

River Falls Community Television Policies and Procedures
City Council Approved October 25, 2011 (Resolution No. 5523)

Purpose

The purpose of these policies and procedures is to manage public and government access television (“community television”) equipment, facilities and access channel in a fair and equitable manner. Individuals using community television equipment, facilities and access channel are required to conform to these rules and procedures.

Overview

Use of the River Falls community access television channel is considered a democratic right of responsible River Falls citizens. RIVER FALLS COMMUNITY TELEVISION (RFC-TV) offers users free usage of television equipment for the production of community programming, in addition to training and instruction in television production techniques.

Like citizenship itself, community access demands certain standards of behavior. With the intention of keeping restrictions to a minimum, these pages spell out the standards for RFC-TV. Please accept and abide by our rules and regulations, in the spirit of cooperation, which makes RFC-TV a communication opportunity for everyone. RFC-TV rules are administered by the Communications Coordinator of RFC-TV and his/her staff.

Definitions

RFC-TV: a cable channel dedicated for use by non-profit organizations, persons or groups residing within the City of River Falls’ franchise area on a first-come, non-discriminatory basis including race, creed, sex, religion or general consent of programming. The channel is also used for governmental programming.

Community Producer: the person, group, organization or other entity who conceives of the program idea and manages the production of the program (weather the production is done by the community producer or another crew).

Access User: refers to a person who attends the introductory public access television course, acknowledges the receipt of the policies and participates in courses offering further certification.

Advertising Material: any material in a program designed for the sale of commercial products or services, or the solicitation of donations, remuneration, or barter.

Obscene, Indecent and/or Libel Material: any material in a program and/or presentation that would be deemed obscene, indecent or libel by local community standards or by standards established by any federal, state or local regulation or law applicable to cable television.

1. **Obscenity:** the Supreme Court has defined obscenity as works which, taken as a whole, appeal to the prurient interest in sex; which portray sexual conduct in a patently offensive way, and which taken as a whole, do not have serious literary, artistic, political, or scientific value.

2. **Indecency:** in a 1992 policy statement, the Federal Communications Commission defined indecency as Language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs.

3. **Libel:** Defamation by publishing or broadcasting that may expose its subject to public hatred, shame or disgrace.

Cablecast: to send video and audio signals through a coaxial cable television system instead of traditional broadcast (over-the air) systems.

Video-on-Demand (VOD): a service that allows RFC-TV to offer its original video programming online for viewer to watch anytime. www.rfcity.org/RFCTV

Copyright: the exclusive legal right of publication, duplication, imitation, or sale of literary, musical or artistic work. All necessary copyright clearances are the sole responsibility of the access user.

Lottery/Raffle: any promotion, contest or other program that involves the elements of prize, chance and consideration, which is considered a lottery/raffle under applicable local, state or federal laws.

I. Who May Participate:

A. RFC-TV equipment and facilities are owned by the City of River Falls and are reserved primarily for use by River Falls residents. Persons eligible to become Access Users and use RFC-TV equipment and facilities include:

1. All River Falls legal residents, defined as “residing within River Falls city limits,”
2. Residents of surrounding townships/areas when he/she will be working on a River Falls program.
3. Members and employees of commonly recognized local non-profit organizations which serve the River Falls community.

B. Production facilities and equipment will be made available to RFC-TV Access Users and Community Producers on a first-come, first-served, non-discriminatory, non-monopolistic basis, provided they:

1. Have successfully completed all courses as RFC-TV requires and passed the evaluation given at the conclusion of the courses; OR can demonstrate the basic operation of the requested equipment.
 2. Complete and submit all documents as RFC-TV requires for use of equipment and facilities.
- C. RFC-TV invites younger residents to learn community television production techniques, and welcomes their participation in the community access process. It is necessary for access users under the age of 18 years of age to have their parent or guardian co-sign all required documents. The co-signer is then responsible, along with the user, for all costs which may be incurred as a result of damage to the facilities or equipment, other than normal wear and tear. Residents under the age of 16 wishing to use the RFC-TV facilities can do so only when in the presence of their parent or guardian. Parents or guardians are then responsible for the actions of their child and for all costs that may be incurred as a result of damage to the facilities or equipment, other than normal wear and tear.

II. Producing a Program:

- A. After attending and successfully completing the necessary training classes required, Access Users may begin producing a program. RFC-TV cablecast schedules are based upon series programming. Whenever possible, RFC-TV encourages Access Users to produce programming on a regular basis, however, one-time or special programs are also accepted.
- B. Community Producers are responsible for gathering their own volunteer crew and equipment in producing their program. RFC-TV staff can assist with providing producers with the proper equipment and passing on the volunteer list.
- C. Recording/Playback Media:
1. Community Producers are responsible for providing their own DV (Digital Video) tapes for field and/or studio productions. RFC-TV will provide a list of vendors that carry DV tape. RFC-TV will provide the DVD for mastering programs for playback when the program is edited at RFC-TV facility. Community Producers are responsible for providing their own DVD's when submitting master programs that have not been edited at RFC-TV facility. Final edit masters set for cablecasting can have only one program per DVD.
 2. Any program submitted for cablecast on RFC-TV must be on DVD. Exceptions may be made for other media, however, a transfer fee may be charged to dub original program materials to DVD.

3. Each DVD submitted for cablecast on RFC-TV must include:
 - A completed RFC-TV Cablecast Request Form
 - Labels on the DVD & cover
 - Name of the program
 - Name & phone number of producer
 - Total running time of the program (TRT)
 - Date program was completed

D. Duplications:

1. The following fees are charged for DVD duplication of RFC-TV programming:
 - First DVD ordered will be \$15.00
 - More than one DVD ordered of the same program will be \$10 each
2. Producers are allowed one free DVD of their own program. If multiple dubs are required they will be subjected to normal duplication costs.
3. RFC-TV reserves the right to make copies of programs submitted for cablecast on the channel, except in situation in which a Community Producer has written notice of copyright on his/her program.

E. Sponsorship & Underwriting:

1. Underwriter Acknowledgements: RFC-TV community producers may choose to solicit underwriting funds for documented production expenses. Community Producers or their crew may not receive financial remuneration in underwriting agreements. However, local resident producers may list acknowledgements of program sponsors in accordance with Public Broadcasting System (PBS) Guidelines. A total of 2:00 minutes will be allowed per program for underwriter acknowledgements. Before soliciting for any underwriting, local resident producers must present a written proposal to the Communications Coordinator for his/her approval. When documented production expenses (mileage, food, production supplies, props, etc.) are made, they may include:

- A trade name or brand name;
- Location, website and phone number;
- Logos or slogans that are not of a promotional nature;
- Value-neutral descriptions of a product line or service that aid in identifying the contributor;
- Names or service listings that do not include qualitative or comparative language.

2. Non-Commercial: RFC-TV Community Producers are not allowed to promote the goods or services of any underwriter or donor. In order to avoid “promoting,” announcements made regarding entities who have furnished some consideration must NOT include any:

- Mention of price: no interest rate, pricing information, discount, savings, or value of any kind may be included in acknowledging a contribution;
- Call to action: any announcement regarding a company or person who furnishes remuneration to the public broadcaster may not suggest that the

viewer take action

- The listener cannot be encouraged to “call,” “come by,” “try,” or even “be sure” in relation to a product or service;
- Inducements to buy: it is improper to entice the viewer to make a purchase by offering bonuses, freebies, or other specials;
- Qualitative or comparative language: this area prohibits descriptive or comparative language of a product or service. An announcement may not explain, for example, that something is “perfect,” “less filling,” or is the “largest,” “smallest,” or “most” anything

F. Non-Locally Produced Programs (Imported):

1. Non-locally produced programs (programs produced outside the City of River Falls corporate boundaries) may be cablecast on RFC-TV provided the following:
 - a. The program is sponsored by a legal resident of River Falls and meets all the requirements as listed within these guidelines.
 - b. The Community Producer sponsoring the program completes all necessary scheduling and cablecast agreement forms on a timely and regular basis, as required by RFC-TV.
 - c. The Community Producer obtains all necessary rights to the program. This includes all necessary literary, artistic, intellectual, performing and music rights, as well as all necessary clearances from the owners of licensees of such material. Community Producers must be able to document, in writing, that the cablecasting of such material does not violate the rights of third party.
2. Scheduling non-locally produced programming: (SEE SECTION VI. Scheduling a Program)

III. Reserving Equipment and Facilities:

- A. RFC-TV equipment and facilities are available to access users on a first-come, first-serve, non-discriminatory basis, except as provided below. Upon check out the access user is required to complete the “Statement of Responsibility” check-out form.
- B. Access Users assume full responsibility for the use of production facilities and will be liable for damage, misuse or theft which occurs while the equipment or facilities are in the user’s possession or control and the access user must pay for all cost or repair and/or replacement of damaged and/or lost equipment immediately.
 1. When damage occurs, equipment and facility use will be suspended immediately until liability is determined and, if applicable, full damages are paid by the access user.
 2. It is the responsibility of the access user to examine the equipment at the time of check-out to verify that the equipment is not damaged and is in operating condition. If

equipment is lost or damaged three (3) times, the access user may be permanently suspended from the facility.

- C. If a piece of equipment malfunctions, the Access User is to notify a member of staff as soon as possible. Under no circumstances should the Access User attempt to repair the equipment. To do so may result in suspension of privileges.
- D. Use of RFC-TV equipment and facilities must be for the purpose of recording and preparing programs for cablecast on RFC-TV and may be streamed on RFC-TV's Video-on-Demand on our web site at www.rfcity.org/RFCTV Use of community access equipment for personal use or commercial purposes is prohibited.
- E. RFC-TV has first playback rights to all programs produced using its access equipment and facilities.
- F. An Access User shall not use the equipment or facilities while under the influence of alcohol or drugs. To do so will result in an immediate suspension of privileges.
- G. Equipment reservations are non-transferable. The Access User or producer making the reservation must be present at the time of check-out and check-in of equipment.
- H. The Communications Coordinator is responsible for scheduling of equipment use. No group or individual shall monopolize the facility to the disadvantage of others.
- I. In the event that more than one request is received for the same equipment at the same time, first time users may be given preference.
- J. The Communications Coordinator reserves the right to make exceptions to the equipment scheduling policies consistent with:
 - Over all program composition and flow
 - Considerations of audience building
 - Consideration of schedule development with regard to serial programming or other special programming
 - The ability of the producer to complete other productions already in progress.
- K. Request for equipment and reservations should be made no less than one day in advance of check-out time. Earlier notice is strongly suggested. Reservations may be made during open office hours and/or when staff is otherwise available. Requests are not normally accepted more than 30 days in advanced. To ensure availability a reservation should be made.
- L. Equipment can only be checked out during office hours or pre-arranged appointment times.
- M. The Access User is responsible for immediately notifying RFC-TV if the check-in time cannot be made; failure to do so is grounds for suspension of privileges.

- N. At no time is equipment to be returned, dropped off or left at the studio without the proper check-in procedure being completed; failure to do so is grounds for suspension of privileges and Access User remains responsible for damages for all equipment not properly checked in.
- O. Studio Facilities are available on a first-come, first-serve basis and reservations may be made only by an access user who is the producer of the program. The producer of the program is the person in charge and the one who has the final say as to content, guests, crew, etc. All crew participants must be certified in studio production.
 - 1. Reservations cannot be confirmed until the Communications Coordinator has reviewed a script or outline of the production that is to be produced.
 - 2. The Communications Coordinator or Production Assistant must be present during the use of the studio.
 - 3. The Producer who reserved the studio is responsible for returning all equipment to its proper location upon completion of use.
- P. Edit Facilities are available on a first-come, first-serve basis.
 - 1. Reservation for editing facilities are required and cannot be made more than two months in advance.
 - 2. Editing facilities may be reserved for up to five (5) three-hour segments per week. No additional time may be used or reserved and no banking or saving of time is permissible.
- Q. 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 RFC-TV staff 24 hours in advance and cancel the reservation, emergencies excepted.

IV. Standards of Conduct within RFC-TV

RFC-TV is a city owned facility. All behavior, language, and dress must at all times be appropriate for a public place. RFC-TV staff is responsible for the safe, economical, and appropriate operation of this facility. All those using or visiting this facility must comply with their instructions and orders at all times. Violation of RFC-TV policies & procedures will not be tolerated. (SEE SECTION IX. Denial of Access Privileges/Appeals)

- A. The following is a list of prohibited activities within the RFC-TV's premises, individuals found in violation of these rules will not be allowed to remain on the premises, may suffer an immediate suspension of privileges, and may be subject to further disciplinary action including fines.
 - 1. Verbal or physical abuse towards any person, including, but not limited to, RFC-TV staff, Community Producers, Access Users, or visitors.
 - 2. Possession or use of illegal substances or alcohol and/or weapons on the premises of RFC-TV.

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. Threats to persons or property.
7. Intentional destruction of equipment.
8. Unauthorized installation or downloading of any software on file on RFC-TV computers.
9. Violation of any federal, state, or local law, ordinance or regulation relating to conduct in public buildings.
10. Loud or disruptive behavior.
11. Misrepresentation to others of status or affiliation with RFC-TV.
12. Failure to thoroughly clean up and neatly put away all equipment after using RFC-TV facilities.
13. Eating, drinking, or smoking in non-designated areas.
14. Feet shall be kept off chairs, equipment, and equipment furniture.
15. All members, staff, and visitors must be fully clothed and/or appropriately dressed for a public building.
16. No Loitering.
17. Minors must always remain in the company of their parent(s) or guardian.
18. Other than where necessary for production of related programming or assisting the disabled, animals (domesticated or otherwise) are not permitted within the premises.

B. Process of reporting violations.

Any RFC-TV volunteer, staff or visitor who witnesses a violation of the RFC-TV conduct rules is requested to report the activity to the Communications Coordinator. 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 RFC-TV will attempt to provide a safe, healthy, and comfortable environment for all RFC-TV volunteers, staff and visitors while in and around RFC-TV facility, it does not assume any liability either express or implied for a violation of these rules that results in harm to persons or property.

V. Program Content:

- A. Community Producers are fully responsible for the content of the programs that they produce. This responsibility includes libel, defamation, copyright, and any other legal accountability. Criminal prosecution and/or civil lawsuits can result from illegal use of community access. Applicants are responsible for insuring that programming submitted is not obscene, libelous, or otherwise prohibited by law. RFC-TV staff are neither qualified nor permitted to advise producers about the legality of questionable material.
- B. In accordance with the Free Speech protections of the First Amendment, RFC-TV does not censor programs. Programming rules are not intended to exercise editorial control, but to keep RFC-TV a fair and open forum for all local residents. Neither RFC-TV or the City of River Falls, accept any responsibility for the content of access programs, except those produced or sponsored by RFC-TV. Individuals with complaints about access programming must provide a written complaint to the Communications Coordinator or Designee to have the matter reviewed. (SEE SECTION IX Denial of Access Privileges/Appeals). RFC-TV's response to individuals with a complaint include:
1. Referring complainant to the River Falls City Attorney (when the program is alleged to be obscene or otherwise illegal); or
 2. Advising the complainant of his or her rights to present opposing views in a "response program" that would also be cablecast on RFC-TV.
- C. Keeping with the concept that RFC-TV is for non-commercial purposes only, the following commercial uses are also prohibited on the channel:
1. Any material designed to blatantly promote the sale of products, services, trade, business or person.
 2. Copyrighted materials.
 3. Lottery or lottery information.
 4. Direct or indirect solicitation of funds.

D. Use of the RFC-TV or City of River Falls logo or name in any context is prohibited without the written consent of the Communications Coordinator.

VI. Scheduling a Program:

- A. A Request for Cablecast/Statement of Compliance form must be signed for all programs to be scheduled for cablecasting. All programming must be submitted to RFC-TV or cleared for scheduling at least three (3) working days before cablecast.
- B. RFC-TV will attempt to satisfy requests for the cablecast of programs at specific times on specific dates, depending on the availability of equipment and channel time. RFC-TV reserves the right, however, to schedule programs at the discretion of the staff.
- C. The use in a monopolistic manner by one or a few selected groups or individuals is not deemed to be in the public interest, nor is the domination of one type of programming over another. Channel use limitations may be applied in cases where the public interest in diversity of programming is not being maintained.
 - 1. Once a Community Producer completes six (6) shows in a series, they will qualify for a regular timeslot on the channel. Regularly scheduled series time slots may be allocated at the discretion of RFC-TV staff. Series will be scheduled for a maximum of 13 weeks, after which the community producer must submit another Request for Cablecast/Statement of Compliance form. Community Producers will continue to hold this timeslot until the community producer chooses to discontinue producing a program, (shown by not submitting a new program after two weeks),
- D. With the exception of series, no program will be scheduled until it has been completed. Exceptions may also be made when the timeliness of a program is essential. A request for waiver of this requirement should be made at least one week in advance.
- E. Any program produced with RFC-TV equipment or facilities or produced locally will be scheduled once for cablecast. Additional cablecasts may be scheduled at the discretion of staff and based on the availability of channel time.
- F. In allocating channel time, the following priorities will be used:
 - 1. Live governmental meetings and special RFC-TV produced programs.
 - 2. Programming produced by producers from RFC-TV and by RFC-TV staff.
 - 3. Programming produced locally by persons or organizations from outside RFC-TV.
 - 4. Non-locally produced programming. A program will be considered non-local if less than 50% of the content is produced locally, or if the program is not prefaced or followed by a locally-produced segment equal to 50% or more of its length.

- G. All programs submitted for cablecast must be clearly labeled on the DVD with the exact length (in hours, minutes and seconds) and the name of the program with the date. In addition, the person requesting cablecast is responsible for securing all clearances and releases for the program.
- H. RFC-TV requires that all DVD's submitted for cablecast must be turned in 48 hours prior to when it is scheduled to air. Failure to meet this deadline may result in a program not being cablecast. Whenever possible, RFC-TV staff will attempt to schedule a repeat program. If after two weeks a new program has not been submitted to be cablecast, RFC-TV staff reserves the right to reschedule other programming in its place.

VII. Special Programming Considerations:

- A. First Amendment Concerns: Community Producers are urged to be familiar with the following types of speech unprotected by the Constitution which traditionally have not received full First Amendment protection: obscenity, "fighting words", defamation, libel and words which create a clear and present danger of imminent lawless action.
- B. Discretionary Programming: RFC-TV reserves the right to schedule programs containing content that may be inappropriate for children for cablecast at times when young viewers are less likely to watch television.
- C. Disclaimers: RFC-TV staff may place cautionary messages at the beginning and/or end of programs that contain material which could be offensive to some viewers. Any such cautionary message will explain the nature of the program in a non-judgmental way so that viewers can decide whether to watch the program. If appropriate, the cautionary message may also state that the content of the program is the sole responsibility of the Community Producer and does not reflect the views of RFC-TV, the City of River Falls, or Comcast. In addition, the disclaimer may also state that parties with opposing views may call the RFC-TV offices to produce a rebuttal program.
- D. Sample Graphic Material Warning: "Material contained in this program may be offensive to some viewers. Parental discretion is advised. The contents of the following program are the sole responsibility of the community producer and do not reflect the views or policies of River Falls Community Television, the City of River Falls, or Comcast. Those parties wishing to produce a rebuttal program may call RFC-TV office at 715-425-5400."
- E. Sample Controversial Warning: "The content of the following program is the sole responsibility of the producer and does not reflect the views or policies of River Falls Community Television, the City of River Falls, or Comcast. Those parties wishing to produce a rebuttal program may call RFC-TV office at 715-425-5400."
- F. RFC-TV retains the right to place a viewer warning disclaimer before any program.

G. POLITICAL CANDIDATES:

Political candidates can utilize the channel as like any other access user, provided they abide by the RFC-TV Policies & Procedures. RFC-TV has provided the following information for all candidates running for office:

1. Political candidates can appear on RFC-TV programming by:
 - a. Appearing as a guest on a program;
 - b. Participating in a televised candidate forum;
 - c. Producing and appearing on their own program;
 - d. Having a resident of River Falls “sponsor” their taped program to be run on RFC-TV.

2. RFC-TV staff WILL assist political candidates by:
 - a. Training candidates and/or their supporters in becoming their own producers;
 - b. Scheduling programs to be cablecast on RFC-TV.

3. RFC-TV staff WILL NOT do the following:
 - a. Produce any programming for political candidates, campaigns or referenda, (with the exception of candidate forums);
 - b. Provide special “rebuttal” time for candidates;
 - c. Make special scheduling changes-- (i.e.- bumping a regular program to make room for a political rebuttal program two days prior to an election).

4. Other important issues regarding political candidates and their usage of RFC-TV:
 - a. Candidates may appear on RFC-TV programming up to the election day;
 - b. There are no limits to how often candidates may appear on programming;
 - c. Candidates and/or producers take full responsibility for their words or actions while appearing on a program—RFC-TV and the City of River Falls are not held liable for the content of any programs;
 - d. RFC-TV is not required to provide “equal time” provisions unlike broadcast television;
 - e. RFC-TV programming consists of series (weekly programs with community producers), and non-series (without a guaranteed timeslot). Series programs have a permanent timeslot and can drop a new program in at any time, while non-series programs need to be scheduled at least three weeks in advance;
 - f. RFC-TV offers training classes on how to use community television throughout the year; candidates should register for classes well in advance of the election.

VIII. Indemnification

- A. Those using RFC-TV equipment, facilities or channels are responsible for the content of the programs they submit for cablecast. Prescreening of programming by RFC-TV will not excuse users from this responsibility. Each user agrees to hold RFC-TV, the City of River Falls and Comcast 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 RFC-TV, the City of River Falls, and Comcast harmless for any and all claims relating to the use of the facilities, equipment and channel time.
- C. Access users and community producers must not represent themselves as an employee or agent of River Falls Community Television.

IX. Denial of Access Privileges/Appeals:

A. VIOLATIONS: Non-compliance of RFC-TV policies & procedures will not be tolerated.

The following steps will be taken for offenders:

1. Upon a violation the access user will receive a written explanation of their violation with notice of their immediate temporary suspension of access privileges until the matter is reviewed by the Communications Coordinator or Designee. All documents to be presented by appellants must be presented with their request for appeal.
2. The Communications Coordinator or Designee will review the violation at his/her earliest convenience. If he/she upholds the violation the access privileges of the access user in question may be suspended for up to one year.
3. Those disagreeing with any suspension decision may appeal within thirty days of receiving their suspension decision letter by submitting a written request to the City Administrator containing the explicit reasons based on RFC-TV policy for their appeal. This appeal will be reviewed by the City Administrator or the City Administrator's designee.
4. Those disagreeing with the decision of the City Administrator or City Administrator's designee may appeal to the River Falls Common Council within thirty days of receiving their decision letter by submitting a written request to the City Clerk containing the explicit reasons based on RFC-TV policy for their appeal.

B. In such cases where the content of a RFC-TV program is being called into question, the following procedures will be followed:

1. Complainants will provide a written complaint to the Communications Coordinator or Designee detailing the program title, air date and time, and specific basis of the complaint.
2. The Communications Coordinator or Designee will then review the complaint and investigate the matter. A copy of the complaint will be sent to the local resident producer, with an invitation to respond to the complaint.
3. Should Communications Coordinator or Designee determine a violation of RFC-TV policies has occurred the local resident producer will receive a written explanation of this finding with their notice of immediate temporary suspension of access privileges and replays of their programs.
4. Those disagreeing with any suspension decision may appeal within thirty days of receiving their suspension decision letter by submitting a written request to the City Administrator containing the explicit reasons based on RFC-TV policy for their appeal. This appeal will be reviewed by the City Administrator or the City Administrator's designee.
5. Those disagreeing with the decision of the City Administrator or City Administrator's designee may appeal to the River Falls Common Council within thirty days of receiving their decision letter by submitting a written request to the City Clerk containing the explicit reasons based on RFC-TV policy for their appeal.

X. Interpretation

RFC-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.