



TOWN
SQUARE
TELEVISION

bringing together...people, programs, production

PUBLIC ACCESS POLICIES AND PROCEDURES

1. OPERATING GUIDELINES

- 1.1** A "User" is defined as a person who has been certified by Town Square Television and makes proper application for access equipment, facilities, and/or channel time or submits access programming for cablecast.
- 1.2** The availability and administration of access equipment, studio, van, and the public access is the responsibility of the Town Square Television Executive Director.
- 1.3** Training, equipment and facility use, and programs submitted for cablecasting are scheduled on a non-discriminatory, first-come, first-served basis.
- 1.4** Requests for channel time may be made up to six weeks in advance and up to three cablecasts per week.
- 1.5** Series programming will be scheduled in the same manner as all other programming, on a non-discriminatory first-come, first-served basis.
- 1.6** When using the Control Room and Studio, Users may use two free DVCPRO tapes that are to remain at Town Square Television for use, only in the Control Room. Up to two copies of their access program can be made and Users must supply their own videotape for these copies. Users may also make up to four DVD copies of their own program and must supply their own DVDs.
- 1.7** (a) Town Square Television will not exercise editorial control over the content of any User's program. Town Square Television does not assume responsibility for viewing programs. All program content is the responsibility of the User. Any program will be cablecast unless it is known that it violates parts (b) and/or (c) below.

(b) Access equipment, facilities, and channels may not be used for the presentation or production of material designed to promote the sale of commercial products or services or the dissemination of any information in contravention of Section 5 of this Policy (Sponsorship) or directly or indirectly involving lotteries as defined in Section 76.213 of the Rules of Federal Communications Commission.

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- (c) Federal law provides that any person who transmits obscene programming or programming unprotected by the Constitution over cable systems may be fined and imprisoned. Moreover, Users may be subject to federal, state, and local laws regarding libel, slander, obscenity, incitement, invasions of privacy, copyright or other similar laws. The access channels may not be used to present material which violates federal, state, or local law.

- (d) Violations of Section 1.7 (b)-(c) may result in cancellation of the User's program, or in the case of repeated violations of the Policy, suspension of the privilege of the User to use access facilities, equipment and channels, in accordance with the procedures set forth in Section 2.4.

2. TOWN SQUARE TELEVISION RESPONSIBILITY

- 2.1** Town Square Television will offer regularly scheduled workshops in video production.
- 2.2** Users who successfully demonstrate proficiency and/or successfully complete a workshop will be certified.
- 2.3** Video equipment and facilities will be provided for use to certified Users and will be maintained by Town Square Television.
- 2.4** If the Executive Director determines that a User's program violates Section 1.7, or that a User has damaged access equipment or facilities, failed to return equipment, or failed to comply with Town Square Television. Policies, the Executive Director (a) shall notify the User of the violation; and (b) may suspend access privileges as required to prevent further violations of the Policies and to protect access equipment and facilities. If the Executive Director suspends the User's access privileges on a temporary or permanent basis, the Executive Director (a) shall immediately notify the User in writing, explaining the reason for the suspension and the process for appeal; and (b) shall inform the Board of Directors of the action taken at its next regularly scheduled Board meeting. Any User may appeal a notice of violation or suspension by appealing to the Board at its next regularly scheduled Board meeting. The Board shall provide the User the opportunity to offer any relevant information and will issue a decision on the appeal within 45 days. If a User appeals a suspension of access privileges, the suspension will remain effective until the Board issues its decision on the appeal
- 2.5** (a) Any User found to have violated Section 1.7(b) shall be required to compensate Town Square Television for commercial use of the access facilities, equipment and channels at a rate equal to 1.5 times the prevailing commercial rate for use of similar facilities, equipment and channels.

(b) In the event these rules are violated, the User(s) involved in the production of a program, by virtue of using the access equipment, facilities, or channels pursuant to these rules, shall be deemed to have transferred all rights, including copyright in the resulting program exclusively to Town Square Television for purposes of distribution, reproduction, sale, or display or any other use by any medium, which rights shall re-transfer when and if the User(s) involved in the production of the program pay(s) all amounts owed to Town Square Television under this section.
- 2.6** Programs accepted for cablecasting will be cablecast at least once, unless it is known that a program violates Section 1.7. Town Square Television reserves the right to cablecast any program more than one time.
- 2.7** Town Square Television will not release a User's program nor any portion of the program without written permission of the User.

3. ACCESS USER RESPONSIBILITY - GENERAL

- 3.1** A User must be certified by Town Square Television staff in the use of any equipment or facility requested before the User will be permitted to use the equipment or facility. A User may become certified by successfully completing appropriate workshops offered by Town Square Television. If a User who requests to use a piece of equipment or facility has not successfully completed a workshop or a production involving the use of the requested equipment or facility effectively within six months, the Town Square Television staff may require the User to take a refresher workshop.
- 3.2** A User must submit a Production Proposal to Town Square Television staff at least 24 hours before use of equipment or facilities for portable equipment and at least two (2) weeks before use of studio or production truck. In the case of LIVE programming, a User must submit a Production Proposal and Cablecast Request form at least four (4) weeks in advance. (See Section 4.)
- 3.3** A User must submit a Cablecast Request form and completed program to the Town Square Television staff when reserving channel time. For LIVE programming, a User must submit a completed Cablecast Request form and a completed Production Proposal at least four (4) weeks in advance. (See Section 4.) The privilege of LIVE programming will be granted at the discretion of Town Square Television Executive Director and is contingent upon channel, equipment, and facility availability and User's completion of all pre-production requirements.
- 3.4** If a program requires editing, the User is responsible for developing a pre-edit guide and should complete editing work on the program within 60 days of the recording date. If work is not completed within 60 days, Town Square Television may release the tapes and/or other recording media for reuse by other Users.
- 3.5** Users should recognize that equipment may not be available for use on short notice. To ensure that equipment is available, Users should reserve equipment at least two weeks in advance of the anticipated date of usage.
- 3.6** (a) Users must sign a liability agreement at the time of equipment check-out, assuming full responsibility for any damage to or loss of equipment or production facilities while in control of the User.
- (b) A parent or legal guardian of minors must sign the liability agreement that covers equipment and facilities damage and loss. Minors will also be required to have a parent or legal guardian sign at time of equipment checkout.
- 3.7** Users may reserve equipment for five checkouts each month and otherwise may use equipment if it is not scheduled for use by others. Equipment is forfeited after 15 minutes if user fails to arrive for scheduled reservation. Staff may reassign equipment for use by other staff or other access users. Equipment must be

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returned at the time designated on the Equipment Checkout form. One checkout consists of a 48-hour period (Mon-Fri) or a 3-day period (Fri-Mon).

- 3.8** Portable equipment can be checked in and out during Town Square Television's posted check-in/check-out hours.
- 3.9** Failure to provide 24-hour advance notice of cancellation of a request for equipment or use of production facilities or to return Town Square Television equipment as scheduled may result in the loss of scheduling privileges as stated in Sections 2.4 and 2.5.
- 3.10** In the event equipment is damaged or lost, payment in the full amount of repair or replacement must be made within 30 days of the damage or loss, or satisfactory arrangements made with the Executive Director for the reimbursement of Town Square Television of such loss or damage. Failure to pay within the prescribed period of time will result in the User's loss of equipment and facility privileges.
- 3.11** User will bear full responsibility for all program content. User will assume responsibility to obtain all necessary rights to program production materials. This includes all necessary literary, artistic, intellectual, performing, and music rights as well as all necessary clearances from the owners or licensees of such material. User must be able to document, in writing, that the cablecasting of such material does not violate the rights of a third party, including the privacy rights of a third party. Each User (or the parent or guardian of any User who is a minor) shall sign an agreement accepting responsibility for program content at the time the User reserves time on the channel.
- 3.12** The User shall indemnify and hold harmless Town Square Television, the Northern Dakota County Cable Communications Commissions (NDC4), and the franchised cable operator(s) serving Northern Dakota County from and against any damages, liabilities, and costs of any nature including attorney fees and disbursements arising out of or resulting from any action related in any way to User's use of the access channels or Town Square Television's equipment and facilities. This includes, but is not limited to, any damages and liabilities and cost which may arise as a result of User's failure to abide by the Policies and Procedures. Each User (and any parent or guardian of any User who is a minor) shall sign an indemnity agreement at the time the User reserves time on the access channel, checks out equipment or reserves studio time.
- 3.13** User shall not interfere in the production and/or studio usage time of another person.
- 3.14** No tobacco use, eating, or drinking is allowed at any time in the control room, studio, editing suites, or mobile van.

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- 3.15** A User who appears to be under the influence of alcohol or drugs, or whose conduct endangers the safety of people or facilities, or who engages in any illegal activity while using access equipment or facilities or on Town Square Television property, will be prohibited from using the access channels and facilities.

4A. ACCESS USER RESPONSIBILITY – STUDIO PRODUCTION RESPONSIBILITIES

In addition to the rules set forth above, any person who desires to use the studio for an independent production, must comply with the following rules:

- 4a.1** The User must be certified in studio production and must provide a crew that has been studio production certified.
- 4a.2** A User must submit a Production Proposal to Town Square Television staff at least two (2) weeks before use of studio. In the case of LIVE programming, the User must submit a Production Proposal and Cablecast Request form at least four (4) weeks in advance.
- 4a.3** The User must provide any props required for the set.
- 4a.4** The User may reserve up to ten hours per month of studio time, including set-up and strike time, and otherwise may use the studio if it is not being used by others.
- 4a.5** No unauthorized persons will be permitted in the studio/control room during the production.
- 4a.6** Users assume responsibility for obtaining necessary rights in and to program production materials, as required in Sections 3.11 and 3.12.
- 4a.7** Studio time may not be available on short notice. To best ensure that studio time is available, requests for studio time should be made at least four (4) weeks in advance. Studio time can be scheduled during Town Square Television's regular operating hours.
- 4a.8** The User is responsible for returning the studio to its original configuration.
- 4a.9** A Town Square Television or NDC4 staff person must be present during use of the studio.

4B. ACCESS USER RESPONSIBILITY – TRUCK PRODUCTION RESPONSIBILITIES

In addition to the rules set forth above, any person who desires to use the truck for an independent production, must comply with the following rules:

- 4b.1** The truck is for community-based events productions, and is generally not available for series programming. Town Square Television staff will determine the truck production schedule and availability. Requests for truck productions outside of Northern Dakota County will be considered on a case by case basis. Additional charges to be borne by user may apply.
- 4b.2** The User must be certified in truck production and must provide a crew that has been truck production certified.
- 4b.3** A User must submit a Production Proposal to Town Square Television staff at least two (2) weeks before use of the truck. In the case of LIVE programming, the User must submit a Production Proposal and Cablecast Request form at least four (4) weeks in advance.
- 4b.4** The User must provide any props required for the set.
- 4b.5** The User may reserve up to ten hours per month of truck time, including set-up and strike time.
- 4b.6** No unauthorized persons will be permitted in the truck during the production.
- 4b.7** Users assume responsibility for obtaining necessary rights in and to program production materials, as required in Sections 3.11 and 3.12.
- 4b.8** Truck time may not be available on short notice. To best ensure that truck time is available, requests for truck time should be made at least four (4) weeks in advance. Truck time can be scheduled during Town Square Television's regular operating hours.
- 4b.9** The User is responsible for returning the truck to its original configuration.
- 4b.10** A Town Square Television or NDC4 staff person must be present during use of the truck. Town Square Television staff will determine whether to cancel or suspend truck productions before or during a shoot due to weather conditions or other factors.

5. SPONSORSHIP

5.1 Sponsorship is defined as goods, services, or grants in aid of production provided to a program producer by a third party. Failure to follow Sponsorship Guidelines will result in the program being withdrawn from channel playback. Violations of Sponsorship Guidelines are covered in Section 2 of Town Square Television's Policies & Procedures. Sponsorship must meet IRS Guidelines. See addendum to Section 5 "IRS Sponsorship Guidelines."

There are two methods for acknowledging sponsors:

- (a) **METHOD 1** -- An acknowledgment of sponsorship may be made, but any acknowledgment of sponsorship shall be made only in writing at the end of the program in the same type style as the other program credits. The acknowledgment shall be stated as follows: "Special Thanks To (name of sponsor)" for (goods, services, or support provided); or "This program made possible by a grant from (name of sponsor)." No business name, logo or brand identification can be displayed or mentioned during a program in exchange for goods, services or a grant in aid of production.
- (b) **METHOD 2** -- Any User who wishes to acknowledge sponsors on programs under "Method 2" of the Town Square Television Policies and Procedures may be certified for Sponsorship Solicitation and Acknowledgment (SSA) by Town Square Television staff by attending an SSA workshop, offered on a scheduled basis, similar to other certification classes.

Programming Guidelines for acknowledgments at the beginning or end of access programs:

- All acknowledgments at beginning or end of program, or during natural breaks if the program is LIVE or over 1 hour.
- Maximum of 60 seconds per half hour of programming
- No more than 15 seconds for one sponsor acknowledgment.
- No more than 60 seconds before or after a single program.

Town Square Television may require a set amount of program time to be reserved for Town Square Television sponsor acknowledgments or promotions (10 seconds per half hour of programming).

- Format for acknowledgments on Channel 15:
 - Town Square Television Sponsor Acknowledgments or Promotions
 - Town Square Television Disclaimer "Producer is responsible for content of program."
 - Producer Sponsor Acknowledgments
 - Program
 - Credit Roll
 - Producer Sponsor Acknowledgments

- Natural break examples:
 - Intermission, dead air, and between quarters or periods

5.2 Any User who produces a program concerning a service or product which the User sells commercially or which the User has a direct or indirect financial interest in promoting may not mention the cost of the product or service, where or how it may be purchased, or include an acknowledgment for any business which offers the product or service in which the User has a direct or indirect financial interest.

Addendum to Section 5

IRS SPONSORSHIP GUIDELINES

OK

- **Logo/Slogan**

(Logo or slogan that is an established part of the sponsor's identity is *NOT* considered to contain comparative or qualitative descriptions)

- **Sponsor Locations**

- **Sponsor Telephone Numbers**

- **Value-neutral descriptions including display, visual depictions of sponsor's product line or services**

- **Brand/trade name product or service listings**

NOT OK

- **Promote the sponsor's products, services, and/or facilities**

- **Comparative or qualitative descriptions of products, services, facilities, or company**

- **Price information or other indications of savings/value**

- **Call to action**

- **Endorsement**

- **Inducement to buy, sell, rent or lease product or service.**

(Distribution of the sponsor's product to the general public at the sponsored event is *NOT* considered "inducement")
