a later time.

Bicycled programs are programs produced by persons outside of the community with equipment and facilities other than those of ACTV-20. Such programs may be One-Shot or Series. These programs may be accepted by the Studio Coordinator if:

- The program is not cablecast at a time or on a day where it would conflict with the cablecast of local origination programming
- It is strictly non-commercial in nature and/or content
- The program content conforms to all standards set forth by ACTV-20 in this document and does not include any materials that would be in violation of any local, state, or federal laws.

Requests for scheduling of any programming must be made two (2) weeks in advance of cablecast to the Studio Coordinator. Such requests must be made in writing on a Scheduling Request Application. Series programming requires an application only for the initial episode, unless subsequent episodes are to be aired in a different time slot. All scheduling requests will be handled on a first-come, first-served basis.

Every Scheduling Request Application shall contain the following information:

- Requested date(s) and time(s) for cablecast and at least one alternate date and time
- Length of program
- A brief description of program
- Name, address, and telephone number of public access producer.

At least twenty-four (24) hours prior to cablecast, public access producers must provide ACTV-20 with the following:

- A master copy of the program to be cablecast [formats currently acceptable for cablecast on ACTV-20 include VHS or S-VHS tape; Mini- or full-size DV tape; Video DVD or DVD±R(W); or a downloadable file in MPEG-2 video format with MPEG layer 2 audio]
- A list of individuals (with age if individual is a minor) who substantially appear in the program and any appropriate Release Forms
- A signed Letter of Compliance including all clearances, releases, etc. from broadcast stations, networks, sponsors, music licensing organizations, performers, and, without limitation to the foregoing, any and all other persons (natural and otherwise) as may be necessary to transmit program material over ACTV-20
- A signed Cablecast Agreement holding ACTV-20, the Atkinson Cable Advisory Committee, the Board of Selectmen, the Town of Atkinson, NH and its agents and representatives, and the Cable Provider harmless from any and all liability or other injury (including reasonable costs of defending claims or litigation) arising from or in conjunction with claims for failure to comply with any and all applicable laws, rules, regulations, or other requirements of local, state, or federal authorities for claims of libel, slander, invasion of privacy, infringement of common law or statutory copyright, for breach of contractual or other obligations owing to third parties, and for any other injury or damage in law or equity which claims may result from user's use of ACTV-20.

Programs produced by public access producers for cablecast must be stored in the ACTV-20 library for at least twenty-four (24) hours prior to cablecast unless prior written permission is obtained from the Studio Coordinator.

Public access producers may produce and have broadcast 30 and 60 second promotional videos of their programs. Every attempt will be made to air these promotions prior to the actual cablecast.

The Studio Coordinator may preempt any scheduled program to cablecast other programming of a special or timely nature. If possible, public access producers will be notified at least twenty-four (24) hours in advance of the rescheduling. If technical difficulties cause a delay in scheduled cablecast, ACTV-20 will reschedule the cablecast in the next available comparable time slot.

ACTV-20 or its designated representatives reserve the right to preview any and all programming submitted for cablecast to insure conformity to the established ACTV-20 policies and technical specifications found in this document. Programming found unacceptable shall be returned to the public access producer for revision and resubmission.

D. Program Scheduling Priorities

As the Government and Public components of ACTV-20 currently share space on one channel, public access programming shall be worked into the ACTV-20 broadcast schedule according to the following priorities (in descending order):

1. Government access programming, i.e., board and committee meetings, both Live and re-broadcast.
2. Public access programming that presents events or focuses on issues of current interest to the Atkinson Community
3. Other public access programs produced through the ACTV-20 studio facility
4. Bicycled programs

Within each category above, preference will be given to on-going series over one-shot events/programs, Live events over recorded programs.

Programs felt to be potentially unacceptable for viewing by children, but worthy of cablecast, may be cablecast on ACTV-20 with the approval of the Studio Coordinator and with a disclaimer preceding the program advising:

“The following program may not be suitable for viewing by children under the age of thirteen. Parental discretion is advised.”

Such programs shall be scheduled at an hour when children would not ordinarily be viewing (between 10 PM and 6 AM). All promotions concerning programming of this nature will carry the same disclaimer as above.

Programs that concern or feature candidates for elected office of only one political party or represent only one side of a ballot measure shall not be scheduled to air on ACTV-20 within 48 hours of the opening of polls or while said polls are open.

Program scheduling decisions for ACTV-20 rest solely with the Studio Coordinator who will use the above priority definitions as a guideline only. Every reasonable attempt will be made to make program schedules available to the community at least one week in advance of cablecast.

Repeating of programs will be allowed at the discretion of the Studio Coordinator based on community interest, timeliness, and the availability of time and personnel to facilitate playback.

E. Program Identification, Procedure, and Ownership

Before cablecasting, all program media received by ACTV-20 must be clearly labeled with the following information:

- Public access producer(s) name and telephone number
- Title of program
- Total Running Time (TRT): Length of program material, expressed as HH:MM:SS (hours, minutes, seconds)

Depending on the capabilities of the ACTV-20 equipment and facilities, and those of public access producers, videotapes submitted to ACTV-20 may be required to contain the following:

- 30 seconds of color bars and audio tone
- 10 seconds of standard black
- 10 seconds of leader countdown
- Video black and blank audio following the program material through the end of the videotape

The end of the cablecast may be required to contain the following:

- Appropriate credits
- System credits stating: “ The preceding program was made possible through ACTV-20” or similar statement. *Note: the system credit may appear at the beginning of the program immediately following the leader countdown.*
- Copyright with name of producer

Blank media will be provided to public access producers on a limited basis (minimum of one hour's worth of recording time per production) and remain property of same. When available, additional media may be purchased from ACTV-20. The Studio Coordinator using current list prices of blank media or other applicable format will set the cost of blank media. All media must be identified with their ownership at the time they are provided to ACTV-20. Unidentified media will be considered to be the property of ACTV-20. Release of unidentified media will rest solely with ACTV-20 and decisions regarding release will be final.

The public access producer may supply their own media, providing the media chosen meet all technical specifications to be compatible with ACTV-20 equipment. Producers providing programs for cablecast will be given a receipt for all media accepted and received. All outside media must be in a format acceptable to ACTV-20, be compatible with ACTV-20 equipment, and be in a condition that does not damage playback equipment. Media supplied by the user must be picked up within two (2) weeks of the last cablecast of the program material contained thereon. It is the responsibility of the producer of such programs to retrieve their media within two (2) weeks of last cablecast of each program. After two (2) weeks, ACTV-20 assumes no responsibility for the media. Producers will be required to sign a form acknowledging the return of their media.

Occasionally, a program may be retained for long-term purposes if, in the opinion of ACTV-20, it is appropriate to retain an “archive” copy of a production, or that its future re-broadcast on ACTV-20 would be of community interest. In such situations, the program will be stored separately from routine production programs and be marked as an archived copy.

F. Equal Access to Channel and Facilities

The use of ACTV-20 equipment, facilities, and channel time by one or a few select groups or individuals in a monopolistic manner is not deemed to be in the public interest. The Studio Coordinator, as appropriate, may apply usage limitations where the public interest is not being maintained or served. Individuals who feel they have inappropriately been limited to the ACTV-20 facilities may appeal the decision of the Studio Coordinator, as outlined in *subsection G – Methods of Redress* below.

G. Methods of Redress

If a program is rejected for cablecast or a producer is denied access to ACTV-20 Facilities, the public access producer has the right to appeal the decision of the Studio Coordinator to the Atkinson Cable Advisory Committee (ACAC) and the Board of Selectmen, in turn. Appeals must conform to the following:

- Initial appeal must be in writing, requesting an appointment with the Atkinson Cable Advisory Committee to discuss the matter.
- Appeal must be made within thirty (30) days of rejection of cablecast or limitation of access to ACTV-20 facilities.

The decision of the ACAC shall be communicated to the Studio Coordinator and the access producer within one (1) week of the meeting held to discuss the appeal. If the

appeal is denied by the ACAC, the access producer may then appeal to the Board of Selectmen as follows:

- Appeal of ACAC denial must be in writing, requesting a meeting with the Board of Selectmen.
- Appeal must be made within thirty (30) days of denial by the ACAC.

The Board of Selectmen may, at their discretion, render a decision on the dispute or convene a five-member panel to review the dispute and render an opinion. The panel shall consist of two Selectmen (at least one present Selectman and one present or former Selectman) one member of the ACAC, one producer of ACTV-20's choosing, and one producer chosen by the complainant. The decision of the Board of Selectmen and/or the five-member panel is final.