

# Durham Community Access Television Policies

## Section 1: Mission Statement

To foster a more democratic, informed and engaged citizenry for the town of Durham, NH.

### Our goals are:

- To increase awareness of and participation in the democratic process
- To be a resource for the expression of free speech for our community
- To celebrate the cultures, experiences and ideas of our community

### Our values are:

- Respect for the ideas and opinions of the citizens of Durham
- Respect for the principles of freedom of speech and the democratic process
- Respect for the importance of dialog between the citizens and their elected representatives

We will accomplish our goals by providing programming and content over the Durham Community Access Television Channel(s). We will provide governmental and educational programming which promotes participation and awareness of governmental and educational matters. We will provide equal access to all Durham residents to public access broadcasting without regard for political, social, economic, religious or other views or beliefs. In terms of public access we will act as a resource for the expression of free speech.

## Section 2: Definitions

**Durham Community Access Television** is a public, educational, and governmental resource provided by the franchise agreement between the Town of Durham and Comcast. All public access is administered on a non-discriminatory basis.

DCAT is the logo and call name of the channel that originates from the Durham Town office or other official origination sites in the town. Priority of programming will be determined by the DCAT Coordinator. Live governmental broadcasts will take precedence over other broadcasts.

**The DCAT Governance Committee** is comprised of two entities: the Town of Durham and the Oyster River School District. Each entity is responsible for the operation of their respective equipment, control rooms, and studios. The DCAT Governance Committee has been charged by the Durham Town Council with the task of oversight of the town's responsibilities.

### Public Access Programming

Any programs that fall outside of educational and governmental programming.

## **Educational Access Programming**

Programs of an educational nature.

## **Government Access Programming**

Programs produced by employees or officials of the town of Durham or the Oyster River School District. These may include broadcast of any public meeting, as that term is defined by RSA 91-A, profiles of town services, and discussion of community issues, as well as other programming which serves the mission of the various departments of town government.

## **Section 3: Public Access Eligibility**

All citizens in the town of Durham are eligible to produce Public Access programming for airing on DCAT channel(s). Members or employees of Durham-based entities under an organizational membership may also produce programming for airing on DCAT channel(s). All citizens of the Town of Durham age 18 and over are eligible to become Public Access producers. Individuals under 18 must have parental authorization and parents must assume responsibility for liabilities and equipment damage that may result from the minor's membership.

All Public Access producers must sign a statement of compliance (Form 1.4) indicating they have read and understand the policies within this document.

## **Section 4 Facilities & Equipment Use**

The Durham Community Television Studio and Production Control Room are located at the Oyster River High School. The facilities will be available to all DCAT-approved producers. Producers must demonstrate competency with equipment through completion of a video course (or equivalent experience) or by hiring an employee of the Oyster River High School or the town of Durham. The Studio is subject to the rules and regulations developed jointly by DCAT and the Oyster River School Department.

The town facilities are available for authorized users by appointment. The DCAT Master Control Room and the DCAT Office are located in the town office building. This facility is used for the playback of recorded tapes and for recording events held at the Town Office meeting room.

### **Security**

The security of the Town Office, Oyster River High School, Control Room, Studio and all equipment, portable and fixed, is of the utmost importance. No unauthorized personnel shall be allowed access nor shall any unapproved activities be tolerated. Failure to abide by these provisions shall be cause for permanent revocation of all use privileges.

### **Facility Rules**

- No food or drinks are permitted at any time in proximity to the equipment.

- There is no smoking or alcohol allowed in any of the DCAT facilities.
- Studio and edit areas should be left in an orderly fashion. Cables should be coiled neatly and put away. Microphones should be returned to the audio cabinet. Tapes and other materials should not be left behind after a shooting or editing session.
- Individuals using DCAT equipment or studio facilities will not change wiring, patch bays, or components without coordinator permission and supervision.
- DCAT users are NOT permitted outside the High School Control Room and studio during hours when school is closed and the alarms are set.
- DCAT users are not authorized to use any school computers or equipment unless they have made previous arrangements with school personnel. DCAT users are not permitted in any offices or non-public spaces in the town office other than the DCAT studio.

### **Proper Use**

- Mastery of equipment use must be demonstrated to the DCAT or Oyster River High School Coordinator in order to reserve, sign out, or operate DCAT equipment or facilities.
- Only people directly involved in the production of programming for DCAT are allowed in the facility.
- Equipment and Facilities are made available to members with the understanding that said equipment and facilities are being used to produce programming for DCAT. Requests for equipment and facilities may be denied if continued use does not result in finished programming within a reasonable amount of time.
- Upon return of equipment, all items not normally belonging in camcorder cases (i.e. extra microphones, cables, lights, tapes, etc.) should be removed. Batteries should be fully charged before returning equipment. The equipment must be returned in good condition. Evidence of the mishandling of equipment can lead to revocation of sign-out privileges.
- Requests for Production Time will be made using the reservation Form 1.1. Production and editing time is signed out on calendars posted in the control room and is subject to rules and regulations developed jointly by the DCAT Governance Committee and the ORCSD.

### **Damage**

- Each producer is responsible for repairs and/or replacement for damage to equipment while in their possession.
- Equipment problems and damage should be reported to a DCAT staff as soon as possible.
- No attempts should be made to repair equipment. Any damage caused in this manner will be charged to the user.

### **Reservations**

- Town facilities and equipment must be reserved in advance through the

appropriate DCAT Coordinator. Oyster River School District facilities may be made available through the appropriate Oyster River School District staff member.

### **Media**

- Producers of programming will be responsible for providing an approved, broadcast-ready copy to the DCAT coordinator for DCAT archives and for airing. This copy will not be returned to the producer.
- The purchase of all materials (i.e. videotape for raw footage) is the responsibility of the producer.

### **Archives**

- Copies of previously-aired meetings will be available at the public library.

## **Section 5: Programming**

DCAT requires all access users to accept full responsibility for program content in keeping with local, state, and federal laws and any other regulations that apply to program content and its cablecast.

### **Procedures**

- All broadcast-ready programs, along with all required forms, must be submitted to the DCAT Coordinator for review prior to broadcast. The timeframe for submission will be set by the DCAT Coordinator.

### **Copyright and Liability**

- Each producer is responsible for the content of Public Access Programming they submit. (Form 1.3)
- DCAT reserves the right not to air any program which violates copyright or libel laws.
- Producers are required to submit the correct form that certifies that they have obtained copyright rights and signed release forms for anyone appearing in their production.

### **Release Forms**

Producers must certify that they have obtained appropriate release forms for person(s) appearing on a program which will be cablecast. Parents or legal guardians must sign for children under the age of 18. These forms will be kept on file at DCAT. Exceptions to this rule include recording of public events such as government meetings, sporting events, or in some other public location or forum.

### **Controversial Programming**

- All comments about any program will be forwarded to the producer. All producers must supply DCAT with current contact information.
- Programming which presents adult themes or contains strong language or explicit video will carry the disclaimer; "This program contains (strong language) (explicit video) or (an adult theme) which may not be suitable for

sensitive audiences. All promotions for that program will contain the same disclaimer. Programming meeting these guidelines will not be shown between the hours of 6:00am and 11:00pm per section 505 of the 1996 Telecommunications Act.

- The following types of programming will not be aired. Producers may appeal their program's rejections to the DCAT Governance Committee. The Town Council will have ultimate determination at the local level.
  1. Programming that solicits or promotes unlawful conduct.
  2. Material which constitutes libel, slander, invasion of privacy, or which might violate other local, state or federal law.
  3. The direct or indirect presentation of lotteries or lottery information.
  4. Obscene Programming.

### **Commercial, Nonprofit and Not-for-Profit Use**

- Local business sponsors of programming, including nonprofit and not-for-profit organizations, who wish to contribute monetarily or by other means, may be acknowledged and identified during the broadcast of the program to include the name of the organization, the location, and the product or service they provide. The acknowledgments shall **not** include the following:
  1. Pricing information
  2. Direct sales of commercial products, businesses or services during a program.
  3. Material which identifies any product, service, trademark, or brand name in a manner that is not reasonably related to the non-commercial use.
  4. The direct solicitation of funds (without first receiving permission from the DCAT Governance Committee)

### **Bicycled Programming**

- Programs not produced by DCAT Governance Committee members (bicycled programming) may be aired on the Public Access channel as long as the program meets the following criteria: a Durham resident, or the DCAT Coordinator, agrees to act as a local sponsor and submits the appropriate forms.

### **Program Credits**

- Program credits for underwriting and grants must be for goods, services, and in-kind contributions and/or donations that aid in developing or improving programs. Any underwriting revenues remain with DCAT.
- Verbal and written credit for underwriting should be in the manner of "This program was made possible through a grant by..." or "Goods and services used in this program were contributed by..."
- Programs will include a disclaimer at the beginning and end of the program. "The views expressed in this program are not necessarily those of DCAT or the Town of Durham."

## **Section 7: Bulletin Board**

DCAT may broadcast a Bulletin Board (BB) that may run whenever a live or taped program is not being aired.

### **Subject Matter**

Announcements that fit the criteria listed below (Acceptable Subject Matter) may be aired without review by the DCAT Governance Committee. The DCAT Coordinator may bring any questionable announcement request to the Committee. Material deemed commercial, political, lewd, inflammatory, or personal is not allowed. Appeals of rejection may be made to the DCAT Governance Committee. Further appeal will be to the Town Council. The decision of the Town Council is final.

### **Examples of Acceptable Subject Matter includes:**

- Notices of Town or School public meetings: i.e., Council, Planning Board, School Board, etc.
- Notices of vacancies for town committees and boards
- Notices of try-outs or games for various school and private athletic teams
- Town or School District sponsored events
- Notices of events for non-profit organizations such as the Boy Scout Christmas tree sale
- Notices of church-sponsored events such as building dedications, garage sales, and fairs
- Special events of local or regional interest

### **Material submission**

With the exception of town and school meetings and events, all material for the BB shall be submitted to the DCAT Coordinator in a jpeg or word processing document. The request shall include the following information:

- Event name
- Brief description
- Date and Time
- Place
- Contact Person
- Contact Phone Number
- Start Date
- End Date

The DCAT Governance Committee and the DCAT Coordinator shall assume no liability for delays in putting material on the BB. Announcements should be submitted at least 10 days in advance of the event.

### **Political Candidates and Access**

- FCC regulations applying to political candidates and issues do not apply to

"Public Access". The two rules most referred to are the "Equal-time Rule" which applies to political candidates and the "Fairness Doctrine" which states that broadcast programmers must give time to diverse sides of an issue. The FCC "Personal Attack Rule" also does not apply to "Public Access".

- No paid advertising will be accepted on behalf of candidates for public office or political parties on DCAT.
- Public Access users are under no legal obligation to show any view other than their own. Community residents with diverse viewpoints are encouraged to use public access to express those views. The committee will make an effort to present opposing viewpoints in similar time slots.

## **Section 8: Disciplinary Action**

DCAT reserves the right to temporarily suspend or permanently remove access privileges for violation of any of the articles in the Policy Statement of DCAT.

There will be no refund of any fees paid in the event of a suspension or removal.

## **Section 9: Grievance Procedures**

- **Informal**  
Any grievance regarding DCAT facilities or equipment use shall be brought before the DCAT Governance Committee for deliberation. If that consultation does not result in an acceptable solution within a reasonable timeframe, a formal grievance may be submitted.
- **Formal**
  - A. Any person aggrieved by a decision enforcing or interpreting these procedures who is unable to resolve that grievance by the informal procedure outlined above may file a written appeal to the Town Council describing the nature of the grievance and describing what procedure and operating rules are implicated by the appeal. The Town Council may, at its discretion, hear the appeal under this Chapter or designate that this appeal be heard by another authority. The board shall have discretion to appoint an ad-hoc hearing authority or designate that the appeal be heard by a standing or already constituted authority.
  - B. The Town Council or its designee shall, within thirty (30) days of receipt of such writing, hold a hearing on the grievance. The program director shall be provided a copy of the written grievance and shall present the position of DCAT at the hearing.
    1. No formal rules of evidence or procedure shall be required for such a hearing, but the Town Council, or its designee, shall hear all evidence it deems relevant and shall permit both parties to address the issues raised by the grievance.
    2. The Town Council, or its designee, may consider testimonial,

- documentary or other types of evidence.
3. Within thirty (30) days of the close of such a hearing, the Town Council or its designee shall issue a writing deciding the grievance.
    - a. The decisions of the board or its designee shall be based on the evidence subcommittee to it at the hearing.
    - b. The decision may grant the grievance, deny the grievance, or neither grant nor deny the grievance, but modify the interpretation and action of DCAT in interpreting or enforcing the Operating Rules.
    - c. The decision shall remand the matter to the DCAT program director for action consistent with the decision of the Council, or its designee, on the grievance.

## **Section 10: Technical Guidelines**

Programming submitted for broadcast must conform to the following guidelines:

- Media submitted for playback should be of the highest possible picture and sound quality.
- Acceptable media standards will be set by the DCAT Coordinator.
- Each program should be submitted on its own individual media.
- All media should be clearly labeled and include the title of the program, producer's name, date completed, and total running time of the program
- Program runtime calculations shall not include pre and post roll.
- All media should conform to proper video broadcast levels
- Any media that does not meet all of the above criteria may be returned to the producer so that they may make any necessary changes.

## **Section 11: Policy Amendments**

These policies may be amended by a majority vote of the full committee membership present at any regular meeting provided that a minimum of 20 days written notice of changes is provided." Amendments will then be submitted to the Town Council for adoption. DCAT reserves the right to waive any self-imposed regulation when such a waiver is judged to be in the public interest. Such waivers must have the approval of the approval of the Committee

## **Section 12: Structure**

DCAT is run by the DCAT Governance Committee of the Town of Durham under the authority of the Town Council which is the Franchising Authority. The committee shall consist of eight (8) members reflecting a broad spectrum of the community. The committee shall have among its members at least one member of the Town Council to be appointed by the council. Additionally the committee shall include a representative of the Oyster River School District, who shall be appointed by the district and confirmed by the Town Council. Additionally the

committee will include a representative from the University of New Hampshire. The other five members will be individuals who by education, avocation, experience, or genuine interest may serve effectively to administer Durham's Community Access Channel (DCAT Channel 22). Three (3) members shall be appointed to three-year terms and two (2) members shall be appointed to two-year terms, such terms to be staggered. The Town Council, ORCSD, and UNH representatives will each serve one-year terms.