

*Atkinson Community
Television*

ACTV-20

Policies and Guidelines

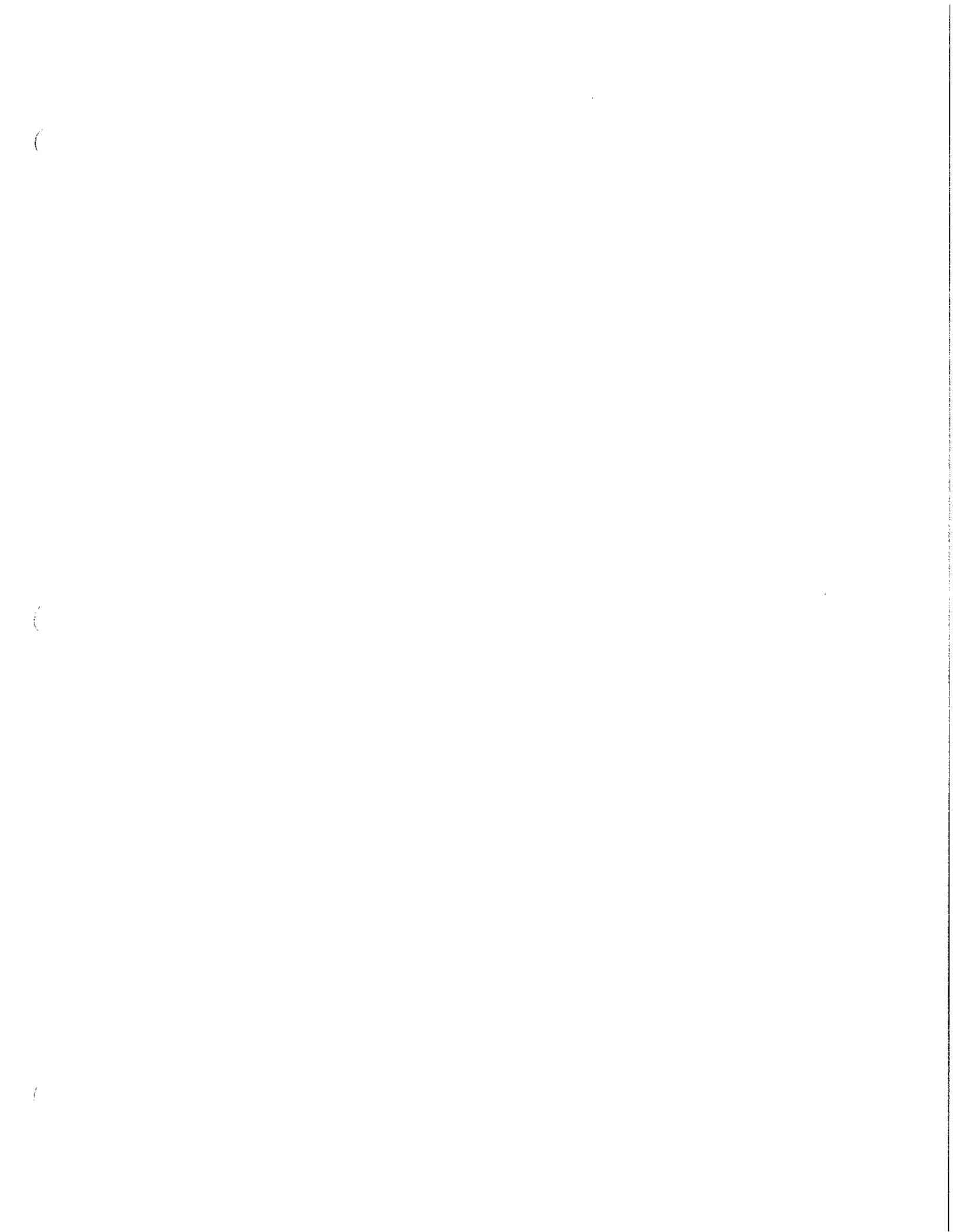
Adopted August 12, 2019

Approved:

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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. Later that same year, 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) and operate as an Education Access Channel.

In the beginning, ACTV-20 was staffed entirely by volunteers, and day-to-day operating decisions were ultimately in the hands of the volunteer members of the Atkinson Cable Advisory Committee (ACAC). As time went on, the role of the Cable Advisory Committee began to recede when it became clear the day-to-day operations 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 (now, the Station Manager). Eventually, in 2019, the Cable Advisory Committee was disbanded after several years of inactivity. 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 Station Manager under the authority granted by the Atkinson Board of Selectmen. The local production organization known as ACTV-20 provides facilities, resources, expertise, and training so programs 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 programs 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 serve all of these ends, ACTV-20 must make and administer policies and regulations governing the use of our facilities, in order to balance such use by both employees and volunteers. Such regulations are at the heart of this document, and are broken down 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 programs being produced.

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

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

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 Station Manager 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 Station Manager. 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 constitute adjournment, unless the rules of order adopted by the board or committee allow such.

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.

cablecast – When used as a verb, to broadcast television programming over a cable television channel or similar system. When used as a noun, any television program that is transmitted in such a fashion.

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 and the Town of Atkinson shall hold the copyright of all governmental programs produced by ACTV-20 employees. Producers of public access programs 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 cablecasting governmental programs 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 – In the context of this document, 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 programs 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 programs 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 and the Station Manager.

¹"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, student enrolled in an Atkinson-based school or official representative or employee of an organization or business located in the Town of Atkinson may request training, equipment, production facilities, and/or channel time. Residents will be required to show proof of residency. Individuals who work for an organization or business or attend school within the Town of Atkinson must also be prepared to prove such. ACTV-20 reserves the right to limit the amount of station

programming not produced by Atkinson residents, students, businesses or organizations, as outlined in *Section IV, subsection D. Program Scheduling Priorities*.

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 shall be made available as requested, providing those individuals have completed the requisite training and certification, but 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 Station Manager.

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 Station Manager or his designee. Equipment and facilities may also be used under the supervision of a trained and certified user with written approval by the Station Manager.

All users of ACTV-20 equipment and facilities must successfully complete any and all equipment and studio training the Station Manager deems 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 Station Manager 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 Behavior* 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 Station Manager 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 Station Manager.
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 Station Manager 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 Station Manager 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 Station Manager.
9. Requests for equipment must include the location(s) where the equipment will be used. Locations outside the Town 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. Whenever 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 access to 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 Station Manager. Irregardless of any permission granted, ACTV-20, its staff and volunteers, the Town of Atkinson and its representatives, and the Cable Provider assume no responsibility for outside equipment and any loss or damage thereto while used in conjunction with ACTV-20 equipment and facilities.

D. Standards of Professional Behavior

All communication between participants in ACTV-20's operations shall meet professional standards of behavior, courtesy, and cooperation. Professional standards of behavior shall be maintained between the staff of ACTV-20 and any person using, requesting the use of, or inquiring into any aspect of ACTV-20's facilities. Any person not conforming to professional standards of behavior while using ACTV-20 equipment and/or facilities shall forfeit access to such equipment and 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 privileges, revoking certifications, and forfeiting 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 Station Manager is authorized to issue warnings, suspensions, and forfeitures. Appeals may be made to such decisions under the procedures outlined in *Section IV, subsection G. Methods of Redress.*

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 should 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/organization submitting request

The time period over which the announcement is to be aired

The copy (content) of the 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 of a bulletin board request at a particular time is not to be considered as a precedent for future decisions.

F. Program Duplication

Anyone wishing a copy of any program previously-aired on ACTV-20 may request to purchase one. Recordings of Town meetings or other public events to which ACTV-20 and the Town of Atkinson holds complete ownership of the copyright shall be made available for duplication and purchase to anyone who requests such. Programs produced

by public access producers remain the property of said producers, and copyright of such programs is still retained by said producers. Copies of programs not owned by ACTV-20 shall be made available for duplication and purchase only with the written consent of the program's producer(s), except when required by a regulatory body or court of competent jurisdiction, in which case the producer(s) shall be notified.

The cost of duplicating programs for the public will be set by the Station Manager and approved by the Board of Selectmen. Cost of duplicated programs shall take into account the current price of blank media and the time required by 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 any recording in ACTV-20's archives 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 television is a resource for awareness and understanding of municipal government and provides citizens with the opportunity to engage with and become involved in their local government by televising the public conduct and business of governing bodies in a public forum. Initially, the public forum used by ACTV-20 was the medium of Cable television, but over the decades, changes in communications technology have expanded the means of disseminating ACTV-20's government access programs to include the Internet, both On-Demand (since 2012) and Live (2018). Government access programs include formal meetings and hearings like those convened by the Board of Selectmen, Planning Board, and Budget Committee, but does not include programs produced by volunteers or non-governmental bodies, or programs providing political commentary or opinions other than those expressed during the official business of any governing body.

ACTV-20 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 ACTV-20 staff, and employees shall be compensated for such productions at a rate set by the Board of Selectmen.

A. Employee Classification

Since the cablecast of government meetings serves as a vital informational tool for the residents of Atkinson, ACTV-20 shall hire staff to direct/produce cablecasts of 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 Town-sponsored event as determined by the Station Manager and/or the Board of Selectmen.

Individuals hired to direct, run cameras, or produce programs 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.

All employees of ACTV-20 report to the Station Manager, who reports to the Town Administrator and the Board of Selectmen. In the absence of the Station Manager, ACTV-20 employees shall report to the Assistant Studio Coordinator.

With the exception of the Station Manager and the Assistant Studio Coordinator, ACTV-20 employees shall work on an as-needed or on-call basis, with no set or guaranteed minimum hours or days.

With the exception of the Station Manager and the Assistant Studio Coordinator, ACTV-20 employees are hired to run cameras and direct cablecasts of government meetings and events. ACTV-20 employees hired for the specific purpose of cablecasting meetings are not required to perform duties other than those outlined in the job descriptions for Camera Person or Show Director (copies of which can be obtained through the Selectmen's Office or found on the Town website).

B. Employee Conduct During Government Cablecasts

Employees shall arrive at the designated meeting place one half hour before the meeting/cablecast is scheduled to begin (unless otherwise requested) in order to set up and test equipment prior to cablecast. If a microphone audio check is deemed necessary, employees shall inform board and committee members when the microphones are active.

During any 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 any recess or non-public session, all microphones shall be turned off via the studio "kill" switch. It is the responsibility of the Show Director to inform the meeting chairperson the microphones are muted and need to be turned on prior to coming back from recess.

All government meetings shall be cablecast in their entirety, as outlined in *subsection C. Meeting Coverage Policies*.

C. Meeting Coverage Policies

ACTV-20 shall cablecast LIVE (where possible) the regularly scheduled meetings of the Board of Selectmen, Budget Committee, Planning Board, Zoning Board of Adjustment, Library Trustees, Conflict of Interest Committee and Conservation Commission. Other meetings shall be cablecast by request, providing they do not conflict with meetings as outlined below in *subsection D. Live Cablecast Scheduling Priority*. ACTV-20 shall cablecast meetings of town boards and committees occurring at times other than regularly scheduled days/times (where possible), providing the board or committee chairperson notifies the Station Manager verbally or in writing at least 48 hours in advance of the meeting.

All meetings and Public Hearings shall be cablecast in their entirety. Cablecasts shall begin slightly prior to the call to order and end after the official adjournment of the meeting. The only exception to this shall be when the meeting begins or ends with a non-Public Session as required by State or Federal Statute. In such cases, cablecasts shall begin when the Public Session of the meeting convenes following the non-Public Session and/or end when the Public Session of the meeting recesses to enter a Non-Public Session. It shall be at the discretion of the board or committee chairperson whether or not to cablecast "housekeeping issues" such as review of minutes or correspondence that may 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 cablecast meetings classified as Workshops.

D. Live Cablecast Scheduling Priority

Government meetings shall be cablecast LIVE on ACTV-20, where possible, 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
7. Local Election Results

Regularly scheduled meetings shall take precedence over specially-scheduled meetings.

E. Internet Broadcast of Government Meetings and Archiving of Recordings

ACTV-20 records each government meeting it cablecasts Live. Originally, such ~~These~~ recordings were ~~are~~ made solely for the purpose of re-broadcasting meetings according to the formula outlined in *subsection F. Cable Re-Broadcast of Government Meetings* below. It was ~~is~~ not the standard policy of ACTV-20 at that time to archive ~~the~~ recordings of any meeting. Over time, a practice of retaining recordings of certain meetings evolved, usually at the request of the Board in question, in order to facilitate greater transparency concerning the actions of the Board (For example, ACTV-20 currently archives all Board of Selectmen meetings under a decision rendered by the Board on May 23, 2005).

As technology has evolved, Internet Broadcasting has opened up new possibilities for transparency in Government, allowing for a broader range of ways to present and archive government meetings recorded by ACTV-20. Accordingly, ACTV-20 has taken on new responsibilities as part of each meeting televised. In addition to transmitting each government meeting to the public via the Town's Cable Provider, all government

meetings are posted by ACTV-20 both Live (where possible; see *subsection D. Live Cablecast Scheduling Priority* for details) and On-Demand over the Internet through the Town's website and the web-hosting services the Town contracts for such purposes. In addition, other public events recorded for cablecast by ACTV-20 staff that were specifically sponsored or approved by the Board of Selectmen may be posted online for Live and On-Demand viewing, if the recording of such event is deemed by the current Board of Selectmen to be of benefit to the Town and its residents. If a meeting or event covered under this subsection is not able to be posted online Live, for any reason, every effort shall be made to post such recording on the Internet for On-Demand viewing within twenty-four (24) hours of initial broadcast on ACTV-20.

All ACTV-20 recordings posted on the Internet shall remain online for a minimum of one year and not more than five years, subject to funding and provided the video-hosting service utilized by the Town remains available. If, at any time, the Town reaches the limits of the storage allotted to them by the video-hosting service utilized by the Town, videos shall be removed from such service in the order in which they were uploaded, from oldest to newest. Irregardless of their retention by any web-hosting service, all videos posted online by ACTV-20 shall also be separately archived and preserved at Town Hall.

ACTV-20 archive recordings of government meetings are considered to be public records, and, as such, ACTV-20 shall make copies of archived recordings for residents or other interested individuals pursuant to NH's Right to Know Law. See *Section II, subsection F. Program Duplication* for more information.

F. Cable Re-Broadcast of Government Meetings

ACTV-20 shall re-broadcast recorded Government meetings at intervals determined by the Station Manager. Meetings taking place on a weekly basis shall be re-broadcast a minimum of two times per week prior to the next regularly scheduled meeting. Meetings taking place on a monthly basis shall be re-broadcast a minimum of two times per month prior to the next regularly scheduled meeting. Additional re-broadcasts may be scheduled at the discretion of the Station Manager based on available time slots for playback and community interest.

IV. Public Access Policies and Procedures

Public Access Television is community-based television. In the age of the Internet, the scope and reach of any television program can easily exceed the boundaries of one town, but the goal of Public Access Television is to create programs specifically tailored to your community. Public Access Television 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 offered by ACTV-20 to produce and air programs of local interest. Examples of public access programs include, without being limited to, recreational events, sporting events, public performances, talk shows, meetings of non-governmental bodies (i.e., Historical Society, Lions Club, Rotary Club, Gardening Club, etc.), and informational programs by local organizations or non-profit groups.

Public access programs are not produced by ACTV-20 or its staff in their capacity as employees; rather, it is produced by community volunteers who have completed training on equipment ACTV-20 provides. As such, public access producers are not acting as employees of ACTV-20 or the Town of Atkinson and shall not represent themselves as such. The views and opinions expressed in public access programs 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 programs are 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 and 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 and disposition of the programs they produce; however, once a public access program is submitted for cablecast on ACTV-20, no matter whether produced in conjunction with or apart from ACTV-20, the public access producer grants ACTV-20 limited rights to cablecast and promote said program on ACTV-20. By using ACTV-20 equipment and/or facilities, public access producers agree that ACTV-20 has the right to cablecast any program produced in whole or in part with ACTV-20 equipment or facilities without compensation to the producer.

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 for the rental of the equipment or facilities utilized or fifty percent (50%) of the profits received by the producer, 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.

ACTV-20 shall not use any public access program in whole or in part for commercial purposes other than for the promotion of the public access channel itself or for promotion of the program's cablecast on said channel.

ACTV-20 may initiate further distribution of any program made through our facilities to other media outlets or submit said programs for festival/contest 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 submit a program for festival/contest/scholarship award consideration, providing ACTV-20 is duly acknowledged and credited for their participation and support. Beyond this, the public access producer retains any and all other rights to their program produced through ACTV-20 facilities under current State and Federal law without restriction.

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

Blank media may be provided by ACTV-20 for the creation of public access programs on a limited basis per production and at the discretion of the Station Manager. Additional blank media may be provided by the public access producer, with the compatibility of such media to ACTV-20 equipment remaining the sole responsibility of said producer. All 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 ACTV-20 production equipment unless permission for removal is granted by the Station Manager. Producers wishing to make copies of their finished program must either purchase blank media from ACTV-20 or provide their own blank media for dubbing/authoring. All copies of a public access program must be made within two (2) weeks of the program's last cablecast on ACTV-20 unless more time has been previously approved by the Station Manager.

B. Responsibilities of Public Access Producers

The public access producer assumes full responsibility for the use of ACTV-20 equipment and facilities during the production of their public access program(s) and agrees to incur all costs of repair and/or replacement of such equipment and facilities

should they become damaged, other than through normal wear and tear, as a result of such use.

Though video programs produced by public access producers are afforded First Amendment protections for Freedom of Expression under the U.S. Constitution, public access programs submitted for cablecast on ACTV-20 are prohibited from containing the following:

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 6.1 – PEG Access Channels, paragraph (b) of the Franchise Renewal Agreement with Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC dated April 16, 2014*).
2. Political advertising urging a vote for a particular candidate or specific ballot measure. Political fundraising is also prohibited (under the same section of the current Franchise Renewal Agreement listed above).
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 upon request.
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 any program. Public access producers shall assume all responsibility for any legal action resulting from any failure to obtain signed release forms.

The public access producer is responsible for obtaining all necessary clearances, releases and authorizations and must sign a Statement of Compliance certifying they can provide copies of all written releases to the Station Manager upon request prior to any cablecast.

The public access producer understands that programs submitted for 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 Station Manager may require a disclaimer saying such at the beginning and/or end of any program submitted for cablecast.

C. Program Scheduling Procedure

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

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 at Town Hall or from remote locations around town. Origination of live programming from ACTV-20 studio facilities is dependent on both cablecast time and studio availability. It is the responsibility of the public access producer to assure 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 programs 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 such as may be provided through ACTV-20. Such programs may be One-Shot or Series. These programs may be accepted by the Station Manager if:

- The program is not intended for cablecast at a time where it would conflict with the cablecast of programs produced at least in part using ACTV-20 equipment and/or facilities
- 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.

Requests to add a public access program to the ACTV-20 program schedule must be made in writing through the Station Manager. Such requests must be made in writing on a Scheduling Request Application. Programs that qualify as a Series under the guidelines above require an application only for the initial episode, but the request must specify the

general timeline under which new episodes will be available for cablecast. A public access producer may request a specific time slot in the program schedule for the program submitted, but all scheduling requests shall be handled by the Station Manager on a first-come, first-served basis, and no program is guaranteed a particular time slot.

Every Scheduling Request Application shall contain the following information:

- Title of the program
- Length of program
- A brief description of the program content
- Name, address, and telephone number of public access producer
- Requested date(s) and time(s) for cablecast (optional)

Except in the case of a program produced as a live cablecast through ACTV-20 facilities, public access producers must provide ACTV-20 with the following prior to cablecast (preferably at the time they submit any Scheduling Request Application):

- A master copy of the program to be cablecast in a video standard and media format compatible with current ACTV-20 playback facilities [ACTV-20 currently adheres to the broadcast video standards NTSC and ATSC, and media formats currently allowed include Video DVD or DVD±R(W); AVCHD-formatted solid-state or optical media; Video BD-R (recordable Blu-ray disc); or a downloadable file in either MPEG-2 video format with MPEG layer 2 audio or MPEG-4 video format with AAC-encoded audio. ***Please note: any physical media submitted to ACTV-20 must be free of all copy protection and unencrypted.***]
- A signed Cablecast Agreement holding ACTV-20, 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 of failure to comply with any and all applicable laws, rules, regulations, or other requirements of local, state, or federal authorities; of libel, slander, invasion of privacy, infringement of common law or statutory copyright; concerning 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 the producer's use of ACTV-20.

Producers may additionally need to provide a signed Statement of Compliance listing all clearances, releases, etc. from broadcast stations, networks, sponsors, music licensing organizations, property owners, 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, if the Station Manager or the Board of Selectmen deem it necessary (a statement acknowledging this requirement shall be included as part of the Cablecast Agreement).

Depending on the needs of ACTV-20 equipment and facilities at the time of submission, a master copy of a program submitted to ACTV-20 may be required to contain the following prior to the start of any program content (in the order listed below):

- 30 seconds of color bars and audio tone
- 10 seconds of standard black
- 10 seconds of SMPTE-style leader countdown (an audio-visual countdown from 10 to 2 seconds followed by exactly 2 seconds of video black and blank audio) immediately preceding the program
- Any disclaimers as may be required given the nature of the program content (disassociating opinions and views from that of ACTV-20 and the Town of Atkinson, appropriateness of content for certain age groups, etc: see *subsections B. Responsibilities of Public Access Producers* and *D. Program Scheduling Priorities* for further details). *Note: these disclaimers may also be required to run after the end of all program content as well.*

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

- Appropriate credits
- For programs produced using ACTV-20 equipment and/or facilities, a system credit stating: "The preceding program was made possible through ACTV-20" or similar statement. *Note: This system credit may also appear at the beginning of the program immediately following the leader countdown and any required disclaimers.*
- Copyright notice with name of copyright holder
- Video black and blank audio following the program material through the end of the recording

Public access producers may produce and have cablecast 30 and 60 second videos promoting the upcoming cablecast of their program(s). Every attempt shall be made to air such videos prior to the actual cablecast.

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

ACTV-20 or its designated representatives reserve the right to preview any and all pre-recorded programs submitted for cablecast to insure conformity to the established ACTV-20 policies and technical specifications found in this document. To this end, any program submitted for cablecast must be provided far enough in advance of its intended cablecast time slot to verify compliance with any and all ACTV-20 policies and technical specifications. Programs found unacceptable under these policies and technical specifications 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, the ACTV-20 cablecast schedule shall be maintained according to the following priorities (in descending order):

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

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

Programs containing adult subject matter or themes or programs otherwise felt to be potentially unacceptable for viewing by children, but worthy of cablecast, may be approved and scheduled for cablecast on ACTV-20 by the Station Manager with the following provisos:

- A disclaimer must precede 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 programs subject to these restrictions shall 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 the relevant polls or while said polls are open.

Program scheduling decisions for ACTV-20 rest solely with the Station Manager who shall use the above priority definitions as a guideline only. Every reasonable attempt shall be made to make program schedules available to the community in advance of cablecast.

Repeat cablecast of programs shall be at the discretion of the Station Manager based on community interest, timeliness, the availability of time slots in the program schedule, and the availability of personnel to facilitate playback.

E. Program Identification, Custody, and Ownership

Before cablecasting, all physical 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), which is the total length of program content to be cablecast, expressed as HH:MM:SS (hours:minutes:seconds)

All media must be identified with the ownership information above at the time they are submitted 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 shall 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 received and accepted for cablecast. 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 said 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. After two (2) weeks, ACTV-20

assumes no responsibility for the media. Producers shall be required to sign a form acknowledging the return of their media.

Occasionally, a public access program may be retained long-term by ACTV-20 if, in the opinion of the Station Manager, it is appropriate to retain a copy of the program for historical purposes or that future re-broadcast of the program on ACTV-20 would be of community interest. In such situations, the program will be stored separately from programs produced internally by ACTV-20 staff and be marked as an archived copy. Such archiving of a program shall be done only with the full knowledge and consent of the public access producer.

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 Station Manager, as appropriate, may apply usage limitations where the public interest is not being maintained or served. Individuals who feel they have been limited inappropriately in their access to ACTV-20 facilities may appeal the decision of the Station Manager, 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 (hereinafter referred to as the complainant) has the right to appeal the decision of the Station Manager to the Town Administrator and the Board of Selectmen, in turn. Appeals must conform to the following:

- Appeal of the Station Manager's decision must be in writing, requesting an appointment with the Town Administrator to discuss the matter.
- Appeal must be submitted within thirty (30) days of rejection of cablecast or limitation of access to ACTV-20 facilities.

Upon receipt of the appeal, a meeting between the Town Administrator, Station Manager and the complainant shall be scheduled and convened within sixty (60) days. After meeting with complainant, any decision of the Town Administrator shall be communicated to the Station Manager and the complainant within one (1) week. If the appeal is denied by the Town Administrator, the complainant may then appeal to the Board of Selectmen as follows:

- Appeal of the Town Administrator's decision must be in writing, requesting a meeting with the Board of Selectmen.

- Appeal must be submitted within thirty (30) days of decision by the Town Administrator.

The Board of Selectmen may, at their discretion, address the dispute directly or convene a three-member panel to review the dispute and render a decision. The panel shall consist of one Selectmen (current or former, chosen at the discretion of the Chair of the Board of Selectmen), one public access producer in good standing of ACTV-20's choosing, and one public access producer in good standing chosen by the complainant. The decision of the Board of Selectmen and/or the three-member panel is final and shall be rendered within sixty (60) days of receipt of the appeal by the Board of Selectmen.