

## **Hudson/North Hudson Community Access Television Policy and Guidelines**

### **I. PURPOSE**

The purpose of this document is to manage the public and government access channel equipment and facilities in a fair and equitable manner and consistent with the Hudson/North Hudson Community Access Television Mission Statement and Bill of Rights. Individuals and organizations who submit programming material for public and government access channel space are required to adhere to the Policy and Guidelines.

The purpose of the Hudson/North Hudson Community Access Television Channel (hereinafter referred to as "**HNHCAT**") is to provide freedom of speech via programming to area residents, and to area residents who desires to learn and/or produce programs. HNHCAT will also aim to provide programs which may be of interest to area residents such as Wisconsin programming, news or information

Oversight of public and community access to the cable television system has been made the responsibility of the Cable Board which operates access on HNHCAT. This document sets forth the operating procedures for HNHCAT. The intent is to insure that all residents have an equal and fair opportunity to produce programs and cablecast them.

### **II. MEMBERSHIP**

Any person that resides in the service area that receives HNHCAT is eligible to become an HNHCAT member. A person may become a member by completing an equipment training program and signing a Member Agreement. The term "person" includes an individual resident or a government, civic or non-profit organization but excludes businesses or for-profit organizations.

A member may use HNHCAT equipment and production facilities and submit programming for playback on HNHCAT. Programs produced by non-members must be sponsored by a member. The sponsoring member is responsible for program content and for the delivery and pick-up of program videotapes. Program submitters and co-signers must sign all required forms with their proper legal name and home address; nicknames, assumed names, and Post Office box addresses are not acceptable.

### **III. PROGRAM ACKNOWLEDGEMENT**

Each program submitted for cablecast on HNHCAT by a member must be accompanied by a signed and dated Program Acknowledgement. Members that are minors must have an adult co-signer. Any member or parent co-signer who signs a Program Acknowledgement is responsible for all content within that program, and agrees to fully indemnify the City, Village, Cable Board and staff thereof, and hold the same harmless from any and all claims, damages and costs that may arise from the cablecast of the program covered by the Acknowledgement.

Anyone checking out equipment must be a member and sign a release form stating that the equipment will be used to produce programming for cablecast on HNHCAT. The Cable Access Manager and/or the Cable Board will have the final authority to determine eligibility for equipment usage. The Cable Access Manager also has the authority to bring in outside programming that he/she feels will be of interest to the residents of the franchise area.

#### **IV. PROGRAM REQUIREMENTS**

The Cable Board does not censor or pre-screen programming. Therefore, programming content must be identified in the Program Acknowledgement with sufficient particularity to allow the Cable Board to properly categorize the programming. Programming is categorized in order to select the appropriate channel location and time for airing, and to allow inclusion of a disclaimer if staff deems it necessary. The Cable Board may require disclaimers to be added to the beginning and/or end of videotaped programming material.

The producer or sponsor of a program containing material that may be found to be objectionable by members of the community, such as strong language, nudity, actual or simulated sexual contact, graphic violence, depictions of medical procedures, etc. must clearly indicate the existence of such content on the Program Acknowledgement. If a program contains such content, the program will be scheduled for cablecast after 10:00 PM.

No programming material will be cablecast which contains advertising that promotes any commercial product or service, or contains any solicitation or appeal for funds or donations (except fundraising for HNHCAT, and/or programming chosen by the Access Manager and the Cable Board) which is believed to be of interest to the residents, such as Wisconsin programs, news and information. In such case, the Channel will be declared local origination, which will allow advertising on the channel, or barter, including advertising by or on behalf of candidates for public office. Also, no lottery, lottery information or betting (gaming), as defined in Section 76.213 of the Federal Communications Commission will be cablecast.

Programming cablecast on the access television channel's must meet the following requirements:

1. HNHCAT, and the access equipment and facilities must not be used for direct financial gain or commercial purpose. Programs must be non-commercial and may not contain any solicitation of funds, advertising, or material that promotes a commercial product, trade, business, service, lottery or gambling endeavor.
2. Programs must not contain any unlawful use of copyrighted material. Producers are responsible for obtaining all necessary copyright and other intellectual property clearances.

3. Programs must not contain any material that is libelous, slanderous or which constitutes an invasion of privacy.
4. Programs must not contain any material that is obscene.
5. Programs must not contain any material that violates any state or federal law.
6. Programs may not display or promote the illegal use drugs or alcohol. Coverage of community events may include alcohol consumption where alcohol is legally served.

Failure to comply with these requirements may result in immediate and permanent denial of further membership rights including the right to submit programming, content or use programming equipment and facilities.

#### **IV. UNDERWRITING**

Members may receive underwriting support for programming. The term “underwriting” means a donation made to a member for which the donor receives a brief written acknowledgment at the beginning and end of the program(s). Underwriting support shall be solely to support the cost of producing a program or programs and shall not include a fee, payment or commission to the producer. Any underwriting must be identified on the Program Acknowledgement.

Members receiving underwriting can acknowledge the underwriting by a written message at the beginning and/or end of the program which states: "Underwriting for this program was provided by -- The Name of the Underwriter." No expansion of this statement is permitted. No voice-over is permitted.

#### **V. TERMINATION OF MEMBERSHIP AND APPEALS**

In the event Cable Board staff determines that a program violates any of the requirements above, staff may immediately cease cable casting the program and notify the producer. Cable Board staff may also determine that such violation warrants suspension of the producer’s membership privileges. The member/producer will receive a written notice concerning staff’s determination and the period in which a member’s production rights will be suspended.

Any person that disagrees with a decision by staff may request a review and determination by the Cable Board. Such request must be made in writing within 30 days of the date of staff’s determination and directed to the Chair of the Joint Cable Television Board c/o Hudson City Hall, 505 Third Street, Hudson, WI 54016.

The Cable Board will hold a hearing concerning any such appeal and issue a final determination within 30 days of the hearing. In the event staff’s determination that a violation occurred is sustained, the suspension of membership privileges may be sustained or modified at the Cable Board’s discretion. A member/programmer may lose

membership privileges permanently. All programs submitted will become property of HNHCAT and stored for up to 1 year.

## **VI. PROGRAM TECHNICAL QUALITY**

Programs must be recorded on videotapes that are compliant with the access equipment. Programs must be recorded in a manner that provides programming that meets all technical standards of broadcast television signals. Videotapes must produce pictures of a visual quality and stability to permit viewing without undue distraction.

At least one and one-half (1 ½) minutes of black must precede any taped program. The Cable Board's equipment requires continuous control track from the beginning of the tape to the end of the program.

## **VII. PROGRAM SCHEDULING**

The Cable Access Manager has discretion over scheduling of dates and times for airing of programming. Replay of programming is left up to the discretion of the Cable Access Manager as the schedule permits. If a member is unable to obtain scheduling as desired, the member may appeal the Manager's decision to the Cable Board. Submitters of programming material for cablecast must understand that HNHCAT operates an automated system and channel space may be limited according to playback hours and availability. Videotaped programming material must also be submitted in a timely manner, if promotion of the program by HNHCAT is desired (i.e., placing notice of the program in the local newspaper). Character generated schedules of channels will be displayed at various times.

The following is generally the priority for program scheduling in the event of conflicts for time slots:

1. Regularly scheduled, repeat programming.
2. First run, Member-produced, programs.
3. Repeat, Member-produced, programs.
4. Sponsored programs.

## **VIII. EQUIPMENT AND FACILITIES USE**

Equipment or facilities must be reserved by Members in person at the HNHCAT office. Appropriate forms must be signed and submitted. Members under 18 years old must have an adult co-sign all forms. The co-signer is responsible for financial or legal claims connected with the minor's use of the equipment or facilities. Members under 15 years of age may use equipment and facilities only if accompanied by the co-signer during such use.

An equipment request should be submitted at least 2 days, but not more than 2 months, before the requested use and use will be subject to prior requests. The request must

itemize the equipment to-be used. The request form will be used to check the inventory when equipment is returned. Equipment will be available for pick-up and return by appointment during normally scheduled access hours. The units may be borrowed for up to 48 hours during the week and 72 hours over the weekend.

Members using HNHCAT equipment will, at all times, be under the authority of HNHCAT staff concerning proper use of such equipment. Members using the portable equipment must identify themselves to persons being videotaped and obtain permission before videotaping. Volunteers may not identify themselves as employees, agents or representatives of the City or Village, the Cable Board, or the cable operator. Members may not be under the influence of drugs or alcohol while using HNHCAT equipment or facilities.

Members must immediately notify HNHCAT of any damage to equipment sustained while in the Members' possession. Members will indemnify and hold harmless the City, the Village, the Cable Board and the cable operator from and against any damages, claims, causes of action including attorneys fees, liabilities, and costs resulting from their use of the equipment or facilities or the programming produced. Members assume full responsibility for such equipment or facilities and will be liable for misuse, theft or damage, other than normal wear and tear, which occurs while the equipment or facilities are in their possession.

Assistance from the Access Manager or a HNHCAT employee may be requested by those needing help with adding titles, credits, or disclaimers to the videotape program they are submitting (subject to availability). HNHCAT will not otherwise exercise editorial control over the content of submitted videotape programs, and will cablecast any program that is technically sound and does not violate any HNHCAT policies and guidelines.

## **IX. ADMINISTRATION**

The Cable Board sets policy and overall administration requirements for HNHCAT. HNHCAT staff makes initial determinations concerning compliance with these requirements. Any Member or other producer may appeal any initial staff decision in writing to the Cable Board. Within 45 days, the Cable Board will consider affirm, modify or reverse the decision of staff in the Cable Board's discretion.

The Cable Board may, on a case-by-case basis, waive portions of these procedures and requirements as may be deemed necessary or advisable. The Cable Board reserves the right to amend these rules at any time as is deemed necessary or appropriate.

## **X. RENTAL OF THE ACCESS FACILITIES**

While the Access Channel is not in the business of renting out the studio, the Board shall review the application of a person wishing to rent the studio for work on a program that will not be cablecast on HNHCAT. These requests will be accepted on a first-come, first-served

basis and will receive the **last priority** in scheduling time. The studio shall only be rented during times when the Access Manager is on the premises.