



# ACCESS 12 TV COMMUNITY TELEVISION

## RULES AND PROCEDURES

GOVERNING THE USE OF EQUIPMENT, FACILITIES AND  
COMMUNITY ACCESS 12 TV BY THE PUBLIC

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## **I. PURPOSE**

The purpose of these rules and procedures is to manage community television equipment, facilities, and Access 12 TV in a fair and equitable manner. Individuals using community television equipment, facilities, and/or Access 12 TV are required to conform to these rules and procedures.

## **II. MEMBERSHIP**

### **A. Eligibility**

1. To be eligible for membership an individual must be a resident of the franchise area defined by the boundaries of ISD 2909 and must provide proof of residency if requested by staff. Membership expires when an individual moves out of the franchise area
2. With the permission of the Access 12 TV Board and payment of applicable fees, non-residents may be eligible for membership if they will be using Access 12 TV facilities and equipment on projects approved by and produced for an area non-profit organization.

### **B. Requirements**

1. Membership shall be granted to eligible individuals upon satisfactory completion of the Access 12 TV Orientation class.
2. To use Access 12 TV community television equipment and facilities, a member may attend one of the following classes: Studio Production, Portable Camera Production and/or Video Editing. Upon satisfactory completion of any class, a member will be certified to use the equipment corresponding to the class completed. Members may reserve and use only the facilities and equipment they have been certified to use.
3. Non-residents must submit, in writing, a program proposal approved by the area organization. Upon the approval of the proposal by the Access 12 TV Board, a limited membership will be granted to a non-resident only for the length of time needed to complete the area project. The proposal shall include proof of the organization's non-profit status and principle place of business.

### **C. Dues/Fees**

1. Resident membership dues are twenty dollars per year. The dues are waived for Mediacom subscribers living in the City of Eveleth and the Town of Fayal because a portion of the franchise fees paid by Mediacom to the City of Eveleth and the Town of Fayal help support Access 12 TV.
2. Non-residents. The fee for a non-resident limited membership is \$50. Studio and equipment costs may also be applied.

### **D. Representation**

Members must not represent themselves as an employee or agent of Access 12 TV unless so designated by the Access 12 TV station manager

### III. STANDARDS OF CONDUCT WITHIN ACCESS 12 TV STUDIO

Access 12 TV is publicly owned and housed within the Eveleth-Gilbert High School. All behavior, language, and dress must, at all times, be appropriate for a public place/school. The Station Manager is responsible for the safe, economical, and appropriate operation of the Access 12 TV Studio. All those using or visiting the Access 12 TV Studio must comply with his/her instructions and orders at all times and in accordance with ISD 2909 Policies.

- A. The following is a partial list of **prohibited** activities within the Access 12 TV Studio (and School property). Individuals found in violation of these rules will not be allowed to remain on the premises, may suffer an immediate suspension of membership, and may be subject to further disciplinary action.
1. Verbal or physical abuse towards any person, including, but not limited to, Access 12 TV staff, Access 12 TV members, Cable Board members, or visitors.
  2. Possession or use of illegal substances or alcohol and/or weapons on the premises of the School, including the School parking lot and other property.
  3. Obscene or indecent behavior as defined under state or federal law.
  4. Unauthorized use or access to facilities or equipment.
  5. Engaging in conduct or use of equipment that may jeopardize health and safety of people or property.
  6. Intentional destruction of equipment.
  7. Unauthorized installation or downloading of any software or file on Access 12 TV computers.
  8. Violation of any federal, state, or local law, ordinance or regulation relating to conduct in public or school buildings.
  9. Loud or disruptive behavior.
  10. Misrepresentation to others of status or affiliation with Access 12 TV.
  11. Failure to thoroughly clean up and neatly put away all equipment after using Access 12 TV facilities.
  12. Eating, drinking, or smoking in non-designated areas.
  13. Inappropriate dress.
  14. Loitering
  15. Children (under 12) unaccompanied by an adult.
  16. Animals, other than service animals assisting the disabled or for program purposes
- B. Process of Reporting Violations  
Any Access 12 TV member, staff, Cable Board member, or visitor who witnesses a violation of the Access 12 TV Studio or School conduct rules is requested to report the activity to the Station Manager. If the conduct in question could pose an immediate danger to health, safety, or property the proper law enforcement authorities must be contacted immediately.
- C. Limitation on Liability  
While Access 12 TV will attempt to provide a safe, healthy, and comfortable environment for all Access 12 TV members, staff and visitors while in and around the Access 12 TV Studio,

it does not assume any liability either expressed or implied for a violation of these rules that results in harm to persons or property.

#### **IV. ACCESS 12 TV REPRESENTATIVES**

- A. Access 12 TV representatives are responsible for the management and care of facilities and equipment. Representatives are also responsible for teaching members the proper use of equipment. They shall also be available to assist in solving production related problems. Access 12 TV representatives are not to be directed by members or others using equipment and facilities and they should not be relied upon to fill production crew positions or to help them organize productions.
- B. The Access 12 TV representatives have the right to utilize any form and to adopt any procedure which is necessary to carry out the intent of these rules so long as the form or procedure is not inconsistent with these rules. A copy of all such forms or procedures shall be filed with the Access 12 TV office.

#### **V. PROHIBITED USE OF EQUIPMENT AND FACILITIES**

- A. Members' use of Studio and equipment for the following purposes is **prohibited**:
  - 1. To produce any program for hire.
  - 2. To produce any ad or commercial.
  - 3. To produce or cause to be distributed any program which violates Access 12 TV rules or any local, state, or federal laws or regulations, including, but not limited to, laws or regulations prohibiting obscenity or obscene material; materials soliciting or promoting unlawful conduct; sexually explicit conduct; or concerning copyright; patent; trademark; or licensing matters.
  - 4. To produce a personal program or event such as, but not limited to, an engagement or wedding, birthday/anniversary party, baby/wedding shower or audition/resume tape unless it can be satisfactorily demonstrated to the Station Manager that the program has significance for area residents.
- B. Members who violate these rules will be assessed a rental charge as follows:
  - 1. Portable camera: \$300 per day
  - 2. Editing services: \$80 per hour
  - 3. Studio: Up to \$500 per hour
- C. Members may also lose their privilege to use Access 12 TV equipment and facilities for violating these rules.

## VI. FACILITIES AND EQUIPMENT USE

Access 12 TV television facilities and equipment are available free of charge to members for training and to produce television programs which are specifically intended for televising on Access 12 TV.

- A. Requirements to use facilities and equipment.
  - 1. All members must agree to comply with and be bound by all provisions of these rules.
  - 2. All members must execute all assurances and releases.
  - 3. All members must complete all required forms.
  - 4. All members must be responsible for the equipment and will be liable for any loss or damage, normal wear and tear excepted.
  - 5. All members using equipment and facilities will be expected to produce a program or cablecast within two months unless approved by the Access 12 TV Station Manager.
  - 6. All members must provide their own recording media. (Recording media must be approved by the Access 12 TV Station Manager prior to its use.)
  - 7. All members must be on time to pick up and return equipment. Members must also be on time for studio and editing reservations. If a member is going to be thirty minutes late for any appointment described in this paragraph, they must telephone the Station Manager and notify him/her in advance. If a member is more than one hour late for a reservation, staff may give their reserved equipment/facilities to another member and the member may be found in violation.
  
- B. To reserve equipment and facilities
  - 1. Portable Equipment

Portable cameras and related equipment are available on a first come, first served basis. However, Access 12 TV members may reserve portable cameras for a weekend only once per month.

    - i. Reservations for a portable camera and related equipment are required and cannot be made more than two months in advance.
    - ii. Portable cameras and related equipment may be checked out for up to 48 hours. Equipment checkouts exceeding 48 hours may be booked at the discretion of the Station Manager.
    - iii. Members who are under eighteen years of age must have a parent or guardian sign for, pick up, and be responsible for all equipment, which leaves the direct supervision of an Access 12 TV employee.
  
  - 2. Studio Facilities
    - i. Studio facilities are available on a first come, first served basis and reservations may be made only by a member who is the producer of the program.

- ii. The producer of the program is the person in charge and the one who has the final say as to content, guests, crew, etc.
- iii. Reservations for studio facilities are required and cannot be made more than two months in advance.
- iv. To ensure the safety of those participating in programs, studio audiences may not exceed 10 people without the consent of the Station Manager.
- v. Set storage space is available for storage of Access 12 TV-owned set material. No tapes or other personal property may be stored.

3. Edit Suites.

Editing will be done under the guidance of the Station Manager.

4. Cancellation of Reservations

If a member makes a reservation for equipment and/or facilities and for any reason cannot keep the reservation, the member must notify the Station Manager 24 hours in advance and cancel the reservation, emergencies excepted. Cancellations may be considered a violation of this rule and will be subject to the provisions of Section XII.

C. Rates and Charges.

The Access 12 TV Cable Board may establish rates and charges for the use of equipment and facilities.

**VII. PROHIBITED PROGRAM CONTENT**

- A. Advertising materials or other program content which promotes a commercial product, service or business firm.
- B. Programming which contains obscene material, sexually explicit conduct, or materials soliciting or promoting unlawful conduct, as those terms are defined or interpreted in regulations issued by the Federal Communications Commission.
- C. Material which seeks to raise money or solicit donations for any group, business or non-profit organization with the exception of Access 12 TV Cable Board approved fundraising events.
- D. Personal programming events such as, but not limited to, an engagement or wedding, birthday/anniversary party, baby/wedding shower, or audition/resume tape unless it can be satisfactorily demonstrated to the Station Manager that the program has significance for area residents.
- E. Programming which violates any federal, state or local laws, or rules or regulations adopted pursuant to such laws, including but not limited to infringement of copyright, patent, or unauthorized use of trademark.

## VIII. ACCESS 12 TV TELEVISION PROGRAM CONTENT

- A. Rules applicable to programs on public access channel 12 (Access 12 TV).
1. For a program to be cablecast on Access 12 TV, it must meet one or more of the criteria below:
    - a. The program was made with the hands-on assistance or was produced by a member or a resident of the franchise area.
    - b. The program was made using Access 12 TV equipment.
    - c. The program was made with the hands-on assistance or was produced by an organization located in our service territory on behalf of that organization and with the organization's prior approval.
    - d. Exclusivity must be granted to Access 12 TV.
  2. If it does not meet these criteria, but is a public access program, it will be cablecast as channel time allows and at the station managers discretion.
- B. Technical Requirements
1. Please check with the Station Manager before submitting material to be sure the format is compatible with the system.
  2. To ensure that the program runs completely, please label the media and include accurate timings.
  3. Members planning live presentations. Please consult with Access 12 TV staff concerning the special demands of live production and additional requirements as may be deemed necessary by Access 12 TV staff.
- C. Obtaining Necessary Clearances
- All individuals who are submitting programs must make all necessary arrangements with and obtain required clearances from broadcast stations, networks, sponsors, music licensing organizations, performers' representatives, authors, composers, and any and all other persons or entities whose material they use in whole or part.
- D. Content of Programs
- Those submitting programs for cablecast are responsible for the program content. All those submitting programs will indemnify and hold the Access 12 TV Cable Board, Access 12 TV Station Manager (and representatives) and the cable company, their officers, directors and employees, harmless from any and all liability or other injury, including, but not limited to, costs of defending claims or litigation arising from or in connection with:
1. Claims for failure to comply with any laws, rules or regulations of federal, state or local government;
  2. Claims of libel, slander or invasion of privacy;
  3. Claims of infringement of copyright, patent, or unauthorized use of any trademark;
  4. Claims of other injury or damage in law or in equity which claims result from or are connected with the user's use of Access 12 TV equipment, facilities, channel transmission, or other resources

E. Underwriting and Plugs.

Advertising material or other program content which promotes a commercial product, service or business firm is considered a plug. However, Access 12 TV permits programming which contains program underwriting credits and plugs under the following conditions.

1. Underwriting

- a. Access 12 TV may program underwriting credits according to policies adopted by Access 12 TV Cable Board.
- b. The proceeds from underwriting can only be used to pay for the direct costs of the program, costs such as sets, copies, Access 12 TV fees and crew costs.
- c. Underwriting must be clearly identified as credits by stating, "This program was made possible (in part) by a grant from \_\_\_\_\_."
- d. Underwriting may not contain comparative or qualitative language about the underwriter or its product.
- e. Underwriting may display on screen the name, address and phone number of the underwriter.

2. Plugs

The primary purpose of programming on public access channels is to inform and entertain, not to promote or sell goods or services. However, it is permissible to plug or mention a product or service of a guest(s) or subject(s) of a program if the producer, host, or other crew members have no direct financial interest in the product or service. Plugs which include a phone number or address or display the product may occur up to five times during a program and may not be longer than fifteen (15) seconds.

F. Preview of Programs by Access 12 TV

Access 12 TV reserves the right to preview prior to cablecasting any program to determine whether or not the theme and content of the program is consistent with the description of the program provided by the user, and to determine whether or not the program violates these rules. If the Station Manager finds that any of these rules would be violated by cablecasting a particular program, it may request the user to remove the portion or portions of the program which would constitute the violation. If a user refuses to remove the material, which constitutes the violation, the user's program will not be cablecast. The user may then request a review of the decision by the Access 12 TV Cable Board. The preview of a program by the Cable Board does not relieve the person submitting the program from any responsibility for the content of the program.

## **IX. PROGRAM SUBMISSIONS**

A. Programs which meet the requirements specified in Section VIII will be cablecast in accordance with the following rules:

1. Public access channels are available on a first come, first served basis. Regular timeslots are also considered when scheduling.
2. Requests to program the public access channel must be made on forms provided by Access 12 TV not more than six weeks or less than two weeks prior to the desired dates of cablecast. This rule may be waived by the Access 12 TV Station Manager.



3. Each program will be cablecast at least once.
  4. Programs will be scheduled according to open channel time.
  5. Before and after any program, Access 12 TV reserves the right to present a disclaimer and to identify or otherwise promote or provide information about organizations which support Access 12 TV.
  6. Programs that are cablecast are simultaneously live streamed on Access 12 TV's website. Some programs are also available as on demand programs.
    - a. On demand programs will have been previously cablecast on Access 12 TV and are subject to same rules as are in effect for all cablecast programs.
    - b. On demand programming consists of videos uploaded to the Access 12 TV YouTube channel and available via links on the Access 12 TV website or by browsing directly on our YouTube channel.
- B. Members who produce recurrent programs may apply for a regular timeslot. Members may submit programming for a regular timeslot on a weekly, bi-weekly, or monthly basis. Timeslots are granted at the discretion of the Access 12 TV Station Manager.

**X. COMMUNITY TELEVISION CHANNEL AND WEBSITE**

Access 12 TV programming can be found on Mediacom Channel 12, at [www.access12tv.com](http://www.access12tv.com) and at [www.youtube.com/user/ACCESS12TV](http://www.youtube.com/user/ACCESS12TV)

**XI. PROCEDURES FOR HANDLING ALLEGED PROHIBITED CONTENT**

Once an Access 12 TV representative is alerted to the fact that, or has reason to believe that the content of programming may be in violation of these Rules, the Access 12 TV representative shall immediately notify the Station Manager. Whereupon, the Station Manager and/or the Access 12 TV Cable Board shall take the following action(s):

- A. If at the time of the notification the suspected program is being cablecast, the Station Manager will pull the suspect program off the air.
- B. If at the time of the notification the suspected program is not being cablecast, the Station Manager will make the program unavailable for cablecast.
- C. The Station Manager shall review the program with the Access 12 TV Cable Board to determine whether it may violate Access 12 TV's rules.
- D. If the program is found to not be in violation of the rules by the Access 12 TV Cable Board it will be made available for playback.
- E. If the program is in violation of the rules, the Access 12 TV Cable Board shall notify the producer of the program regarding the alleged violation and allow the producer the option of modifying the program or appealing to the Access 12 TV Cable Board.
- F. If the Access 12 TV Cable Board determines that the program is in violation of the rules, the Board may direct the Station Manager to take appropriate corrective action, including not cablecasting the program and/or, if necessary, notifying state or local authorities.

## **XII. RULE VIOLATIONS**

A record will be kept of those members and non-members who violate these rules. Depending upon the severity or the frequency of the violation, members may be banned.

## **XIII. INDEMNIFICATION**

- A. Those using Access 12 TV equipment, facilities or channel are responsible for the content of the programs they submit for cablecast. Prescreening of programming by Access 12 TV will not excuse users from this responsibility. Each user agrees to hold the cable company, the Access 12 TV Cable Board, and Access 12 TV harmless for any claims and attorney's fees and other costs relating to the user's programming, including, but not limited to, slander, libel, defamation and obscenity claims that matters for indemnification by programmers also include copyright, patent or trademark infringement claims.
- B. All users will hold the cable company and Access 12 TV harmless from any and all claims relating to the use of the facilities, equipment and channel time.

## **XIV. APPEALS**

Any person who disagrees with a decision of the Station Manager as to the application of these rules or to suspend them for violations may request a review and determination by the Access 12 TV Cable Board.

- A. Such a request must be made in writing and submitted to the Station Manager of Access 12 TV within twenty (20) days of receipt of the decision.
- B. The Station Manager will bring the matter before the Access 12 TV Cable Board at the next regularly scheduled meeting. At the meeting, the Board will either:
  - a. Make a determination and direct a written statement of it to the party requesting the review; or
  - b. Designate a Board Director or a committee to review the matter further and issue a determination within twenty (20) days to the person requesting the review.

## **XV. INTERPRETATION**

Access 12 TV reserves the right to make all interpretations, clarifications, and applications of these rules, in its sole discretion, as may be necessary from time to time.

## **XVI. SEVERABILITY**

In the event that any section, or part thereof, of these Rules and Procedures is deemed invalid, unenforceable or otherwise in violation of any local, state or federal law, such section, or part thereof, shall be deemed null and void and of no effect but all other sections, and parts thereof, shall survive and be enforceable

**XVII. ACCESS 12 TV GOVERNANCE**

The City of Eveleth, the Town of Fayal and Independent School District NO. 2909, Eveleth – Gilbert created the Joint Cable Television Access Board to organize, manage, conduct, operate and facilitate community-oriented television programming on access channels set aside by cable operators for public, educational, governmental (PEG) use as required by the cable operators’ agreements with the local franchising authorities.

The current members appointed to the Access 12 TV Cable Board are:

**Joint Cable TV Access Board**

Chairman: Ken Larsen – Eveleth

Vice Chair: Tony Tammaro – Fayal

Treasurer: Gene O’Brian – Fayal

Secretary: Tom Prosen – ISD 2909

Director: Polly Sorcan – Eveleth

Director: Timothy Nybo – Eveleth

Director: vacant - ISD 2909

The Joint Cable Television Access Board contracts for station management services.

**Access 12 TV Station Manager**

Hugo Mariucci

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