

# FALLS CABLE ACCESS CORPORATION

## CABLE ACCESS CHANNEL 14

### Policies & Procedures Manual

#### **Overview:**

Use of the Falls Cable Access Studio is considered a democratic right of responsible Menomonee Falls citizens. Falls Cable Access Corporation (FCAC) offers users free usage of television equipment for the production of community programming, in addition to training and instruction in television production techniques.

Like citizenship itself, community access demands certain standards of behavior. With the intention of keeping restrictions to a minimum, these pages spell out the standards for using FCAC Ch. 14. Please accept and abide by our rules and regulations, in the spirit of cooperation that makes FCAC a communication opportunity for everyone. FCAC rules are administered by the FCAC Access Coordinator and his/her staff.

#### **Definitions:**

A. Time Warner channel 14: a cable channel dedicated for use by non-profit organizations, persons or groups residing within the Village of Menomonee Falls on a first-come, non-discriminatory basis including race, creed, sex, religion or general content of programming.

B. Falls Cable Access Commission. The commission appointed by the Village Board of Menomonee Falls to advise on the formation of a private corporation to run the access studio and enforce its rules and regulations.

C. Local Resident Producer: the person, group, organization or other entity who conceives of the program idea and manages the production of the program (whether the production is done by the local resident producer or another crew).

D. Advertising Material: any material in a program designed for the sale of commercial products or services, or the solicitation of donations, remuneration, or barter. Exceptions to this include fundraising events or programs for FCAC or the FCAC partner in lease the School District of Menomonee Falls

E. Obscene, Indecent and/or Libel Material: any material in a program and/or presentation that would be deemed obscene, indecent or libel by local community standards or by standards established by any federal, state or local regulation or law applicable to cable television.

1. Obscenity: the Supreme Court has defined obscenity as all works which, taken as a whole, appeal to the prurient interest in sex; which portray sexual conduct in a patently offensive way, and which, taken as a whole, do not have serious literary, artistic, political, or scientific value.≅

2. Indecency: in a 1992 policy statement, the Federal Communications Commission defined indecency as all language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs.

3. Libel: Defamation by publishing or broadcasting that may expose its subject to public hatred, shame or disgrace.

F. Cablecast: to send video and audio signals through a coaxial cable television system instead of traditional broadcast (over-the air) systems.

G. Copyright: the exclusive legal right of publication, duplication, imitation, or sale of literary, musical or artistic work. All necessary copyright clearances are the sole responsibility of the access user.

H. Lottery/Raffle: any promotion, contest or other program that involves the elements of prize, chance and consideration, which is considered a lottery/raffle under applicable local, state or federal laws.

## **I. Who May Participate?**

A. Fall Cable Access equipment and furnishings are owned by the FCAC and are reserved primarily for use by Menomonee Falls residents. Persons eligible to become access users and use FCAC equipment and facilities include:

1. All Menomonee Falls legal residents, defined as area siding within Menomonee Falls village limits;≅
2. Members and employees of commonly recognized local non-profit organizations that serve the Menomonee Falls community.

B. Production facilities and equipment will be made available to FCAC 14 access users on a first-come, first served, non-discriminatory, non-monopolistic basis, provided they:

1. Have successfully completed the necessary required courses and passed the evaluation given at the conclusion of the course; OR can demonstrate the basic operation of the requested equipment,
2. Are registered as either a volunteer, local resident producer or sponsor of non-local programming,
3. Complete and submit the required documents for use of equipment and facilities,
4. Obey all the rules and regulations adopted by the Falls Cable Access Board of Directors.

C. Use of FCAC equipment and facilities must be for the purpose of recording and preparing programs for cablecast on FCAC 14. Use of community access equipment for personal use, financial remuneration or commercial purposes is prohibited.

D. FCAC invites younger residents to learn community television production techniques, and welcomes their participation in the community access process. It is necessary for access production applicants between the ages of 16-18 years of age to have their parent or guardian co-sign all required documents. The co-signer is then responsible, along with the user, for all costs which may be incurred as a result of damage to the facilities or equipment, other than normal wear and tear. Residents under the age of 16 wishing to use the FCAC facilities can do so only when in the presence of their parent or guardian. Parents or guardians are then responsible for the actions of their child and for all costs that may be incurred as a result of damage to the facilities or equipment, other than normal wear and tear.

## **II. Producing a Program:**

A. After attending and successfully completing the necessary training classes required, access users may begin producing a program. FCAC 14 cablecast schedules are based upon series programming. Whenever possible, FCAC encourages access users to produce programming on a regular basis, however, one-time or special programs are also accepted.

B. Local resident producers are responsible for gathering their own volunteer crew and equipment in producing their program. FCAC staff can assist with providing producers with the proper equipment and passing on the volunteer list.

### C. Recording/Playback Media:

1. Local resident producers will be provided with recording media as is deemed reasonable. Final edit masters set for cable casting can have only one program per DVD.
2. Any program submitted for cablecast on FCAC 14 is preferred to be on a DVD. Exceptions may be made for other media. Additional media is available for purchase.
3. Each DVD submitted for cablecast on FCAC 14 must include:
  - Labels on the DVD & cover
  - Name of the program
  - Name & phone number of producer
  - Total running time of the program (TRT)
  - Date program was completed

### D. Duplications:

1. The FCAC Access Coordinator will set fee rates for copies (dubs) of FCAC programming. Such rates will be based upon charges incurred for media and dubbing costs.
2. Local resident producers are allowed to make one free dub of each program on a media they provide. If multiple dubs are required they will be subject to normal dubbing costs.
3. FCAC reserves the right to make copies of any programs submitted for cablecast on FCAC 14, except in situations in which a local resident producer has provided FCAC staff with a written notice of copyright on his/her program. FCAC has no obligation to notify producers that a copy was made of their program.

### E. Sponsorship & Underwriting:

1. Underwriter Acknowledgements: FCAC 14 local resident producers may choose to solicit underwriting funds for documented production expenses. Local resident producers or their crew may not receive financial remuneration in underwriting agreements. However, local resident producers may list acknowledgements of program sponsors in accordance with Public Broadcasting System (PBS) Guidelines. A total of 2:00 minutes will be allowed per program for underwriter acknowledgements. Before soliciting for any underwriting, local resident producers must present a written proposal to the FCAC Access Coordinator for his/her approval. When announcements documented production expenses (mileage, food, production supplies, etc.) are made, they may include:

- A trade name or brand name;
- Sponsor, website and phone number;
- Logos or slogans that are not of a promotional nature;

2. Non-Commercial: FCAC 14 local resident producers are not allowed to promote the goods or services of any underwriter or donor. In order to avoid “promoting,” announcements made regarding entities who have furnished some consideration must NOT include any:

- Mention of price: no interest rate, pricing information, discount, savings, or value of any kind may be included in acknowledging a contribution;
- Call to action: any announcement regarding a company or person who furnishes remuneration to the public broadcaster may not suggest that the viewer take action—the listener cannot be encouraged to “call,” “come by,” “try,” or even “be sure” in relation to a product or service;
- Inducements to buy: it is improper to entice the viewer to make a purchase by offering bonuses, freebies, or other specials;
- Qualitative or comparative language: this area prohibits descriptive or comparative language of a product or service. An announcement may not explain, for example, that something is “perfect,” “less filling,” or is the “largest,” “smallest,” or “most” anything.

F. Non-Locally Produced Programs (Imported):

1. Non-locally produced public access programs (programs produced outside the Village of Menomonee Falls limits) may be cablecast on FCAC 14 provided the following:

- a. The program is sponsored by a legal resident of Menomonee Falls and meets all the technical requirements (see Section C, #3 above) and administrative requirements as listed within these guidelines,
  - b. The local resident producer sponsoring the program completes all necessary scheduling and cablecast agreement forms on a regular basis,
  - c. The local resident producer obtains all necessary rights to the program. This includes all necessary literary, artistic, intellectual, performing, and music rights as well as all necessary clearances from the owners of licenses of such material. Local resident producers must be able to document, in writing, that the cable casting of such material does not violate the rights of third party.
  - d. All commercial endorsements not of a PSA nature must removed in the provided master. All items in Sec E. # 1 & 2 above apply
2. Scheduling non-locally produced programming: (SEE SECTION V. SECTIONS C & E)

G. Statement of Compliance (Producers)

1. All producers of programming submitted for airing on Channel 14, shall sign a Statement of Compliance. The statement shall provide all guidelines outlined previously in the Policies and Procedures and show the producers acceptance of those guidelines. It will also hold harmless the Falls Cable Access Corp. from any legal action due to violation of the Policies and Procedures by the “producer” or crew.
2. The Statement of Compliance will be kept on file with Falls Cable Access Corp.
3. The Statement of Compliance will cover all of said “producers” programs going forward.
4. A group or organization must have one person designated as “Producer” before using FCAC facilities and equipment.

### **III. Reserving Equipment and Facilities:**

A. FCAC equipment and facilities are available to access users on a first-come, first-serve, non-discriminatory basis. Access users may request equipment by completing equipment reservation forms available at the FCAC offices. All requests must be completed in person, no reservations will be confirmed unless the forms are submitted.

B. Access users assume full responsibility for the use of production facilities and will be liable for damage, misuse or theft that occurs while the equipment or facilities are in their possession or control. The user shall identify and hold harmless FCAC, the Village of Menomonee Falls, Time Warner Cable and the FCAC Board from and against any damages, liabilities and costs of any nature including attorney fees and disbursements arising out of or resulting from any action or use by the user of the equipment or facilities herein described.

C. FCAC staff reserves the right to refuse the use of equipment or facilities to any persons who appears to be under the influence of alcohol or drugs, not in full control of his or her faculties, or who engages in inappropriate conduct.

D. Equipment reservations are non-transferable. The access user or producer making the reservation must be present at the time of check-out and check-in of equipment.

E. FCAC is to be informed as soon as possible of any cancellations of reservations.

F. Reservation Limits: Please see the attached reservation request forms for specific limits in each area.

#### **IV. Program Content:**

A. Local resident producers are fully responsible for the content of the programs that they produce. This responsibility includes libel, defamation, copyright, and any other legal accountability. Criminal prosecution and/or civil lawsuits can result from illegal use of community access. Applicants are responsible for insuring that programming submitted is not obscene, libelous, or otherwise prohibited by law. FCAC staff are neither qualified nor permitted to advise producers about the legality of questionable material.

B. In accordance with the Free Speech protections of the First Amendment, FCAC does not censor programs. Programming rules are not intended to exercise editorial control, but to keep FCAC 14 a fair and open forum for all local residents. FCAC, the Village of Menomonee Falls, nor Time Warner Cable accepts any responsibility for the content of access programs, except those produced or sponsored by FCAC staff. FCAC response to individuals with complaints about access programming includes the following options:

1. Referring complainant to the Waukesha County District Attorney (when the program is alleged to be obscene or otherwise illegal); or
2. Advising the complainant of his or her rights to present opposing views in a response program that would also be cablecast on FCAC 14.
3. Provide a written complaint to FCAC staff to have the matter reviewed by the FCAC Board of Directors (see Section VII- Denial of Access Privileges/Appeals)

C. Keeping with the concept that FCAC 14 is for non-commercial purposes only, the following commercial uses are also prohibited on the channel:

1. Any material designed to blatantly promote the sale of products, services, trade, business or person.
2. Copyrighted materials.
3. Lottery or lottery information.
4. Direct or indirect solicitation of funds.

D. Use of the FCAC, or FCAC 14 logo or name in any context is prohibited without the written consent of the FCAC Access Coordinator

#### **V. Scheduling a Program:**

A. All local resident producers are required to complete a Cablecast Application & Agreement Form prior to submitting each program for the FCAC 14 cablecast schedule. All programming must be submitted to FCAC 14 or cleared for scheduling at least three (3) working days before cablecast.

B. Community Producers submitting a one-time or special program for cablecast may request programming time using the Cablecast Application & Agreement Form. All programs submitted for cablecast on FCAC 14 will be run a minimum of one (1) time on the channel. Any requests for additional replays of the program must be submitted with subsequent Cablecast Application & Agreement Forms.

C. FCAC staff is responsible for coordinating the scheduling of FCAC 14 programming. Scheduling will be available on a first-come, first-serve basis keeping the following priorities:

1. FCAC produced programs or specials;
2. Friends of FCAC sponsored programs or partnerships;
3. Regularly produced local programming (done by local resident producers);
4. Non-locally produced programming (sponsored by local resident producers).

D. SERIES PROGRAMMING: In many situations access users are producing programs in a series. Once a local resident producer completes six (6) shows in a series, they will qualify for a regular timeslot on the channel. Producers may select any available time from the existing schedule on a first-come, first serve basis. Producers will continue to hold this timeslot until any of the following occurs:

1. The producer chooses to discontinue producing a program, (shown by not submitting a new program after three weeks),
2. The producer decides to change the timeslot to a different time (See Clearing of Boards below).

E. CLEARING OF THE BOARDS: To ensure fair and equitable access for all access users, whenever needed, FCAC staff will conduct a “clearing of the boards”. This exercise clears the program schedule of all community produced regular timeslots, and allows all producers to reschedule new or existing times on a lottery basis. Once scheduled, the new timeslots will remain until FCAC staff determines there is enough demand to conduct another Clearing of the Boards. Series programming will be scheduled keeping the following priorities:

1. Local programs produced by local resident producers,
2. Non-local programs sponsored by local residents.

F. FCAC requires that all programs submitted for cablecast on FCAC 14 must be turned in 48 hours prior to when it is scheduled to air. Failure to meet this deadline may result in a program not being cablecast. Whenever possible, FCAC staff will attempt to schedule a repeat program. If after three weeks a new program has not been submitted to be cablecast, FCAC staff reserves the right to reschedule other programming in its place.

## **VI. Special Programming Considerations:**

A. GENERALLY OFFENSIVE PROGRAMMING: These guidelines are not intended to discourage free expression, but rather to achieve a balance between the First Amendment right to free speech and the cable subscriber’s right to be protected from unwanted viewing of offensive material. FCAC is a public forum which provides first-come, first-served public access and whose program schedule is managed by reasonable time, place and manner constraints. FCAC policy is not to cablecast programs which are obscene under federal or Wisconsin law. FCAC 14 will cablecast programs that are identified as “generally offensive” under the following guidelines. The Falls Cable Access Corporation Board of Directors expects that these guidelines will change in the future based upon actual experiences with specific programs.

B. Guidelines for determining “Generally Offensive” Content:

A program, which contains any of the following, will be considered to be “Generally offensive to some audiences.” It will be cablecast with a viewer warning/disclaimer and in a “Late Night” slot (between midnight and 4:00 a.m.). Series producer’s programs that must be run in a “Late Night” slot will forfeit all other regular weekly replay time(s) until the program is not identified as a “Generally offensive” program.

1. Language
  - a. Slang, vulgar or colloquial expression which refers, in the context in which it is used, to sexual intercourse, masturbation, anal or oral sexual contact, to human genitals, or to human elimination; or

- b. Abusive language against men or women, ethnic groups, religious groups, sexual orientation, or persons with disabilities.
- 2. Violence
  - a. Extreme acts of violence against people; or
  - b. Depictions of extreme violent acts in dramatic and/or poetic manners.
- 3. Graphic Images
  - a. Images or depictions of:
    - 1) Human or animal elimination and/or mutilation;
    - 2) Graphic medical surgical procedures; or
    - 3) Abuse against men or women, ethnic groups, religious groups, sexual orientation, or persons with disabilities.

In addition to the foregoing factors, FCAC staff also has the authority to determine classification as generally offensive based on the items, which may not be listed above. If a live program is intended for a general audience, and measures are taken to prevent indecent language to no avail, scheduling of replays as adult programs can be avoided by editing out vulgarities. If indecent language cannot be deleted, then the producer must add a viewer disclaimer to the program and any subsequent replays will occur in "Late Night" time slots. Disclosure of "Generally Offensive" Content: Each local resident producer is responsible for certifying on the FCAC 14 Cablecast Application Agreement whether their programming contains any "generally offensive" material according to the above guidelines. Should any producer fail to properly disclose the "generally offensive" nature of the program on the Cablecast Application Agreement, FCAC has the right to suspend or terminate the producer's privileges. Any suspension or termination of privileges will include both the producer and all other persons associated with the production of the program.

**VIEWER WARNING DISCLAIMER:** In programs that have been identified to include "generally offensive" material, local resident producers will include a viewer warning disclaimer stating: "This program contains generally offensive material which may be disturbing to some viewers. Parental discretion is advised. The program content is the sole responsibility of the local resident producer and do not reflect the views or policies of FCAC 14 staff, FCAC Board of Directors, the Village of Menomonee Falls, or Time Warner Cable." FCAC retains the right to place a viewer warning disclaimer before any program.

**C. POLITICAL CANDIDATES:** Political candidates can utilize the channel as like any other access user, provided they abide by the FCAC 14 Policies & Procedures. In addition FCAC feels it is important all candidates are aware of the options for using this channel. Therefore, the Corporation has provided the following information for all candidates running for office:

- 1. Political candidates can appear on FCAC programming by:
  - a. Appearing as a guest on a program;
  - b. Participating in a televised candidate forum;
  - c. Producing and appearing on their own program;
  - d. Having a resident of Menomonee Falls "sponsor" their taped program to be run on FCAC 14.
- 2. FCAC staff WILL assist political candidates by:
  - a. Helping candidates find producers to have them on as guests;
  - b. Training candidates and/or their supporters in becoming their own producers;
  - c. Scheduling programs to be cablecast on FCAC 14.
- 3. FCAC staff WILL NOT do the following:
  - a. Produce any programming for political candidates, campaigns or referenda, (with the exception of candidate forums);
  - b. Provide special "rebuttal" time for candidates;
  - c. Make special scheduling changes-- (i.e.- bumping a regular program to make room for a political rebuttal program two days prior to an election).
- 4. Other important issues regarding political candidates and their usage of FCAC 2:

- a. Candidates may appear on FCAC 2 programming up to the election day;
- b. There are no limits to how often candidates may appear on programming;
- c. Candidates and/or producers take full responsibility for their words or actions while appearing on a program-- FCAC, the Village of Menomonee Falls and Time Warner Cable are not held liable for the content of any programs;
- d. FCAC 14 is not required to provide "equal time" provisions unlike broadcast television;
- e. FCAC 14 programming consists of series (weekly programs with community producers), and non-series(without a guaranteed timeslot). Series programs have a permanent timeslot and can drop a new program in at any time, while non-series programs need to be scheduled at least three weeks in advance;
- f. FCAC offers training classes on how to use community television throughout the year-- candidates should register for classes well in advance of the election.
- g. No statements that either endorse or oppose a political candidate or PAC group is permitted once an election period is established.

## **VII. Denial of Access Privileges/Appeals:**

A. VIOLATIONS: Non-compliance of FCAC policies & procedures will not be tolerated. The following disciplinary steps will be taken for offenders:

1. Upon a violation the access user will receive a written explanation of their violation with notice of their immediate temporary suspension of access privileges until the matter is reviewed by the Falls Cable Access Board at their next regularly scheduled meeting. Those wishing to appeal the suspension must appear at this meeting and present their request for appeal in writing 24 hours prior to the meeting. All documents to be presented by appellants must be presented with their request for appeal.
2. The Cable Access Board will review the violation at their next meeting and if they uphold the violation the access privileges of the access user in question may be suspended for up to one year.
3. Those disagreeing with any suspension decision may appeal to the Menomonee Falls Village Board within thirty days of receiving their suspension decision letter by submitting a written request to the Village Clerk containing the explicit reasons based on FCAC policy for their appeal.

B. In such cases where the content of a FCAC 14 program is being called into question, the following procedures will be followed:

1. Complainants will provide a written complaint to FCAC staff detailing the program title, air date and time, and specific basis of the complaint.
2. FCAC staff will then review the complaint and investigate the matter. A copy of the complaint will be sent to the local resident producer, with an invitation to respond to the complaint. The complaint will then be placed on the agenda of the next Cable Access Board meeting. Both parties will be invited to this meeting.
3. Should FCAC staff determine a violation of FCAC 14 policies has occurred the local resident producer will receive a written explanation of this finding with their notice of immediate temporary suspension of access privileges (and replays of their programs) until the matter is reviewed by the Commission at the earliest possible date. If the Commission reviews the complaint and upholds the violation they may suspend the access privileges of the local resident user in question for up to one year. Those wishing to appeal the suspension must appear at this meeting and present all documents related to the matter.
4. Those disagreeing with any suspension decision by the FCAC Board may appeal to the Menomonee Falls Village Board within thirty days of receiving their suspension decision letter by submitting a written request to the Village Clerk containing the explicit reasons based on FCAC policy for their appeal.

These policies and procedures are adopted in part from the OSHKOSH COMMUNITY ACCESS TELEVISION policies.