

Access Humboldt Programming Policies

Adopted 5.20.2008 by the Access Humboldt Board of Directors
Revised 5.25.2010

ACCESS HUMBOLDT PROGRAMS: WHAT'S ALLOWED? WHAT'S NOT?

Community access programming is a great opportunity, but it comes with real responsibility. It's important to understand, at the outset, what is permitted and what is prohibited, to understand and follow all AH policies and procedures.

Use of AH'S equipment and services must result in programming that is played on one of our channels. Members enrolled in AH sponsored classes are expected to use their training toward the production of non-commercial programming for community access cablecast.

AH does not preview programming to screen for prohibited content. Producers assume complete creative control over the content of their programs and must assume full responsibility to abide by programming policies.

Producers and/or presenters of access programs assume all legal responsibility for, and retain all rights to the content of their program. Producers must secure all releases, copyrights, etc. The producer's signature on a "Request for Playback" form verifies the producer's acceptance of full responsibility for program content and releases the AH staff and Board of Directors from liability or legal fees and expenses incurred as a result of cablecasting the program. This agreement also gives AH the limited right to cablecast and, at AH's discretion, to repeat the program on any of its access channels for two years.

In general, public access programming may be produced and cablecast with no outside content control. Access Humboldt will not prescreen, censor or edit any programs. All program submissions are accepted and cablecast as long as both video and audio are functional. However, the following kinds of content are prohibited:

Commercial Content

Commercial content is prohibited on AH's community access TV channels.

AH defines commercial content as information that is designed for the purpose of personal financial gain. Commercial content includes, but is not limited to, product placement, advertisement and service descriptions provided for value of any kind or nature. Commercial content also includes promotion of any individual business, partnership or corporation by direct or indirect reference or testimonial for the significant purpose of commercial exploitation. If the primary intent or impact of a segment or program is to advertise a service or product, that constitutes prohibited commercial content. When the prime motivation for a segment or program is to make a commercial pitch or to advertise a service or product for sale, the noncommercial use regulation is violated.

AH realizes that there are situations when a small amount of commercial content may be appropriate. When commercial content is incidental to a wider permissible purpose, and helpful as a matter of context, then the noncommercial use regulation is not violated, because the commercial content is meant to be illustrative.

An author may discuss and show her book; a host may mention where it is available. Viewers may be informed of a person's occupation or where he or she is employed, when that information is germane to the topic. A nonprofit can inform viewers about an upcoming fundraiser, including where to buy tickets and the cost to attend. In these cases, while commercial or economic interests are advanced, AH understands that it would be difficult to disseminate ideas or content without providing practical information with some relationship to the world of commerce.

The following are allowed in a limited manner if related to program content and noncommercial in intent:

- web addresses and phone numbers may appear and be announced during a program and may appear in the closing credits when using the same style, font, color and background as other production credits
- visuals of books, CDs, and other products that are part of the noncommercial content of a particular program may be shown on camera during a program

The following are prohibited:

- calls to action (e.g., “Shop at Joe’s”)
- business hours may not be mentioned or displayed
- price information or dates of sales for goods, services or events of for-profit businesses.
- endorsements or promotions of a specific product or service are not permitted. Superlative descriptions, qualitative claims, or stated preferences for one product or service over another are prohibited. Statements about who has used a product or service are not permitted.
- telethons and auctions or fundraising events are subject to approval by AH’s Board, except that AH is expressly authorized to conduct fundraising on the air

AH will apply a good faith, reasonable interpretation to questions of commercial content, and will expect producers to respond with a commensurate degree of caution and care. In situations where the commercial content of a program is questioned, AH will evaluate the program as a whole and weigh the following factors:

- the extent to which the speaker stands to personally profit for the content message;
- whether the program promotes a commercial service provider, product manufacturer or distributor over other equivalent commercial competitors;
- whether the promotion is on behalf of a not for profit, civic, charitable or religious cause.

Responding to Violations of Commercial Content Guidelines

AH Staff does not pre-screen programs to check for content that may be in violation of current policies. Pulling a program because of suspicion of prohibited content before it ever airs on AH channels would be equivalent to censorship or prior restraint of speech. AH depends on viewer complaints or self-disclosure on the part of the program presenter in order to detect instances of alleged commercial speech.

Complaints or alerts of possible commercial content should be directed to the Programming Coordinator. Once the Programming Coordinator has received a complaint, and only after the program has played on Access Humboldt at least once, s/he will view the mentioned program to confirm the existence of the material which is the source of the complaint. If the PC believes the content may be in violation of current policies, s/he must contact the program presenter and inform them of the complaint received, and refer him/her to AH Operating Policies and Procedures.

If the presenter, upon review of commercial policies, agrees that the program is in violation of AH current policies against commercial content, s/he will be given the option to suspend the program from further playback or to re-edit the program to comply with AH policies upon review by the Programming Coordinator. If however, the presenter disagrees with the allegation that there is commercial speech in the program, AH will call on a review committee to evaluate the program and make a determination. The program may be suspended from playback while the committee reaches a determination. AH reserves the right to suspend a program from further playback if it is found to be in violation of current Commercial Content guidelines by the AH review committee.

Slanderous and Libelous Content

Slander is a false and knowingly malicious oral statement that damages somebody's reputation. The legal definition is a bit more precise and is refined by case law. Libel is essentially the same act, but in written form. Libel and slander are not criminal offenses but may give rise to civil actions, including lawsuits for damages. If a viewer believes that an access program contains libelous or slanderous material, the viewer has the option to contact a private attorney to seek action against the producer. AH does not preview programming to screen for prohibited content. Members are expressly made responsible for the content of their own programs.

Obscene Content

Obscenity is not considered protected speech under the First Amendment to the United States Constitution. The producer/submitter should be aware that under the Federal Cable Communications Policy Act of 1984 as amended, whoever transmits over any cable system any material that is obscene or otherwise unprotected by the Constitution of the United States is liable for substantial criminal penalties. It's difficult to determine in advance if something is legally obscene. It usually requires a judicial determination.

The U. S. Supreme Court has a three-pronged test for obscenity, also known as the Miller Test. A program will be deemed obscene if it meets all three of the following criteria:

- the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest, and
- the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and
- the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Programs that are challenged as obscene will be pulled and not re-aired pending a determination of their status. Sanctions against the producer may include suspension from AH privileges and facilities.

Adult Programming - Safe Harbor Hours

Some programs aren't obscene but still may be offensive to others and inappropriate for younger viewers. Programs that contain sexually explicit content, nudity, offensive language, or excessively violent material are considered adult programming and must satisfy certain requirements in order to be aired. There is an affirmative duty on the part of the presenter to indicate on the Request for Playback Form whether any material in his/her program contains language or material that may not be suitable for children, nudity, or sexual content. Adult programming will be subject to the following legally permissible time, place and manner restrictions.

- these programs will be aired only during "safe harbor" hours, between 11:00 PM and 5:00 AM.
- they must contain a 15 second viewer advisory, with the following information presented both in readable graphic form and with a voice over:

"Warning. The following program contains adult material that may be considered offensive to some viewers or inappropriate for children. Viewer discretion is advised."

The presenter has sole responsibility to monitor the content of their program, to correctly complete the "Request for Playback" form, and to provide the required warning. Failure to comply with the Adult Programming policy may result in the program being pulled and the presenter's AH privileges being suspended.

Copyrighted Material

U.S. copyright law prohibits the use of any copyrighted material without permission from the copyright owner. AH producers shall not include unauthorized, copyrighted materials in their programs and are responsible for obtaining all necessary permissions.

Controversial Programming

AH believes there is much more harm in stifling speech than in exposing people to ideas and opinions with which they are uncomfortable. Controversial programming encourages expression of free speech. AH reserves the right to inform the public of controversial programming and to solicit responses from the community in the form of additional programming.

Programming Involving Non-Profit Organizations

One of AH's goals is to offer programming important to our community. Local non-profit organizations producing their own programs or appearing as guests on other programs may mention services and provide contact information. In addition, they may promote special fund-raising events and may mention prices for those events. However, during the course of their program, they may not engage in general fund-raising nor may they sell or promote products, including copies of their videotape. Documentation of their status as a Federally tax-exempt organization (501-C-3 status,) may be required at AH's discretion. AH reserves the right to produce, for free or for a fee, programming for local nonprofits.

Political Programming

The usual television election laws such as The Fairness Doctrine, Personal Attack rule, and Equal Time provisions, do not apply to public access channels. Candidates for local office may produce programs or appear on other programs, in the same manner as any other member of the community. No paid advertising will be accepted on behalf of any candidate for public office or political parties, including promoting and or opposing ballot issues by supporting groups or lobbying organizations.

Political candidates and advocates for ballot issues are welcome to utilize the services on the same terms as other access users. AH maintains the right to limit the length and frequency of political programming in the same manner that it imposes these limits on other programs.

In fulfilling its role as a vehicle for community and communication, AH shall make an effort to sponsor or encourage balanced, unbiased political programming events. AH also reserves the right to preempt other programming in order to provide timely local election-related programming. AH may also reserve a sufficient block of airtime during each political season to enable a wide selection of political programs to be cablecast.

Funded Projects

AH wants to be clear with the community that equipment and facility use is available to all residents of Humboldt County. Airtime is provided free of charge. Representatives of local community organizations, as residents, can take workshops and produce their own programs at AH, and have them aired for free.

Underwriting Credits

Underwriting is the process through which a business or individual donates a specific product, service, or funding to assist an access program in return for non-commercial acknowledgment on that program

Underwriting credits may not exceed 60 seconds in length, regardless of the number of underwriters. No single underwriting credit may exceed fifteen (15) seconds. All underwriting credits must appear at either

the beginning or end of the program, if the program is less than 1 hour. Programs longer than 1 hour may run underwriting credits once every 30 minutes. Underwriting credits may not appear in the middle of a program, unless the program exceeds 1 hour. Underwriters may also be acknowledged verbally by a host, during a program under these same terms and conditions.

An underwriting credit may contain:

- the company or person's name
- the company's logo
- the company or person's address
- a web site address.
- a video or photograph of a business or product
- a description of services
- a phone number of a commercial venture or person

An underwriting credit may **not** contain:

- a call to action ("come on down and take a test drive")
- comparative language ("we're better than Jill's pizza")
- a price
- any inducement to buy, sell, rent or lease

AH Production Services

AH may be hired to produce programs for a governmental, educational, or non-profit entity. AH cannot be hired, nor can the AH facility or AH equipment, be used, for any commercial projects. AH may also choose to produce programs at no charge, at the discretion of AH management. AH will dub programs from tape to DVD for playback for a small fee.

AH will make a rate sheet available upon request.

Production Partnerships with AH

As a service to producers, AH may choose to be a co-applicant for a grant or use its nonprofit 501-C-3 status to assist a producer in securing a grant. In all situations, AH will require a 20% administrative fee for all monies received.

Producers' and Presenters' Rights

Producers maintain ownership of rights to all original material.

Producers and presenters can request a program date and time for cablecast, in accordance with scheduling priorities.

Producers or presenters may request that their programming cease being aired, if they believe that the program information is outdated or obsolete.

Producers and presenters are not obligated to show or sponsor shows representing any viewpoint other than their own. Community residents with different and opposing viewpoints are encouraged to use the public access channel to express their own ideas.

Producers and presenters must comply with all Access Humboldt programming policies. Deliberate, flagrant or repeated violation of AH programming policies by presenters or producers will result in suspension from AH privileges and facilities, up to and including loss of rights to sponsor programs, for a period of time to be determined by Access Humboldt.

SCHEDULING AND PLAYBACK REQUIREMENTS

AH provides cablecast time free of charge to community members and to local organizations. Programming is accepted on a fair and non-discriminatory basis, and will be aired without editorial control. The channels exist primarily for the purpose of local expression. While you do not have to be a AH member to submit a program for playback, you must be a local resident.

"Request for Playback" Form

Every program submitted for playback, whether produced at Access Humboldt or elsewhere, must be accompanied with a completed "Request for Playback" form. The reason for this policy is to make sure that a local person assumes all responsibility for the program being aired. The person completing this form and requesting playback (the "presenter") assumes full responsibility for the program content, pursuant to AH rules and to all applicable laws and statutes. Programs can be rejected or delayed if this form is incomplete or inaccurate.

The "Request for Playback" form asks whether it has adult language; whether it has content or images that may render it inappropriate for children (e.g., excessive violence), nudity or sexual content. These boxes are required to be marked where applicable so that AH is properly informed. AH will not prescreen, censor, or control the content of any program. The presenter submitting a program for cablecast on AH's channels is fully liable for the content of all program material they present.

The "Request for Playback" form includes a clause indemnifying AH for any defamation, copyright infringement, or legal action resulting from cablecast of the program. The form will also include a signed statement attesting that the program does not contain illegal material, which may include, but is not limited to any unlawful use of copyright material, any material that violates local, state or federal law relating to obscenity or indecency; any material that is libelous, slanderous or defamatory in character; or material which constitutes an unlawful invasion or privacy.

AH strongly encourages that those submitting programs have signed standard releases from anyone appearing on their program. Sample release forms are available from Access Humboldt.

Closing Graphic Identification

Programs produced that used AH facilities or equipment must have the following wording in their closing credits:

"Produced at Access Humboldt utilizing community media."

AH encourages, but does not require, producers or presenters to include a legible slate allowing viewers to identify the local person or organization presenting the program. This slate would provide viewers with contact information in case of questions or concerns with the presenter's name and address. Phone numbers and e-mail contacts are optional. For a reasonable fee, AH staff will provide editing and production support for this producer or presenter contact information.

Program Submittal Deadlines and Requirements

All programs produced at AH will be mastered to DVDs or other format supported by AH, and must be submitted with a Request for Playback Form no less than two weeks prior to the desired airdate. Non-series programs will be scheduled only after a program has been received with a properly completed accompanying "Request for Playback" form and after AH has determined that the contents are playable on AH equipment.

If you need AH staff to transfer your program to DVD or other format, you must submit the program to AH staff one week in advance. If you want AH staff to add the closing credits or contact information, then submit

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the program a week in advance, with the necessary information provided clearly in writing. There will be a posted charge for adding the information slate and for dubbing to DVD.

DVDs of live programs and live-to-tape programs should be submitted to AH staff immediately following the studio shoot. The DVD and the case must be clearly labeled with the program name, and show number if it is part of an on-going series. Total Running Time, Date completed, and the producer's name and phone number should be provided.

Once a DVD is submitted to AH, it is logged into a database, scheduled for airtime, and is not available to the producer or presenter until the current scheduled "run" has been completed. Every program must be on a separate DVD.

How to Get Your Program on DVD

Programs made at AH are mastered to DVD. AH provides DVDs to AH members for their productions at a low cost. If you are bringing a program to us on DVD, it must conform to the requirements outlined below.

If you bring us VHS tapes of locally-made programs, AH will make DVD copies for playback of up to two programs per week for free to any one producer or presenter. After the second tape, AH will charge a \$10 fee per tape. All VHS tapes of imported (non-local) programs will be transferred for a \$10 fee for each tape.

Technical Requirements for Cablecast Transmission

DVDs do not require bars and tones, but AH can accommodate programs that already include them. The program should start within a second of the beginning of the DVD. To facilitate smooth playback in our automated playback system, each program should fade up from black within the first few seconds, and fade out to black at the end.

AH reserves the right to reject or pull from the schedule programs which fail to meet its minimum audio and video technical standards. Audio must be audible. The DVD must send a stable signal over the cable system.

Programs that do not meet published standards for technical requirements or which lack the proper identifying information will be returned for correction.

Program Length

Programs are normally scheduled in 30 or 60-minute timeslots, and should be 28:30 or 58:30 in length in order to allow for short announcements and AH promotions between programs. Programs that meet the 30 or 60 minute standard are easily scheduled. Programs that exceed this length may be cut off or rescheduled at AH's discretion to times when a longer time slot is available.

Programs that are 14 minutes or less in length may be used as "filler" at the end of other programs or may be bundled together in 30 or 60 minute programs. These short programs are more difficult to schedule but may receive more unscheduled airtime since they will be used as filler. There is no guarantee that any submitted Public Service Announcement (PSA) will air. AH intends to utilize the time between programs primarily for its own promotions, for short videos, and for intern-produced work.

Transferring Air Time

Airtime may not be assigned or transferred by producers or presenters to another program or individual.

Program Cancellations and No Shows

A presenter or producer may cancel a program or series at any time by notifying the Programming Coordinator in writing via email or regular mail.

A presenter or producer who is unable to deliver a program or produce a live program must inform AH of the problem at least two business days prior to the scheduled airdate. Three cancellations or no shows within a six-month season may result in loss of the regular scheduled timeslot.

PROGRAM CATEGORIES

Different categories of Programs

Programs airing on our channels come from four different sources. They can be produced at AH by AH members; produced elsewhere in the community; produced by AH staff; or imported from outside the area but sponsored by a local resident. It is important to know what type of program you are presenting for playback, because there are specific responsibilities for each type of production.

Access Productions are ones produced using AH equipment and/or facilities. Access Productions include single time studio programs, a series, and individual field productions. Access Productions must have a designated Program Producer, a current AH member who assumes responsibility for initiating a program idea, finding certified crew, completing all applicable AH forms, supervising crew, talent and guests, and complying with AH rules and responsibilities. Series programs may have an assistant producer, but all other Access Productions must have a single designated Program Producer.

Local Productions are programs submitted and produced by residents of Humboldt County (whether an AH member or not) that did not utilize AH facilities or equipment. Local Productions might include student work, documentaries made by a local resident, animation, community events, or short video projects. These programs may have been made at school, home, at another access center, or in a professional setting. Each Local Production must also have someone who completes the Request For Playback and assumes responsibility for the program. The content considerations spelled out above apply to Local Productions as they do to Access Productions.

AH expects and encourages community video producers to submit their work in order to find a venue for their programs. AH wants to expand its programming breadth, scope, and quality by actively soliciting videos produced by community members.

Local Productions will be scheduled and aired with the same priority as Access Productions. Local productions must be submitted on DVD.

AH Productions are programs produced by AH staff, volunteers and/or interns working with AH. AH is also responsible for producing or obtaining programming, including acquisition of curated programming, covering local events, and creating local programming which may air on access channels. AH staff will produce some programs of community interest for free, as time and funds allow. In addition, AH will offer fee-based production services to governmental, nonprofit, and educational organizations.

Import Productions are those programs produced by a person or organization not residing in Humboldt County. Every Import Production must have a local resident who initiates and signs the Request for Playback Form, and who assumes complete liability and responsibility for the program content. This information will be a public record, and, upon requests from viewers, AH will provide the information to callers.

AH will continue to accept Imports. However, they will air less frequently than Access Productions, Local Productions, or AH productions. They will be scheduled according to available airtime at the discretion of channel management. Imports that qualify as a series will also be scheduled according to available airtime. Import Productions must be either submitted on DVD or the submitter must pay AH a \$5 fee to copy the program to DVD for playback.

Series Programming

A series is defined as programming with a common theme, format, length and title that is produced weekly, on alternating weeks, or monthly. Each program in a series must contain at least 75% new material. No more than 25% of the programs can be re-runs. A series can originate from any of our four program categories: Access Production, Local Production, AH Production, or Import.

Applying for Series Status and the Programming Seasons

Presenters or producers may apply for a series status at any time. When series status is granted, a time slot will be reserved for that particular series program for the duration of that programming season. At the end of each programming season series time slots may be reassigned.

There will be two six-month long seasons per year. The first will begin February 1 of each year, and the second will begin August 1 of each year. Presenters who already have a series on AH and who wish to continue this series on the same time slot into the next season must reapply for renewal of series status prior to the ending of the programming season that is in progress. There is however, no guarantee that their current time slot will continue into the next programming season.

In order to give priority to presenters of new series, producers or presenters of existing series have a limited time to apply for renewal of their series. Presenters applying for a renewal of series status for the spring season beginning February 1 must submit their application to AH as early as November 15, and no later than December 15. Presenters applying for a renewal of their Series for the fall season beginning August 1 must submit their application as early as May 15 and no later than June 15. Access Humboldt reserves the right to consider applications that arrive after deadline at its discretion.

Presenters of new series programs may apply for their desired time slot at any time during the season, upon approval of their series, and after they have successfully submitted three programs to Access Humboldt for playback. If the time slot applied for is already taken, the presenter or producer of the new series has the option of applying for a different time slot that is available at the time of his/her application, or s/he can choose to wait for the end of the current programming season to apply for their first choice of time slot.

Time slots for series will be re-assigned on a first come, first served basis. In the event two presenters submit their request at the same time, for the same time slot, priority will be given to newly approved local series. In the event both are new, local series, priority will be given to the person who is a new presenter or producer with AH.

Requests for series status will be honored if the producer or presenter has completed, submitted, and successfully cablecast three individual programs, thereby demonstrating ability to produce or provide programming that meets playback standards.

For each programming season, series producers may request a specific playback slot. AH staff will make every effort to honor the time slot request, but will also take into consideration other programming priorities as described at the outset of this chapter. Maintaining a consistent series time slot from season to season is not guaranteed.

Presenters or producers must fill out an "Application for Series" form in order to be considered for series status. In addition, presenters must complete a "Request for Playback" form for each episode of their series.

AH reserves the right to determine time slots at its discretion. Presenters requesting series time slots are not guaranteed the time slot of their choice. Committed series time slots may be preempted at AH's discretion in order to play programs that are timely, newsworthy or urgent.

Series Episode Cancellation

Presenters or producers may cancel their series at any time

In order to maintain a regular series time slot, a presenter or producer must submit episodes as scheduled. Failure to submit two consecutive programs within a scheduled season may result in loss of the regular scheduled time slot and cancellation of the series.

PLAYBACK PRIORITIES, PROCESS, AND REQUIREMENTS

Priorities

AH staff will assign programs for playback with the goal of presenting a coherent schedule that maximizes fairness and diversity of expression, and which helps fulfill our mission. AH serves both producers and viewers and will work to develop schedules that are interesting, timely, logical and beneficial to the community. AH will reserve ample space for the individual voice, single-issue programs, and other non-series programming.

AH productions will qualify to air on any of the designated access channels. Programming submitted by accredited schools and educational institutions will qualify to air on channel 8, the channel designated for educational access. Programming submitted by government agencies will qualify to air on channel 10, the channel designated for government access. All other programming will qualify to air on channel 12, the channel designated for public access.

AH maintains the following general scheduling priorities:

- Access, Local, and AH productions are the highest priority
- new programs are favored over repeat ones
- building a regular viewership with a viable programming schedule is important

AH has final authority in all scheduling determinations.

AH will attempt to honor specific requests, but specific channel time, studio slots, and equipment use commitments cannot be guaranteed.

AH reserves the right to preempt previously scheduled programming in order to cablecast programs that are time sensitive and are of general community interest and public importance.

Playback Scheduling Procedures

Requests for playback and DVDs must be submitted two weeks in advance of the desired cablecast date. At the discretion of staff, if the desired time slot is available, the two-week submission rule may be waived to allow the timely cablecasting of time-sensitive or newsworthy events.

With the exception of live and series programs, channel time will not be scheduled until a program has been received with a properly completed and signed "Request for Playback" form, and audio and video has been tested on AH playback equipment.

AH will air each Access, Local or AH production at three scheduled times, preferably once at night, once in the morning, and once in the afternoon.

AH will commit to air each Import program once; additional airdates are at AH discretion.

Programs may be repeated and replayed more than the scheduled times at AH's discretion and as space permits. AH reserves the right to replay programs produced by members on access channels, as appropriate. AH reserves the right to limit or deny re-runs within six months of original playback.

Programs containing adult material will air only in the "safe harbor" hours between 11 PM-5 AM and must contain both a visual and audio warning as previously described.

Subject to change without notice.

AH reserves the right to interpret and implement these policies at its own discretion in order to further AH's overall mission.

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