

ACTV OPERATING RULES & PROCEDURES

Mission Statement

Aurora Community Television's mission is to provide equal and open access to current communication and information acquisition technology for residents, non-profit organizations, and educational and governmental institutions in the Aurora area. This is achieved by offering the opportunity for residents to exercise their First Amendment right to freedom of speech by providing technical training, equipment, facilities, and programming opportunities on the City of Aurora's public access television channel.

Goals

To make available the expansive opportunities for free expression by utilizing community television for cultural, educational, health, environmental, entertainment, social service, civic, community, and other non-profit purposes.

- to promote community awareness and public understanding of the opportunities and benefits of public access utilization.
- to encourage programming by, about, and for all segments of the city, thereby nurturing communication and dialogue among the Aurora area's diverse peoples, neighborhoods, institutions, and organizations.
- to provide training, equipment, facilities and technical assistance on a non-discriminatory basis for non-profit and non-commercial purposes.
- to program the access channel(s) in ways which generate broad-based and specific interest.
- to assure community involvement and diversity of participation in all organizational activities.
- to develop a constituency willing to support the spirit of free speech and equal access for all.

The purpose of these rules and regulations is to protect the public access system for the benefit of all residents, increase freedom of expression and assure that all residents have equal access to this powerful communication tool.

Aurora Community Television

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Section One ELIGIBILITY

1.1 ACTV equipment and facilities are available to ACTV certified access users provided that he/she:

- 1.1.1 has completed the appropriate training classes or waiver for training operating said equipment.
- 1.1.2 is making a program for ACTV broadcast.
- 1.1.3 is making a program for non-profit, non-commercial purposes.
- 1.1.4 obey all rules and regulations adopted by ACTV and the City of Aurora.

1.2 Persons eligible to become certified access users include:

- 1.2.1 residents of the ACTV service area, which is identified as Aurora, North Aurora, Montgomery, Oswego, Bristol, and the surrounding area that ACTV reaches on the video service provider's system (s).
- 1.2.2 members and employees of non-profit organizations serving the Aurora area who will be producing projects on behalf of non-profit organizations.
- 1.2.3 employees and officers of governmental bodies, schools, and businesses in the ACTV service area.
- 1.2.4 area residents under the age of eighteen (18). ACTV encourages the participation of younger residents and invites them to take advantage of ACTV's media opportunities. Media usage applicants under the age of eighteen (18) years of age must have their parent or legal guardian co-sign *all* documents. The co-signer is responsible, along with the user, for all costs that may be incurred from damage to facilities and equipment other than normal *wear and tear*. There is a minimum age requirement of thirteen (13) years of age. These conditions may be waived by ACTV management i.e. educational classes conducted by a teacher or administrator who is also a certified ACTV access producer and who is under the direct supervision of ACTV staff.
- 1.2.5 a person residing outside the ACTV service area may be eligible to participate providing that programming relates to the Aurora area, is approved by ACTV management, and a required one-time out-of-area fee of \$100 is provided.

1.3 Proving Eligibility

- 1.3.1 an individual user must provide proof of residency and age.
- 1.3.2 a user representing a non-profit organization or institution will be responsible for submitting:
 - 1.3.2.1 a letter from a senior management official at the non-profit organization, on letterhead, authorizing and describing ACTV involvement.
 - 1.3.2.2 proof of the non-profit's street address and local telephone number.
 - 1.3.2.3 proof of non-profit status.

1.4 Classifications of Producers (Certified Access Users)

Aurora Community Television has three classifications of producers:

- 1.4.1 **Community Producer** – an individual or member of a non-profit organization in the ACTV service area. Community producers are required to fulfill the requirements described in sections 1.1 – 1.3, and to have satisfied the equipment deposit requirement.
- 1.4.2 **Government Producer** – an employee, officer, or board member of a government entity who will only produce programming on behalf of said entity. Government producers are required to fulfill the requirements described in sections 1.1 – 1.3, but do not have to satisfy the equipment deposit requirement.
- 1.4.3 **Educational Producer** – an employee, officer, or board member of an accredited educational entity who will only produce programming on behalf of said entity. Educational producers are required to fulfill the requirements described in sections 1.1 – 1.3, but do not have to satisfy the equipment deposit requirement.

1.5 What is Certification?

- 1.5.1 Certification by ACTV acknowledges that a certified access user is eligible to use ACTV production equipment, facilities, and other approved resources.
- 1.5.2 ACTV will not guarantee the commitment of any certified access user to any other potential user. Productions will be the sole responsibility of those certified access users who voluntarily agree to participate.
- 1.5.3 Other than for authorized ACTV training, or unless authorized in advance by ACTV management, at no time is a non-certified access user allowed to operate ACTV production equipment and facilities.

Section Two

AVAILABILITY OF FACILITIES AND EQUIPMENT

Media facilities and equipment will be made available to certified ACTV access users on a non-discriminatory basis under these conditions:

- 2.1 Completion of Training Courses.** Access users must successfully complete the required ACTV training courses and the evaluation given at the end of the course to obtain certification.
- 2.2 Demonstration of knowledge and skill.** In lieu of ACTV training, applicants may demonstrate to ACTV staff, on a standard test, the knowledge and skills required to use ACTV facilities and equipment. The test may be either written, practical or both and will be administered by an ACTV staff member. All decisions by ACTV staff and management will be final.
- 2.3. ACTV certification card.** Certification cards signify the completion of ACTV training or demonstration of skill and experience. CARDS ARE VALID FOR ONE YEAR FROM DATE OF ISSUE. They are automatically renewed annually if the individual participates in at least one ACTV-related media project during the year (rolling 12 months).
- 2.4 Adherence to ACTV rules and procedures.** Certified access users must obey all rules and standard operating procedures of ACTV.
 - 2.4.1 In addition, the certified access user must take responsibility for the safety, proper use and care of the equipment or facility assigned to his/her care, custody and control.
 - 2.4.2 Accept financial responsibility for any damage to equipment or facilities beyond normal wear and tear, or any loss or theft of equipment assigned to his/her use, including any applicable insurance deductible.
- 2.5 Equipment Deposit.** Certified access users who will be taking any equipment out of the ACTV facility will be required to submit a deposit that is kept by the City of Aurora. A \$100 deposit is required for an individual and a \$500 deposit for an organization. The deposit will be returned once the certified access user terminates his involvement with ACTV providing there are no outstanding issues regarding broken equipment, monies owed, etc., and a written request is provided to ACTV management.
- 2.6 Requirements.** Once certified, access users are required to participate in at least one production per calendar year. Failure to do so will result in revocation of the user's access certification privileges. The access user will then be required to successfully complete a new public access certification-training course or demonstrate proficiency through a written/practical examination.

2.7 Limitations.

- 2.7.1 ACTV equipment and facilities may only be used by **ACTV** access users with valid certification and who are current with fulfillment of any and all other obligations to ACTV.
- 2.7.2 No private or commercial use of ACTV production equipment and facilities is permitted.
- 2.7.3 No person or organization may conduct training using ACTV equipment, facilities or resources without prior approval in writing from ACTV management.
- 2.7.4 No one except ACTV may use equipment, facilities or channel(s) for fundraising purposes.
- 2.7.5 Although ACTV will strive to maintain its equipment and facilities for optimum usage, ACTV is not responsible for any delay or postponement of productions resulting from technical failure. In such instances, ACTV will attempt to provide alternate equipment as soon as possible.
- 2.7.6 Certified access users working on a project or series as part of a team may share planning, organizing, directing and other tasks in order to complete the project in a timely manner. However, the team must designate one (1) certified access user for the duration of the project or series with final responsibility and accountability for the equipment and facilities use, program submission, and media handling. This certified access user must be identified to ACTV staff. No agreements arranged between the team members will be permitted to impair, supersede or transcend the conditions of agreement regarding programming, certification or equipment and facilities use between the certified access users and ACTV.
- 2.7.7 It is in the best interest of ACTV and all certified access users that ACTV equipment and facilities be denied to a user who fails to demonstrate proficiency. In such instances, the user may:
 - 2.7.7.1 have a proficient/certified access user operate the equipment or facilities.
 - 2.7.7.2. transfer the project to a proficient/certified access user.
 - 2.7.7.3 successfully complete a new public access certification-training course or demonstrate proficiency through a written/practical examination

Section Three

ACTV STAFF RESPONSIBILITIES

The purpose of Aurora Community Television / Public Access, its staff, facilities, and equipment is to provide a forum for individuals and non-profit organizations to use electronic media to share information. ACTV staff shall facilitate the usage of its equipment by the public according to these Operating Rules and Procedures. Use of ACTV equipment may be denied for activities whose primary purpose or use is other than broadcasting on ACTV channel(s) or contrary to the purposes of public, educational or government access in the Aurora area.

3.1 Staff Assistance. The primary purpose of ACTV staff is to train individuals to use ACTV facilities and equipment. Once trained, staff will assist certified access users in planning projects and assembling volunteers. ACTV staff will not produce projects for community members or certified access users.

3.2 Training for Organizations and Individuals. ACTV will provide periodic training through public access certification courses in an effort to increase the outreach to producers within the community. Organizations or groups with eight (8) participants may request off-schedule training. ACTV management reserves the right to suspend training activities at any time.

3.3 User Suggestions and Comments. ACTV welcomes suggestions and comments from users on matters of operations and service. Certified access users are invited to discuss these matters with the ACTV staff.

3.3.1 As viewers of community access television, certified access users are encouraged to notify ACTV and their video service provider whenever programming disruptions occur or other technical difficulties are observed on the ACTV channel (s).

Section Four

ACCESS USER RESPONSIBILITIES

- 4.1 Equipment and Facilities.** Certified access users assume full responsibility for the use of ACTV facilities and equipment. They will be liable for damage, misuse or theft occurring while the equipment/facilities are in their possession or control. All certified access user privileges will be revoked and restitution will be made.
- 4.2 Reporting of Issues.** All certified access users are responsible for reporting any malfunction or damage to equipment. This includes, but is not limited to remote, studio, editing, and dubbing.
- 4.3. Program Content.** Certified access users/community producers assume full responsibility for program content and have the sole responsibility for obtaining all necessary rights to program production materials. This includes all necessary literary, artistic, intellectual, performing and music rights as well as necessary clearance from the owners of licenses of such material. Certified access users/community producers must be able to document, in writing, that broadcasting of particular material does not violate the rights of a third party.
- 4.4 Indemnification.** Certified access users/community producers shall indemnify and hold harmless the City of Aurora, ACTV and its staff, and the video service provider upon whose system the programming is carried, from and against any damages, liability, including but not limited to attorney's fees, for the following: a breach of any provision contained herein: libel, slander, invasion of privacy or infringement of copyright; failure to comply with any applicable law, regulation or other requirement of local, state or federal authorities; unauthorized use of a trademark, trade name or service mark; breach of contractual or other obligation owing by the producer to third parties; and other injury or damage in law or equity arising or alleged to have arisen as the result of the broadcast of such programming.

- 4.5 Identification.** Certified access users of the ACTV video production equipment must take all reasonable measures to identify themselves to persons being videotaped carry a valid ACTV Certified Public Access User card, and to have release forms signed. The certified access user must NOT identify himself or herself as an employee of ACTV, the City of Aurora, or video service provider, at any time.
- 4.6 Release Forms, Approvals, Clearances, Licenses, etc.** A certified access user must obtain, in writing, and keep records of all necessary approvals, clearances, licenses, etc., for the use of any program material to be broadcast. This includes, but is not limited to, approvals by broadcast stations, networks, sponsors, music licensing organizations, copyright owners, performers' representatives, and all persons featured in the program material and any other approvals that may be necessary to transmit the program via Aurora Community Television.
- 4.7 Logo** The City of Aurora logo and the ACTV logo are the property of the City of Aurora and may not be used in any manner. Use of the ACTV, or City of Aurora name requires prior written approval from ACTV management.
- 4.8 Use of Facilities.**
- 4.8.1 Equipment and facility use policies are determined by ACTV management.
- 4.8.2 Use of ACTV video production equipment **must** result in programming for ACTV channel(s) broadcast.
- 4.8.3. Smoking, eating or drinking are not allowed in ACTV studio, control or editing suites.
- 4.8.4 ACTV staff has the right to refuse or discontinue use of facilities and equipment to any person who appears to be under the influence of alcohol or drugs, not in full control of his or her behavior or engages in inappropriate conduct. Certified access users are responsible for ensuring that all crew, talent, and guests obey all ACTV rules and regulations. Certified access user will be held responsible for any rule violation(s) by crew, talent, and guests. An adult must supervise children at all times.

- 4.8.5. Certified access users must be on-site ***at all times*** during production, whether studio, editing, or on-location. If the access user is not on-site or leaves during the production, ACTV staff reserves the right to stop the production. The certified access user's privileges may then be suspended.
- 4.8.6 Certified access users and guests must vacate facility on time.
- 4.8.7 Certified access users and guests may not sell goods or services on ACTV premises, or distribute materials without ACTV management approval. Solicitation for contributions or petitioning is not permitted.
- 4.8.8 ACTV is not responsible for personal property left on the premises.
- 4.8.9 If the ACTV facilities are determined by staff to be technically inoperable for program production, or when the weather is sufficiently severe enough to close the facility, ACTV staff shall notify users on the premises and shall attempt to notify any other users affected. Users who lose their time will be offered the next available time.
- 4.8.10 ACTV is not responsible for erasure, damaged to or loss of videotape.
- 4.8.11 Certified access users must not attempt to adjust or repair any equipment, and are instructed to inform ACTV staff if a piece of equipment is found to be in need of repair. Failure to do so could result in suspension of privileges.

Section Five OPERATIONS

5.1 Hours of Operation. *The ACTV facility is open to the public under the following schedule:*

Monday – Thursday	9am – 9pm
Friday	9am-5pm
Saturday	10am-4pm
Sunday	Closed

ACTV is closed on the following holidays:

New Year's Day	Memorial Day
Independence Day	Labor Day
Day after Thanksgiving	Christmas Day

Veteran's Day

Thanksgiving Day

5.1 Hours of Operation. (Continued)

The ACTV facility may be closed on days surrounding the above holidays. If such an event occurs, ACTV will make every attempt to give at least thirty (30) days notice prior to the closing.

5.2 Facilities Scheduling. Certified access users may schedule ACTV facilities for program production. Requests for use of facilities and equipment must include the subject and other information that may be requested by ACTV staff. To encourage use by as many individuals and organizations as possible, limits will be established on the times the facilities and equipment can be reserved for use. Such limits may change from time to time, and will be posted in the ACTV facility when changes occur. All reservations will be honored in sequence of receipt.

5.2.1 Limits for Facility and Remote Equipment Usage

<u>Facility/Equipment</u>	<u>Weekly Limit</u>	<u>Monthly Limit</u>
Studio Productions	4 hours per week	8 hours per month
Remote Equipment	weekends- 2 per month weekdays- 4 per month	6 per month
Editing	12 hours per week	48 hours per month
Dubbing Station	12 hours per week	24 hours per month

5.2.2 In order to assist certified access users in the completion of their programs, ACTV reserves the right to allow certified access users to exceed the use limits only if it does not interfere with any other certified access user's ability to have access to the facility and equipment.

5.3 Studio Facilities.

5.3.1 Reservations. Advance reservations are necessary. Reservations are made on a first-come, first-served basis. They may be made up to one calendar month in advance. The television studio must be scheduled at least one week in advance of use and editing equipment at least two days in advance.

- 5.3.2 Arrival Times. Certified access users should arrive in time to manage any pre-production issues, organize crew, test equipment and coordinate final details.
- 5.3.3 Certified access users must remove props, flats, set pieces, equipment and debris from the studio and control room areas after use. Failure to do so may result in revocation of access privileges.
- 5.3.4 Certified access users are responsible for securing their own production crew.

5.4. Portable Equipment

- 5.4.1 Reservations are taken on a first-come, first-served basis.
- 5.4.2. Equipment reservations are for twenty-four (24) hours. e.g. if remote equipment is picked up at 4pm on Tuesday it is due back to ACTV by 4pm on Wednesday. Similarly, if remote equipment is checked out on Saturday at 11am, it is due back to ACTV on Monday at 11am.
- 5.4.3 Equipment reservations on the weekends are scheduled according to the following:
 - 5.4.3.1 Friday to Saturday with return by 11:00am on Saturday
 - 5.4.3.2 Saturday with pick-up between noon and 3:30pm and return on Monday by 5pm
- 5.4.4 ACTV WILL NOT be responsible for the availability of equipment or facilities if certified access user does not arrive within the scheduled times.
- 5.4.5 Persons with equipment reservations should arrive on time and expect a minimum of fifteen (15) minutes to complete the check out procedure. Certified access user will be responsible for requesting all necessary equipment and is required to double-check their equipment before leaving the ACTV facility. ACTV is not responsible for equipment requested and not included once the certified access user leaves the facility.
- 5.4.6 Equipment must be checked out, signed for, and returned by the certified access user making the reservation.
- 5.4.7 Certified access users are not allowed to take ACTV equipment more than twenty-five (25) miles outside of the City of Aurora without prior permission, in writing, from ACTV management.

5.5 Editing Equipment

- 5.5.1 Scheduling procedure. Certified access users may reserve editing time up to one (1) calendar month in advance. Only two (2) requests may be submitted per week. NO EXCEPTIONS.
- 5.5.2 Editing facilities are to be used only for programming on the ACTV channel (s). Unauthorized use may result in revocation of access privileges.
- 5.5.3 All materials must be cleaned up and properly stored prior to leaving the editing suite.

5.6 Dubbing Station

The station is available for DVD duplication of master tapes produced with ACTV equipment and facilities accepted and maintained in our programming library.

- 5.6.1 Tapes must pass the technical check before they can be dubbed.
- 5.6.2 Certified access users must furnish their own DVD/VHS media. ACTV does not sell media for this purpose.
- 5.6.3 Certified access users must operate the equipment and monitor their recordings. ACTV is not responsible for dubbing interruptions, damage to media, or poor quality recordings.
- 5.6.4 Reservations must be made in person or via fax during regular hours of operation no less than one (1) day prior to the requested time.
- 5.6.5 Dubbing hours are the same as ACTV business hours.
- 5.6.6 Dubbing will not be permitted beyond scheduled closing time of the facility.
- 5.6.7 A maximum of four (4) hours of dubbing time per person per session may be reserved by a certified access user. ACTV may revise dubbing time as necessary to reflect the total length of the program(s) being dubbed and to optimize access to the dubbing station.

5.7 Penalties

5.7.1 Equipment and Facilities

5.7.1.1 Certified access users who cancel a reservation within 24 hours before the scheduled date without a reason that is satisfactory to ACTV management will be issued a written warning. A second occurrence within six (6) months will result in forfeiture of certified access user privileges for six (6) months, effective from the day of the violation. Certified access users who fail to notify ACTV in advance of a cancellation will forfeit access user privileges for two (2) months effective from the day after the violation.

5.7.1.2 Certified access users who are late to a session must contact ACTV no later than one half hour into the scheduled session to retain use of the time or the session will be made available to the first eligible user who requests the time. Excessive tardiness will result in a written warning, and could result in suspension of access user privileges.

5.7.1.3 Certified access users, who fail to vacate the studio, editing, or other facilities at the end of their reserved time, or at the close of the ACTV facility, will receive a written warning. A second violation within six (6) months will result in a six (6) month suspension of access user privileges effective the day after the violation.

5.7.1.4 Certified access users who fail to return equipment by the scheduled return time will have their access user privileges suspended for six (6) months.

5.7.2 Loss, Theft of or Damage to Equipment/Facilities

5.7.2.1 If any ACTV production equipment is damaged beyond normal wear and tear, lost, stolen or inoperable, or if any ACTV facility equipment is damaged beyond normal wear and tear, as determined by the ACTV staff, a written assessment of the cost of repair or replacement including labor and administrative expenses will be forwarded to the certified access user of record and held accountable for the damages for prompt payment to the City of Aurora.

5.7.2.2 ACTV may reserve the right to suspend certified access user privileges until payment is made. In the event the certified access user fails to meet the terms of repayment, the case may be submitted to the City of Aurora Legal Department for resolution.

5.7.3 Suspension

5.7.3.1 Violation of these policies and procedures will subject certified access users to all applicable local, state and federal laws and may result in penalties, including the suspension or revocation of access privileges.

5.7.3.2 Suspension means that, effective from the date of the notification, the certified access user may not schedule, checkout or operate ACTV production equipment or facilities, or handle ACTV videotapes/media, etc., or enroll in ACTV training classes.

5.7.3.3 Suspended certified access users may be allowed on the premises to submit programs for broadcast, but are banned from going beyond the lobby area of ACTV facility during the duration of the suspension.

5.7.3.4 All active projects will remain active for a maximum of one (1) year from the initial equipment use, excluding the period of suspension. Any and all active projects undertaken by a suspended access user may be transferred to a certified access user, provided they are in good standing and must be approved by ACTV management.

5.7.3.5 The following violations of ACTV Operating Rules and Procedures will result in immediate suspension of certified access user privileges including use of ACTV equipment, facilities, and media use privileges. Repeat or severe offenses may result in permanent revocation of privileges.

- 5.7.3.5.1 Making false or misleading statements on any ACTV document, or tampering with an ACTV certification card.
- 5.7.3.5.2 Use of ACTV equipment or facilities or programs produced at ACTV for commercial or profit-making purposes.
- 5.7.3.5.3 Use of equipment or facilities for any purpose not related to the production of programs for broadcast on ACTV channel(s), unless approved in advance by ACTV management.
- 5.7.3.5.4 Removal of ACTV property from the ACTV facility without proper approved checkout paperwork and supervision by an ACTV staff member.

- 5.7.3.5.5 Reserving for, checking-out for, or permitting use of equipment by non-certified or suspended access users.
- 5.7.3.5.6 Repeated or willful disregard for ACTV policies and procedures.
- 5.7.3.5.7 False representation by any certified access user in public or private as an employee or agent of ACTV.
- 5.7.3.5.8 Withholding information on neglect or abuse of ACTV equipment or facilities.
- 5.7.3.5.9 Physical or verbal abuse or harassment of any City of Aurora employee, certified access user, or visitor.
- 5.7.3.5.10 Exchange of ACTV broadcast time for money, or any other item(s) of value.
- 5.7.3.5.11 Failure to fulfill financial obligation to ACTV or the City of Aurora.
- 5.7.3.5.12 Smoking on the premises.
- 5.7.3.5.13 Use of alcohol or illegal substances on the ACTV premises, or while utilizing any ACTV equipment.
- 5.7.3.5.14 Theft or vandalism of the property of ACTV, City of Aurora, its employees, certified access users or visitors.
- 5.7.3.5.15 Bringing on the premises any live ammunition, incendiary devices/displays, firearms or other types of weapons.

5.8 Eligibility for Program Playback

- 5.8.1 ***General Requirements.*** Broadcast time is available provided the submitted program is produced by an ACTV certified access user, government or educational access user or sponsored by an area resident with prior ACTV management approval. Priority will be given to locally produced programs. For the purpose of these sections, 'locally produced programs' are defined as programs produced by certified **ACTV** access users in which a majority of the program is videotaped or broadcast by certified **ACTV** access users using ACTV services, facilities, and equipment.

5.8.2 ***Programming Liability.*** All certified access users presenting a videotape or other media for broadcast on a public access channel managed by ACTV shall agree in writing as a condition of the broadcast to indemnify and hold harmless the City of Aurora, ACTV and its employees, and the video system provider upon whose system the program is carried, from and against any damages, liabilities, including but not limited to attorney's fees, for the following: a breach of any other provisions contained herein: libel, slander, invasion of privacy or infringement of copyright; failure to comply with an applicable law, regulation or other requirement of local, state or federal authorities; unauthorized use of trademark, trade name or service mark; breach of contractual or other obligation owing by the user to third parties; and any other injury or damage in law or equity arising or alleged to have arisen as the result of the broadcast of such program.

5.8.3 ***Programming Content Restrictions.*** To assure compliance with the agreement between the City of Aurora and its video service provider(s) with applicable ordinances, regulations, laws and statutes, presentation of the following material on a public access channel managed by ACTV, or the production of the following material using the facilities of ACTV is prohibited:

5.8.3.1 Material that is obscene as defined by federal law. Federal law states that material is obscene if:

5.8.3.1.1 the average person, applying contemporary standards, would find that the work taken as a whole, appeals to the prurient interest:

5.8.3.1.2 the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the Illinois state law; and

5.8.3.1.3 the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

5.8.3.2 Material designed to promote the sale of commercial product or service, including prices, or promote, endorse a trade or business.

5.8.3.3 Commercial programming which in whole or part depicts, demonstrates or discusses products, services or businesses with the intent or substantial effect of benefiting or enhancing a profit-making enterprise.

5.8.3.4 Program material may not identify, promote or make reference to any product, service, trademark or brand name in any manner that would jeopardize the non-commercial mandate of public access. This includes, but is not limited to, the names of businesses as well as addresses, telephone numbers, e-mail or Internet web addresses.

5.8.3.5 Program material may not contain any material that is intended to defraud the viewer or designed to obtain money by false or fraudulent pretenses, representations or promises.

5.8.3.6 Program material may not solicit funds or other property of value from viewers.

5.8.3.7 Program material may not promote or conduct any lottery, raffle, contest or game involving prizes awarded in whole or in part by lot or chance.

5.8.3.8 Program material may not contain advertising which endorses or opposes candidates for public office and which is intended to be presented as a paid political advertisement on other media. If a program that endorses or opposes one candidate or political party is produced at a public access facility, ACTV will broadcast the program ONCE, if channel time is available. ACTV reserves the right to schedule the program at such a time that it will not interfere with ACTV's regular broadcast program schedule.

5.8.3.9 Program material which constitutes libel, slander, invasion of privacy or infringement of publicity rights, unfair competition, violation of trademark or copyright, or which might violate any local, state or federal law is strictly prohibited.

5.8.3.10 Program material that has a reasonable probability of creating an immediate danger of damage to property or injury to persons is strictly prohibited.

5.9 Copyright Clearances. All certified access users presenting a videotape/media for broadcast on a channel managed by ACTV shall agree in writing, as a condition of broadcast, that they have previously made all arrangements to obtain all rights to material to be broadcast and clearances from program producers, broadcast stations, network sponsors, music licensing organizations' representatives and without limitation from the foregoing, any and all other persons as may be necessary to transmit it or their program material. **Certified access users shall maintain for inspection by ACTV, upon reasonable notice, copies of all clearances and releases required by this section of the Operating Rules and Procedures.**

- 5.10 Underwriting.** After receiving approval in advance from ACTV, certified access users are permitted to give audible and/or visual sponsorship credit to a person or organization that has supplied materials and other forms of support, in whole or in part, in the production, distribution or promotion of a program broadcast on a public access channel managed by ACTV, so long as the sponsorship credit does not violate FCC rules or regulations, the terms of the ACTV Operating Rules and Procedures and the following additional guidelines:
- 5.10.1 Advertising, as defined above under 'Program Content,' is not permitted.
 - 5.10.2 Any mention of prices is not permitted.
 - 5.10.3 The identification of phone numbers, e-mail and Internet web addresses of commercial underwriters is not permitted. Access users, however, may list a non-commercial information number with the wording "For more information call..."
 - 5.10.4 A credit to an individual sponsor shall not exceed ten (10) seconds in length and total underwriting credits may not exceed sixty (60) seconds in length during any single break for credits.
 - 5.10.5 Visually, the credit should be one static shot of the sponsor's name or logo.
 - 5.10.6 The audio shall be a single voiceover announcement identifying the sponsor. No background music or jingles are allowed.
 - 5.10.7 Sponsors may be given a credit at the opening of every sponsored program and must be given a credit at the end of a program.
 - 5.10.8 If the program is longer than one (1) hour, underwriter may receive a credit at the open of the program, at each sixty (60) minute interval (or at a natural break as close to the hour as possible) and at the close of the program.
 - 5.10.9 Interested individuals must obtain information regarding sponsorship procedures, available from the ACTV staff, and a Sponsorship Agreement must be signed and submitted to ACTV management before any sponsorship is permitted to occur.

5.11 Acknowledgement and Disclaimers.

- 5.11.1 All recorded and/or live programming broadcast on a public access channel managed by ACTV must clearly identify the producer of the program at the opening or closing of the program.
- 5.11.2 All programs produced utilizing the equipment and/or facilities of ACTV must include within the program credits the following statement: *"This program was made possible by the use of facilities and services of ACTV"* or similar recognition.
- 5.11.3 Appropriate acknowledgement should be given in the credits to the musical compositions included in the program.
- 5.11.4 A disclaimer must be included at the opening of the program to indicate that the views expressed do not necessarily reflect those of ACTV, the City of Aurora, or the area's video service provider. Import programs must have a disclaimer, whether it is from the import program producer's home public access facility or a generic disclaimer that states: *"The following program was produced by a certified access producer. The views and opinions are not necessarily those of this public access station, video service provider, municipality, or non-profit organization."*
- 5.11.5 When required by ACTV, an announcement must be included at the beginning of the program to indicate that portions of the program may be inappropriate for children or deal with issues of a particularly sensitive nature, etc., and that viewer discretion is advised.

5.12 Program Copyright and Ownership.

- 5.12.1 The community producer/certified access user shall own all content copyrights for each program made by the certified access user with the facilities and services of ACTV. ACTV shall retain ownership of the program submitter's master tape under the terms of the ACTV programming contract during the duration of the scheduled broadcast time on ACTV channel(s).
- 5.12.2 Any program produced with ACTV tape/media stock shall remain in the ACTV facility unless prior approval has been granted.
- 5.12.3 ACTV shall require that any certified access user desiring to keep a copy of a program or material produced with the facilities, services and videotape/media of ACTV shall pay ACTV for the replacement cost of videotape/media. Copy may not be used for any commercial purposes.

- 5.12.4 If the certified access user desires to air their program on other access channels, access user must file a completed 'Program Exchange Request' form with ACTV prior to removal or copying of any programs. The access user is responsible for the return of any videotapes/media removed from the ACTV facility within two (2) weeks after the last scheduled broadcasting. If videotapes/media are not returned within the specified time period, access user will be responsible for reimbursing ACTV the current market value of videotape/media.
- 5.12.5 ACTV will seek certified access user permission for the use of any public access program or material:
 - 5.12.5.1 For extended repeat airings beyond initial broadcast and those requested by the producer.
 - 5.12.5.2 For making copies of the certified access user's program.
 - 5.12.5.3 For sharing or 'bicycling' with other public access stations
 - 5.12.5.4 For entry in local, regional or national award competitions.
 - 5.12.5.5 ACTV maintains the right to include excerpts of any community use or public access program or material for use in, but not limited to, sampler tapes, training materials and promotional materials.

5.13 Distribution Rights.

- 5.13.1 All programs produced with the ACTV facilities and equipment of ACTV must be presented first on a public access channel managed by ACTV unless prior permission is obtained from ACTV management. Any other uses of such programs must be specified in an approved 'Program Exchange Request' form.
- 5.13.2 Recordings of programs made with the facilities and equipment of ACTV cannot be used for general fundraising or commercial purposes, with the following exceptions:
 - 5.13.2.1 A non-profit organization, which produced a program with ACTV facilities and equipment, may include a copy of the program (or excerpts) as part of its application package to obtain outside grant support, if the program is used only as an example of the organization's activities.

- 5.13.2.2 Certified access users may include excerpts of their programs produced with ACTV facilities and equipment within a resume reel to be used in an effort to gain employment in the communications field. However, ACTV facilities may not be used to produce a resume reel for a non-certified access user unless an hourly rate of \$100 is paid for facility use.

Section Six PROGRAM SCHEDULING PROCEDURE

6.1 Priorities. ACTV maintains the following general priorities for scheduling programming on public access channels:

6.1.1 Locally produced programs.

6.1.2 First-run programs

6.1.3 Programming themes

6.1.4 Production quality.

6.1.5 Diversity of productions.

6.2 Playback Time. ACTV requires that requests for channel space be submitted to ACTV staff at least three (3) weeks in advance of broadcast date.

6.2.1 Certified access users must fill out a 'Programming Contract' for any program that will ultimately be broadcast. Certified access users who have a series must fill out a 'Programming Contract' that includes broadcast dates for each episode. ACTV will not accept any programming changes over the telephone.

6.3 Editorial Authority. ACTV management, and the City of Aurora who will implement the overall guidelines will hold final decision-making and editorial authority for the scheduling of programming on the ACTV channel (s).

6.4 Playback Time Selection. *Single Program Only.* Each certified access user submitting a Programming Contract will be offered two choices from available time slots. The certified access user may then request the available time-slot for three (3) weeks. Any additional airings must be requested by submitting another Programming Contract.

- 6.5 Pre-Empted Times.** ACTV reserves the right to pre-empt scheduled programs on access channels at its discretion. ACTV will attempt to notify the certified access user prior to such a pre-emption with the exception of technical disruptions.
- 6.6 Program Submission.** Tape recorded programs scheduled for broadcast must be delivered to ACTV within forty-eight (48) hours prior to its scheduled broadcast time. Exceptions may be made for good cause with prior notification. If a program is not delivered on time or has been delivered with postage due, the program will not be broadcast.
- 6.7 Technical Standards.** Tape recorded programs submitted for broadcast must comply with the technical standards listed in the 'Technical Standards' section. Programs that do not meet technical standards will not be broadcast.
- 6.8 'Regular' Time Slots.** ACTV requires that a certified access user complete three (3) programs before a 'regular' time slot be granted. This is to ensure the certified access users commitment to the series. ACTV will continue to schedule the program in a regular time slot as long as a new program is completed and submitted for broadcast every five (5) weeks. If the certified access user fails to complete a new program by the end of the five weeks, the certified access user will lose the regular slot and other programming will be scheduled in its place.
- 6.8.1 A local individual certified access user or organization may not schedule more than two (2) programs during any programming week.
- 6.8.2 ACTV reserves the right to request and schedule programming in available continuous slots in order to promote programming diversity. These programs are subject to the priority list in Section 6.1 in the event that there is a lack of available time slots.
- 6.8.3 In the event ACTV's program schedule becomes filled, import programs will be discontinued to make time available for **ACTV** certified access users.
- 6.8.4 If a certified access user fails to provide or fails to schedule any two (2) installments of a series the series will be cancelled.
- 6.8.5 A weekly series may only rerun, re-submit, or re-edit four previously aired programs, within one (1) year. A bi-weekly series may only rerun, resubmit, or re-edit two (2) previously broadcast programs.

6.9 Import Programming Guidelines.

Programming that is not produced with equipment or facilities of ACTV may be submitted for broadcast by a certified access user or organization.

- 6.9.1 All outside programming (i.e. programming that did not originate through, or was solicited by, ACTV) must be submitted by an ACTV certified access user or organization.
- 6.9.2 A completed Programming Contract must be submitted by the certified access user and approved by ACTV management before outside programming will be broadcast.
- 6.9.3 Programming must be of a non-commercial nature and contain no sales or marketing content.
- 6.9.4 Programs must meet broadcast and technical specifications as described in Section Seven (7).

Section Seven TECHNICAL STANDARDS

7.1 Formats. The following tape formats will be accepted for playback on ACTV's public access channel (s):

- 7.1.1 DVCAM
- 7.1.2 mini DV

7.2 Tape Signal. Tape-recorded programs must have technical standards high enough to deliver a clear and unbroken picture to television viewers. Audio must be clearly understandable and at audible levels without distortion. ACTV reserves the right to refuse to allow playback of programs that do not adhere to the following:

- 7.2.1 Thirty (30) seconds of color bars and 0db tone at the beginning of the tape.
- 7.2.2 Color bars should be followed by a fifteen (15) second visual slate identification.
- 7.2.3 The slate is to be followed by at least ten (10) seconds, but not more than thirty (30) seconds of black.

- 7.2.4 The Public Access Disclaimer must be included at the beginning of the program and must be calculated into the total running time (trt). *(See 5.11.4 for guidelines).*
- 7.2.5 For certified access users submitting both thirty (30) and sixty (60) minute programs, it is the users responsibility to fill out the programs with either promos or Public Service Announcements to fill the program time to 29:30 or 59:30 respectively.
- 7.2.6 At least sixty (60) seconds of black must be recorded at the end of the program.
- 7.2.7 Video levels throughout the entirety of the program material must not exceed 100 IRE or average active video falls below 50 IRE.
- 7.2.8 Distortion or instability in play will forfeit the program from being broadcast.
- 7.2.9 Hum or buzz level of -20dB or more when audio peaks are adjusted for playback at 0dB for periods longer than one minute will forfeit the program from being broadcast.
- 7.2.10 Multiple generations or poor quality dubs resulting in visually unacceptable distortion (i.e., sync levels or chroma shifts to 40 degrees in segments longer than two (2) minutes) will forfeit the program from being broadcast.
- 7.2.11 Vertical roll and other sync instabilities for a period of more than ninety (90) seconds will forfeit the program from being broadcast.
- 7.2.12 Complete loss of control track or sync on more than three (3) occasions or for a sustained period of ten (10) seconds will forfeit the program from being broadcast.
- 7.2.13 Video noise level that obscures video image or a video signal-to-noise level of 28dB or less will forfeit the program from being broadcast.

Section Eight VIDEOTAPE POLICIES

- 8.1 Recycling.** ACTV provides videotapes for the certified access user's use. This videotape remains the property of ACTV. If the certified access user desires copies, they must purchase their own tape stock. ACTV retains edit masters for up to two (2) years if the material is not dated (date specific coverage). If dated, ACTV will keep the edit master for sixty (60) days from the last broadcast date. **After the allowed time for storage, ACTV will assume no further responsibility and reserves the right to recycle videotapes as needed. ACTV reserves the right to erase any unlabeled or source videotapes without notice.**
- 8.2 Copies.** Certified access users are entitled to one complimentary VHS/DVD copy of their final produced and broadcast program. *Recording media will be provided by ACTV*
- 8.2.1 Certified access users may request copies of their programs to be completed by ACTV staff for a fee of \$10 for each additional DVD or VHS copy (not to exceed one (1) hour or one hundred (100) copies).
- 8.2.2 Certified access users are responsible for supplying their own videotape stock and for scheduling their time to dub. ACTV staff will not perform this function for certified access users.

Section Nine PROGRAMMING STANDARDS

Public access programs are expected to be in compliance with the foregoing technical and non-commercial use standards. ACTV staff is responsible for determining that broadcast programs meet these standards. In the event that ACTV staff determines that a program may be in violation of these standards, ACTV staff may exercise any or all of the following options:

- 9.1** Discuss the program with the certified access user to determine if the program can be brought into voluntary compliance with the technical and/or non-commercial use standards.
- 9.2** For non-commercial standards compliance and potentially objectionable content compliance, the program will be referred to the City of Aurora's Legal Department for evaluation. For technical evaluation, the program may be referred to one of the City of Aurora's video service providers for evaluation.

- 9.3 Reject the program based on non-compliance of technical and/or non-commercial use standards.

Section Ten SPECIAL PROGRAMMING CONSIDERATIONS

10.1 First Amendment Concerns. Certified access users are urged to become familiar with the following types of speech unprotected by the Constitution of the United States which traditionally have not received full First Amendment protection: Obscenity, 'fighting words', 'hate speech', defamation and words which create a clear and present danger of imminent lawless action.

10.2 Discretionary Programming. ACTV wishes to provide guardians with a means of controlling the viewing of potentially objectionable programming by children as well as provide individuals with notification of potentially objectionable programming so that they make informed television viewing choices. While providing such notification, ACTV does not wish to preclude the opportunity for all forms of expression on television/media in accordance with the FCC regulations and other relevant laws. For the purpose of these guidelines, *potentially objectionable material* is defined as but not limited to programming containing the following:

10.2.1 Repeated vulgar language.

10.2.2 Nudity.

10.2.3 Extreme physical violence or degradation.

10.2.4 Graphic depiction of medical procedures that is not intended to be used as educational material.

10.3 Potentially Objectionable Programming. All potentially objectionable programming will be preceded by the following message: *"The following program contains material which may be offensive to some viewers or may be inappropriate for viewing by children."* Promotion for potentially objectionable programs will also include the above message.

10.3.1 ACTV reserves the right to schedule a potentially objectionable program at a time when children will not easily view it.

10.3.2 If ACTV receives complaints regarding a program's appropriateness for children; ACTV reserves the right to reschedule the program into a time when children will not easily view it.

10.4 Programming Contract. A signed ACTV Programming Contract must accompany all programs submitted to ACTV.

Section Eleven APPEAL OF ACTV DECISIONS

11.1 Manner and Timing. Appeals from a decision of ACTV staff may be made by filing an application in writing to ACTV management. The appeal must be made within thirty (30) days of the ACTV staff decision.

11.2 Hearing. Within thirty (30) days from filing the appeal, a hearing shall be held before, but not limited to, the following representatives of the City of Aurora; the ACTV Coordinator, the Director of Community Services or an appointed representative, and a representative of the City of Aurora's Legal Department. All parties concerned will be informed that a hearing will be held. The applicant may appear at the hearing or be represented by an agent or attorney.

11.3 Hearing Agenda. The agenda for the conduct of the hearing shall be as follows:

11.3.1 The applicant may present his/her basis for the appeal as stated in the application for appeal and shall include a portion of the disputed programming.

11.3.2 The City of Aurora may present the basis for the decision.

11.4 Decision. Within five (5) days of the date of the hearing, the City of Aurora shall provide its decision to the applicant in writing through certified mail. The City of Aurora may reserve the right to affirm wholly or modify in part any decision of the ACTV staff.