

**LOCKPORT COMMUNITY TELEVISION**

**PUBLIC ACCESS**

**POLICIES AND PROCEDURES**

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## **PUBLIC ACCESS PHILOSOPHY**

The goal of public access television is to provide to groups and individuals within the community a public forum for the free exchange of ideas. It offers an unrestricted editorial voice utilizing one of the most powerful mediums for communications ever devised. Any individual or group choosing to produce a program for a public access channel may do so without interference.

**According to current Federal and State laws, LCTV is prohibited from exercising any content-based censorship or engaging in prior restraint of any program material except when material is determined to be commercial, libelous or obscene in nature.**

Under the democratic ideal of freedom of expression, LCTV will provide, on a first-come, first-served, non-discriminatory basis, all of the training, equipment and facilities necessary to produce television programming for the Lockport community.

## **LCTV HISTORY**

The Lockport Community Cable Commission was created in 1976 as a joint City and Town venture. The Commission's purpose is to establish and administer a single cable television franchise for the City and Town of Lockport and to promote local programming.

This commitment to community television resulted in a full-service public access facility becoming available in 1983. The interest in and demand for local programming rose steadily from that point. As a result of the 1992 cable franchise renewal, the Commission delegated responsibility for the day-to-day management of the access channels to Lockport Community Television, Inc., a not-for-profit organization. LCTV was incorporated in 1993 and is governed by a self-elected Board of Directors whose membership reflects the diversity of the Lockport area.

## **ELIGIBILITY**

LCTV's equipment, facilities and channel time are available for use by anyone who lives, works or attends school in Lockport or is affiliated with a not-for-profit organization that specifically serves the Lockport franchise area.

Volunteers must be at least 18 years old or have a signed consent letter from a parent or legal guardian. All volunteers must sign an indemnification form holding LCTV and Time Warner Cable harmless from any losses or damages resulting from use of LCTV's equipment, facilities or channel time.

Persons who are affiliated with a not-for-profit organization (not including LCTV) who meet no other eligibility requirements are considered eligible **only** for the purpose of producing

programming for that not-for-profit organization.

Potential volunteers from outside the Lockport franchise area who do not otherwise meet LCTV eligibility requirements may complete the training classes and become certified to volunteer in a technical capacity (i.e. director, camera operator, editor, etc.) for a program produced by an eligible producer.

An eligible producer is defined as a person who meets the eligibility requirements and is legally responsible for the content of the program and for all LCTV equipment and facilities used.

All program producers **must complete the following:**

- \* An LCTV orientation session; and
- \* Submit a program proposal which must be approved by LCTV staff prior to scheduling equipment, facilities or channel time; and
- \* Verify that production crew is trained and certified according to LCTV standards; and
- \* Schedule with LCTV staff and be present throughout any studio, portable or post production activities.

## **GENERAL POLICIES AND RESPONSIBILITIES**

In order to maintain a high level of service to the Lockport community, LCTV will:

- 1) Provide production equipment and facilities in good working order.
- 2) Train volunteers in the use of LCTV production equipment.
- 3) Conduct regular workshops to promote good technical skills.
- 4) Equitably schedule equipment, facilities and channel time.
- 5) Maintain a list of certified volunteers available for production support.

The effectiveness of LCTV's operating policies is contingent on the cooperation of volunteer producers who use our equipment and facilities. It is necessary for volunteers to:

- 1) Schedule all facility and equipment use and channel time directly with LCTV staff.
- 2) Pick up and return equipment on schedule.
- 3) Immediately replace or pay for any damage (including theft) of facilities or equipment.
- 4) Adhere to community standards for program content.
- 5) Adhere to underwriting policies as may be appropriate.

## **OPERATING PROCEDURES**

## 1. PROGRAMMING

Program material should focus on the interests and concerns of the community. LCTV will consider the following definitions when prioritizing programs for scheduling:

- a) **Local** - Programs produced or originated within the franchise area.
- b) **Imported** - Programs produced outside the franchise area and sponsored by a local resident who accepts full responsibility for content, technical quality and program acquisition.

## APPLICATION PROCESS

Local producers must file a Program Proposal prior to scheduling equipment or facilities and a Producer Liability & Indemnification form prior to scheduling air time. Producers under the age of 18 **must** have these forms signed by a parent or legal guardian.

Imported program sponsors must file a Pre-Recorded Program Proposal and a Producer Liability & Indemnification form prior to scheduling air time.

All the above forms are available from LCTV staff and are designed to provide an accurate record of facility, equipment and channel use. Volunteers are requested to complete the forms legibly and in sufficient detail.

## COPYRIGHT/DISTRIBUTION

Volunteer producers retain copyright to all material that they produce. LCTV reserves the right to retain copies of programs for cablecasting and archive purposes and to use excerpts from programs for promotional use.

It is very important to note that producers assume full legal responsibility for the content of their programs, including the use of any protected (i.e. copyrighted) material. It is illegal to use music, graphics, or any other form of creative material which has been copyrighted without the express written permission of the copyright holder.

Distribution of programming outside the immediate service area is solely the producer's responsibility.

LCTV reserves the right to control the use of all program materials produced by LCTV. Promotional use of LCTV-produced program materials by another entity may be permitted under certain circumstances upon written application to and approval by the

LCTV Board for such use.

## **IMPERMISSIBLE MATERIAL**

Public access channels have been designated for non-commercial use only. Producers are restricted from including any of the following in their programs:

- a) Advertising material designed to promote the sale of products or services.
- b) Material for which the primary purpose is promotion of products, services, trades, businesses or persons.
- c) Material which identifies any product, service, brand name or trademark in a manner which is not reasonably related to the non-commercial use of such product, service, brand name or trademark.
- d) Direct solicitation of funds for any purpose.
- e) Lotteries, gifts, enterprises or similar schemes (including prize lists) which offer prizes in whole or in part upon chance consideration.
- f) Material which is intended to defraud the viewer or designed to obtain funds by false or fraudulent pretense.

As public access channels are required to serve the best interests of their communities, producers are restricted from including any of the following in their programs:

- a) **Libelous or slanderous speech** which intends to harm the reputation of a person or persons. If a program is editorial, investigative or political in nature, it is strongly recommended that the producer is thoroughly familiar with standard journalistic practices in this regard.
- b) **Obscenity.** The United States Supreme Court's "Miller test" defines acceptable contemporary community standards. If a program contains depictions of real or simulated sexual acts or sexual organs or representations or descriptions of excretory functions in a patently offensive manner appealing to prurient interests and without artistic, social or literary merit, it may be considered obscene and unacceptable for cablecasting.
- c) Material soliciting or promoting **unlawful conduct.**

## **OBJECTIONABLE MATERIAL**

Program material which can be considered “objectionable” in subject matter is required to carry an adult advisory informing the viewing audience in advance. Examples of objectionable material include (but are not limited to) excessive violence, adult language and situations, nudity, graphic medical procedures, misogyny, the promotion of racism or bigotry, etc. Advisories warning viewers of this material are to be placed prior to the opening title or credits and worded as follows:

**“This program contains material which may be offensive to some viewers or inappropriate for children. Viewer discretion is advised.”**

It is the producer’s responsibility to notify LCTV staff of the exact nature of any questionable material in your program. Programs containing material which can be considered objectionable will be scheduled during late evening “safe harbor” hours. Failure to report such material prior to cablecasting may lead to the suspension of all LCTV privileges.

## **PUBLIC RECORDS**

LCTV maintains complete records on all equipment, facility and channel use for internal purposes. As a general policy, the names, addresses and telephone numbers of community volunteers will not be disclosed by LCTV staff without prior permission. In the event that a viewer wishes to contact an LCTV producer, a message will be forwarded to that producer. It is assumed that any producer submitting a public access program is doing so in good faith, and that ultimately there should be no reason for withholding information about any program available for community viewing.

## **SERIES/NON-SERIES PROGRAMS**

Series programs are programs that are produced regularly and aired in specific time slots over a period of time. They may be produced on a weekly, bi-weekly or monthly basis. Series time slots are assigned as they become available and are retained according to regularity of production. Series producers who do not consistently produce new programs risk losing their time slots.

Non-series programs are one-time productions that are not part of an on-going series. They may be scheduled to air several times depending on availability of channel time and how time-specific the subject matter is.

## **SCHEDULING**

LCTV will attempt to schedule programs during the days and times requested by producers. Due to the first-come, first-served nature of public access, however, there are no guarantees that any requested dates or times will be available. Recognizing

that prime- time slots are limited, priority will be given to locally-produced programs over imported programs.

LCTV reserves the right to pre-empt regularly scheduled programs to accommodate time-intensive special programs or to schedule blocks of programs tied together thematically (Black History Month, Health Week, etc.). LCTV intends to keep such pre-emptions to a minimum.

No programs will be scheduled for playback unless the appropriate forms are on file and a finished program is submitted. All programs must be submitted on DVD-R, Mini-DV or DV-CAM tape.

In order to maintain a standardized playback schedule, all programs should be either 28:30 or 58:30 in length. Producers submitting programs less than these lengths are responsible for adding material (PSA's, promos, etc.) to bring them up to the required length.

## **UNDERWRITING/CREDITS**

### **Underwriting is not a substitute for commercials.**

Underwriting provides a means for acknowledging a business or other granting entity for support for program production. Support can be in the form of direct financial assistance or an "in-kind" donation of furnishings, props, set materials, etc. While it is not mandatory to acknowledge such support, producers who wish to utilize underwriting must notify LCTV staff and adhere to the following guidelines. Failure to do so may result in the removal of the program in question.

- 1) One credit at the beginning and one credit at the end of the program are permitted.
- 2) Credits are limited to 15 seconds each.
- 3) Phone numbers or live action video are **not** permitted.
- 4) Logos and addresses may be used.
- 5) A maximum of three underwriters per program is allowed.
- 6) Credits may **not** contain:
  - a. Statements which are qualitative in nature ("fine furniture," "excellent workmanship").
  - b. Statements which are comparitive in nature ("best



restaurant,""largest distributor").

- c. Calls to action ("Call now for information,""See us today").
- d. Any use of the pronoun you which implies endorsement ("Your center for banking").
- e. Statements or slogans which are commercial or promotional in nature ("We bring good things to life").

All programs produced at LCTV must contain the minimum acknowledgement: **"This program was produced in cooperation with Lockport Community Television."**

## GRANTS

Producers utilizing LCTV to produce a project that has been funded through NYSCA or other grant sources will be required to pay for the use of LCTV facilities and/or equipment. Rate cards are available upon request.

## TECHNICAL STANDARDS

Adherence to technical standards is necessary to provide assurance that programs will play back properly and to maintain a consistent level of quality on the access channels. Good production quality is emphasized throughout the training process and expected in all LCTV programs. All programs submitted for playback must meet minimal technical standards or they will be rejected.

All programs submitted for playback must be properly labeled as follows:

- 1) Program title and series number, if applicable.
- 2) Topic
- 3) Length of program in minutes and seconds.
- 4) Taping date and playback date(s).
- 5) Producer's name.
- 6) Start and end cue information ("starts with graphic, ends with credits").

Prior to its **beginning**, each program should contain the following:

- 1) 30 seconds slate with title

The **end** of each program must be followed by at least 30 seconds of black.

In addition, the audio portion of the program must have no discernible distortion and a minimum of extraneous noise. The video must not contain any breaks in control track, color smearing or wide variance in video levels between edit points.

## 2. TRAINING

The LCTV training process is designed to lead to certification, which is required to use any LCTV equipment or facilities. Certification may be accomplished through any of the following methods. Completion of an LCTV orientation session is mandatory prior to scheduling equipment or facilities, regardless of the certification method.

1. **General Training** - Open to ages 18+. Offered on a regular basis.
2. **Special Group Training** - Open to groups of 6 or more, ages 18+. LCTV reserves the right to suspend classes if attendance falls below 6.
3. **Youth** - Open to ages 13 - 18. Generally offered in summer.
4. **Other** - Volunteers with previous video production experience may be allowed to become certified by demonstrating adequate proficiency with LCTV equipment, provided they meet all other criteria.

Fees will be charged for training classes. Discounts may be available for Special Group Training participants. Pre-registration is required for all classes.

As space is limited for training classes, participants are expected to attend those classes for which they have registered. Failure to comply may result in being “bumped” to a waiting list for future classes and forfeiture of training fees.

## 3. EQUIPMENT AND FACILITIES

Once volunteers have become certified, they are eligible to reserve LCTV equipment and facilities. Anyone using LCTV equipment and facilities is **responsible for the safe use and security of the equipment at all times**. If equipment is abused or not returned as scheduled, other volunteers are deprived of its use. Failure to observe the established guidelines for equipment use may result in the loss of LCTV privileges.

### SCHEDULING

**All scheduling must be done by LCTV staff.** Equipment or facilities reserved by a volunteer cannot be transferred or exchanged to another volunteer without prior staff approval. Reservations are taken on a first-come, first-served basis and will not be accepted more than 3 months in advance. In the event of a conflict, series producers who have regularly made use of their reserved time will be given priority.

### PORTABLE EQUIPMENT

Portable equipment must be checked out and in by LCTV staff. It can be reserved for a maximum of 48 hours and must be returned at the scheduled time. At the time of check-out, volunteers will be required to complete and sign an equipment usage form.

If a volunteer is unable to keep a scheduled equipment reservation, LCTV should be notified as soon as possible so that others may use the equipment. Failure to cancel reservations or repeated failure to return equipment when due may result in loss of check-out privileges.

It is recommended that volunteers with homeowner's or renter's insurance check their policies to determine if equipment in their possession is covered in the case of damage or theft. Volunteers without insurance will not be prevented from checking out equipment but will be held responsible for replacing or repairing equipment that is damaged, lost or stolen.

## **STUDIOS/EDITING ROOMS**

Studios and editing rooms may be scheduled for a maximum of 4 hours per day unless special arrangements have been made in advance.

**At no time should a volunteer attempt to change or alter the wiring of equipment components or perform any maintenance without the assistance of a staff member.** Repairs for any damage resulting thereof will be charged to the volunteer. Studios and editing rooms must be kept neat. At no times are food or beverages permitted in the control rooms or editing rooms. LCTV is not responsible for any personal items left on premises.

## **TECHNICAL ASSISTANCE**

LCTV staff is not available to serve as production crew. In this spirit, volunteers are reminded that the best form of preparation is good training and extensive practice, minimizing the need for outside help. LCTV staff will, to every extent possible, assist when technical difficulties arise.

Any equipment or facility problems must be reported immediately to staff.

## **VIOLATIONS**

It is expected that all volunteers will use LCTV's equipment and facilities responsibly. Any problems that might arise will be dealt with on a case-by-case basis by LCTV staff. The following offenses may result in the suspension of certification and

revocation of privileges:

- \* Abuse of equipment or facilities
- \* Eating or drinking within technical areas
- \* Smoking in the LCTV building
- \* Failure to immediately notify staff when equipment is damaged
- \* Failure to report objectionable program content
- \* Commercial use of LCTV equipment
- \* Incorrect underwriting acknowledgements
- \* Removal of portable equipment without proper check-out
- \* Using LCTV equipment for illegal purposes
- \* Re-wiring equipment without permission

Returning dirty equipment, failing to show up for reserved equipment or facilities, failing to cooperate with staff requests and similar offenses will be logged and handled on a case-by-case by staff. Repeat violations may result in the loss of LCTV privileges.

## **DISPUTE RESOLUTION AND GRIEVANCE PROCEDURE**

When a dispute occurs between volunteers or between volunteers and LCTV staff, a good faith effort will be made to deal with the problem in a direct, fair and timely manner. In the event that the problem cannot be resolved at the staff level, an appeal can be made to the Board of Directors. Board deliberations may require the appointment of a special committee. The Board's decision will be final.

## **WAIVERS AND AMENDMENTS**

Nothing herein shall prevent any of these policies from being waived by LCTV given evidence that such a waiver would be in the community's best interest. LCTV's policies will be reviewed on a regular basis. Any new policy changes will be posted to notify volunteers.