

Brunswick Area Television Rules, Regulations & Procedures

MISSION STATEMENT: Brunswick Area Television will provide citizens free of charge the facilities, equipment and training for the production and playback of locally generated programs.

Brunswick Area Television (BAT) is a free-speech, 1st Amendment, community forum. Programs are not prescreened for content. The content of every program cablecast on BAT is 100% the responsibility of the producer. The following rules, regulations and procedures are designed to allow BAT to operate in the public interest. BAT reserves the right to deny and/or revoke access privileges to anyone in violation of the following rules, regulations and procedures.

I. DEFINITIONS

PRODUCER - Person residing in, or representative of a not-for-profit organization or institution within the cable franchise area of the City of Brunswick and Brunswick Hills Township, who bears responsibility for the content and/or overall production of the program.
USER - Person utilizing BAT equipment and facilities, under the supervision of a qualified PRODUCER, who has successfully completed the appropriate training course for the equipment and services utilized.
ORIGINAL PROGRAM - At least 51% of the program material must have never been telecast on BAT.
SERIES - A compilation of more than six original programs, qualifying the PRODUCER for a regularly scheduled time slot.
RUN - Consists of up to 8 plays of a program during a thirty day period, including the program's first date of play. Additional replays of the program may be scheduled during the thirty day period, at the discretion of the BAT staff.

II. EQUIPMENT AND FACILITY USE:

A. Eligibility

1. BAT owned or managed facilities/equipment are available free of charge to any adult or authorized minor resident within the viewing area of the City of Brunswick/Brunswick Hills Township cable franchise.
2. BAT owned or managed facilities/equipment are available free of charge to authorized representatives of Brunswick/Brunswick Hills Township non-profit organizations and/or institutions.
3. Individuals/organizations outside the viewing area must be sponsored by a City of Brunswick/Brunswick Hills Township resident. Sponsoring person must be part of the production team as producer, camera operator, editor, director, etc.
4. Students or individuals under the age of 18, acting as an independent producer or other production team member, are required to have a parent or legal guardian, or teacher or responsible adult available on-site and visually present in the production area whenever BAT equipment is used. Only BAT management will make any exceptions to this rule.

B. Orientation Sessions

1. All producers/users of equipment/studio must attend an orientation session(s) given by BAT staff prior to use. They must demonstrate the ability to operate and control equipment in the proper manner.
2. All producers/users must show a competence to operate and care for the equipment and/or studio in a professional and non-abusive manner.

C. Equipment and Studio Check-Out / Check-In / Reservations / Cancellations

1. Prior to reserving field production equipment or studio, any producer/user must present A program outline to BAT staff.
2. Producer/Users are responsible for providing their own videotape/media stock. In special circumstances, videotapes/media stock may be provided for productions at the discretion of BAT Staff. A list of appropriate manufacturers, stock numbers and local retail outlets will be maintained by BAT for convenience.
3. Reservations for BAT resources are available on a first come, first served basis and must be made in person or by phone at least 48 hours prior to use. Reservation by e-mail will be accepted; however a reply from BAT staff must be received to confirm reservation. BAT staff will make any exceptions for last minute scheduling as resources become available.
4. Cancellation of any resource reservation must be made at least 24 hours prior to the scheduled time period. Any producer/user with more than two unexcused cancellations per 30-day period will be subject to forfeiture of BAT access privileges and/or disciplinary action. BAT staff will determine any exceptions.
5. Reservations for field production equipment can be made for no longer than a 3-day period. Any exceptions must be made in writing to BAT staff and approved based upon resource availability.
6. Field equipment must be returned at a specified and mutually agreed upon time. Failure to return the equipment on time may result in loss of privileges and/or disciplinary action.
7. **Any resource not returned within 72 hours, without permission from staff, will be considered stolen. The producer/user will receive disciplinary action and be held liable for the replacement cost of the equipment. Criminal charges of theft may be brought against the producer/user.**
8. Under no circumstances may any producer/user check-out or check-in any BAT resource without BAT staff verification. Violators will receive disciplinary action.
9. All producers/users of access equipment must have a valid State of Ohio issued photo identification on file prior to checking-out equipment or producing a program. Minors must have a parent or legal guardian's driver's license on file. Minors must have a parent or legal guardian present when checking out equipment. Any exceptions to be made by BAT management only.

D. Non-Commercial Status

1. The producer, user, production crew or guests may never use BAT owned and managed equipment to produce, create, or develop materials for commercial purposes. Producers, users, production crew and guests may not receive a direct monetary gain from using BAT equipment. Violators will receive an indefinite suspension of access privileges.

PROGRAMMING

A. Channel Space

1. Channel space is available to any eligible producer on a non-commercial basis and provided upon availability and playback equipment constraints.
2. Series programs receive priority and are given a regular occurring time slot on a weekly or monthly basis.
3. Single play programs are scheduled as channel space and playback equipment are available.
4. BAT reserves the right to pre-empt any program based on, but not limited to, one of the following:
 - a) Playback equipment is not available or has malfunctioned.
 - b) Producer has not submitted a current program for their series slot.

- c) "LIVE" or "Special" programming is scheduled.
 - d) Producer has failed to observe any local, state or federal law, or contains any illegal acts.
 - e) Producer is in non-compliance with any access rules or regulation.
5. Once an individual program or series episode has aired, repeats will be scheduled as channel space and equipment allows. First run programs may be played up to a total of 8 times during a thirty day run period. Programs may be resubmitted for playback for a second run, eight weeks from the program's first air date. Programs must wait 8 months for a third or subsequent ru

B. Program Content Rules

- 1. Producers must comply with the rules and procedures listed below, or face disciplinary action pursuant to "Section I." Producers submitting or creating a program certify that their program does not include any of the following:
 - a) Any material that is considered to be libelous, slanderous, defamatory or that constitutes an unlawful invasion of privacy.
 - b) Any material that violates local, state or federal law.
 - c) Any specific product advertising (i.e. material that promotes a particular commercial product or service).
 - d) Any solicitation or appeals for funds, products or donations for personal gain (except for non-profit organization appeals for funds and donations).
 - e) Any unlawful use of copyrighted material.
 - f) Any material deemed to be "obscene" under Federal, State or Local law.
 - g) Any false or misleading statements.
- 2. Producers must designate their programs as "appropriate for children" or "inappropriate for children" to help facilitate scheduling. Programs designated as "inappropriate for children" will be scheduled after 10 p.m. daily.
- 3. "Protected speech" programming containing any nudity or sexually explicit material will be scheduled between the hours of 2 a.m. and 5 a.m. daily.
- 4. Producers and users agree to abide by all copyright laws. BAT will pay for and make available licensed, public domain music for producers to use.
- 5. Producers and users are solely responsible for the content, material or conversations on their programs and will be held liable for any violation of BAT regulations or any local, state and federal law.

C. Submission of a Program

- 1. Any program submitted for playback on BAT must abide by the following rules:
 - a) Programs must be submitted at least 24 hours prior to the first scheduled play on the channel. If the first scheduled airing is set for Saturday or Sunday, the program must be submitted no later than Noon on the preceding Friday. Our playback week begins on Friday and runs through Thursday. Program playback requests must be received by Wednesday to be included in the following week's programming schedule.

Programs must be submitted on an acceptable format for playback on BAT. BAT will not be responsible for transferring programs to the acceptable format.

 - a) Videotape/media stock should be labeled with the program title, date, total program length, producer's name and content description per Section III B 2 and III B 3 above.

B. Political Programming

- 1. Political speech is encouraged providing producers and guests abide by all rules and regulations.
- 2. BAT will not cablecast any political programming during polling hours on voting days.
- 3. Political programming will be subject to all channel space rules.
- 4. BAT is not responsible for contacting any political party, politician, levy organization, etc. prior to election, or giving equal time outside of the above rules and regulations.

C. Sponsorships

- 1. Producers may seek non-monetary donations for use on their programs upon BAT approval.
- 2. All non-consumable donations will become the property of BAT and will become available for other producers/users use at the discretion of BAT staff.
- 3. Producers may provide acknowledgement of such donations from sponsor either verbally during program or visually at natural breaks in programming, not to exceed once every half-hour. Any visual or verbal message may contain logos, slogans, or addresses, but not phone numbers.
- 4. Producers must solicit donations as individuals and not use BAT or The City of Brunswick and Brunswick Hills Township as a partner in the solicitation.

D. Copyrighting Productions

- 1. Subject to all terms and conditions, producers will own the copyright of their completed program upon its first play.
- 2. Producers using access resources must assign BAT an unlimited license for all purposes under the copyright laws of their programs for a period of one year from first cablecast of each program.
- 3. BAT reserves the right to use clips, logos, names, pictures, etc. from any program/producer/user for purposes of promotion and/or reporting.
- 4. Non-profit groups/organizations may use copies of their programs highlighting their organization or specific event to receive donations and/or funding.

E. Dubbing Policy and Program Distribution

- 1. BAT will provide one free copy for the producer and guests of a program, providing that the producer and/or guests supply blank videotape/media stock for copies.
- 2. The following rules apply to producers requesting that their program air on access channels other than BAT:
 - a) The producer must provide blank videotape/media stock for copies clearly labeled with the producer's name, address and phone number; program title, production date, and name of access center where it should be sent.
 - b) The producer must make arrangements for pick up or return of videotapes/media stock after they have aired, if desired.
 - c) The producer is responsible for determining the acceptable format for designated access centers, and transferring the program to that format.
 - d) BAT is not responsible for any problems that occur with the late arrival of videotape/media stock, playback or scheduling of any program airing on stations other than BAT.
 - e) To ensure proper distribution, producers may choose to copy and distribute programs to other access centers on their own, without BAT assistance.

F. Community Bulletin Board

1. Messages appearing on the Community Bulletin Board must be approved by staff. Messages must be related to information, services or events presented by non-profit groups or public cultural or educational events and activities by other groups which do not involve a fee. If any fee is involved, BAT will require proof of non-profit tax status to be on file prior to posting message. In no cases will fees be mentioned. A contact number must be included.
2. No political statements for or against a party, individual, levy, etc. will be accepted or displayed.
3. Only qualified staff or authorized personnel may add or delete any messages on the community bulletin board. Any unauthorized use will result in disciplinary action.

3. Any producer, user, or guest who engages in activities in the BAT facilities that are harassing, threatening, purposefully detrimental or damaging to another producer, student, instructor, BAT staff member or equipment will be asked to immediately leave the facility and receive disciplinary action.
4. Upon verification that any violation of BAT rules and regulations has occurred, BAT staff will issue to the producer or user in writing a statement of disciplinary action within 15 working days.
5. Providing fraudulent information on the Acceptance Form will result in immediate loss of privileges, suspension and/or appropriate legal action.

RULE VIOLATIONS / LOSS OF PRIVILEGES / DISCIPLINARY ACTION

G. Suspension of a Program

1. BAT may suspend from play and/or production any program or material that appears to be in violation of Program Content Rules, Section III B. Producers shall be notified of program suspensions in writing, via certified mail.
2. If a program is suspended prior to or during the first cablecast, BAT will request legal review at the earliest opportunity. If a program is found not to be in violation of any laws, BAT will re-schedule the program at the earliest opportunity.
3. If a producer submits a program that, after cablecast or viewer complaint, appears to be in violation of any local, state, or federal law an/or any programming content regulation, BAT may require that the program be suspended from future play over the access channels for a period not to exceed 60 days. BAT shall notify in writing the producer, and parents if a minor, and the Joint Cable Board.
4. Within five working days of suspension of a program, BAT will confer with the responsible producer to seek voluntary compliance with any laws or regulations. BAT, along with the Joint Cable Board, shall review the material in question and provide the producer with one of the following agreements:
 - a) To remove the program from any future play.
 - b) Request that producer re-edit program prior to replay.
 - c) That no violation has occurred.
5. If there is no majority agreement, the program suspension will continue for a period of 15 working days from the date of the conference to allow producer to file a written appeal with the Joint Cable Board. If no appeal is filed within 15 working days, the original agreement regarding the program becomes final.
6. If an appeal is filed, the Joint Cable Board shall have 10 working days in which to consider the appeal. If the committee overturns the earlier decision, then BAT will take the appropriate action in regards to airing the program. If the decision is upheld, the initial agreement will be final.

H. Suspension or Loss of Access Privileges

1. Any producer or user found to be in violation of any local, state or federal law and/or has their program permanently removed from playback will be immediately suspended from all BAT resource privileges for a minimum of one year. Any subsequent, similar violation by the same producer/user may result in an open and indefinite suspension as determined by the BAT staff, and will not be less than two years.
2. Any producer, user, or guest who violates any BAT rule or regulation will be asked to leave the facility and not return pending verification of violation and written disciplinary action.

I. BAT Operations: Equipment Misuse or Damage

1. Any producer, user, or guest who is found to have been responsible for the damage of any BAT resources will receive immediate disciplinary action and they or their guardians will be financially responsible for the replacement or repair costs.
2. Computers, master control and studio equipment associated with BAT staff for handling day-to-day operations of the facility are not access equipment. Any use, damage, loss or manipulation of this equipment will result in immediate disciplinary action.
3. File cabinets, cupboards, media storage, head end, and playback equipment are the property of the BAT and are not to be tampered with, adjusted, or manipulated without BAT staff authorization. Failure to secure authorization will result in immediate disciplinary action.
4. Any unauthorized use of the BAT/City of Brunswick phone system is strictly prohibited. Violators will receive immediate disciplinary action.
5. Any unauthorized tampering or manipulation with the BAT systems by a producer, user, or guest is strictly forbidden. Violators will receive immediate disciplinary action by BAT.
6. No producer or user shall try to repair, re-wire, install any cable, equipment, software or system without authorization from BAT manager.

J. On-Site / Off-Site Behavior and Responsibilities

1. No person shall bring a gun, knife or other weapons associated with doing harm to individuals into the BAT facilities, have in a vehicle parked on BAT premises, or have outside the BAT facilities, other than specified law enforcement officials.
2. No person shall bring alcoholic beverages, drugs or drug paraphernalia into the BAT facilities, have in a vehicle parked on BAT premises, or have outside the BAT facilities.
3. No person shall be, or appear to be under the influence of any alcohol or drugs either inside or outside the BAT facility.
4. Anyone on-site of BAT and facilities and/or parking area must observe all BAT rules and regulations.
5. Producers are directly responsible for the actions of their guests at all times either in the facility, in the studio or on the air. Any violation the guests may incur is also considered a violation for the producer. Suspensions and/or disciplinary actions will be taken against the producer and the guest.
6. BAT's remote production van is for production use only. Only BAT personnel may drive this vehicle, and a BAT staff member must be present at any production using the remote production van. Any unauthorized use, manipulation of wiring, or equipment misuse is strictly prohibited and considered a direct violation.
7. Any producer, user, or guest who the BAT staff has determined to have stolen or purposefully damaged any resources will receive an immediate and indefinite suspension of access privileges.

8. No producer or user may present themselves as a representative of BAT, The City of Brunswick or Brunswick Hills Township.
9. No person shall make misleading or false statements on the BAT premises.
10. Any person found to be loitering, disruptive or operating in a non-productive capacity on any program will be asked to leave the facility. If person is a producer or user, they will receive disciplinary action.

K. Disciplinary Action

1. Upon verification of any above violation, the producer, user or guest will receive an immediate suspension from the use of equipment, facilities, channel space and any other BAT resource for not less than 30 days and no more than 90 days from date of disciplinary notification. The length of suspension will be determined by BAT staff and be in comparison to the severity of the violation.
2. Any producer, user or guest who has subsequent violations will receive suspensions of 6 months and one year respectively.
3. Any producer, user or guest may make a grievance or appeal any disciplinary action by submitting a written statement to the Cable Coordinator and the Joint Cable Board. Any suspension or disciplinary action remains in effect throughout the appeal or grievance process.
4. The Joint Cable Board may overturn and/or amend the disciplinary action and make recommendations to the Cable Coordinator to issue their findings in writing to the producer. If the Joint Cable Board upholds the manager's decision, the full effect of the disciplinary action will be carried out.

II. AMENDMENTS / INDEMNIFICATION

A. Amendments to the Rules, Regulations and Procedures

1. The BAT staff is responsible for recommending amendments to the Ad Hoc Committee of the Joint Cable Board. The Ad Hoc Committee is responsible for acquiring approval of the amendments by the Joint Cable Board.
2. Rules, regulations and procedures for Public Access will be periodically re-evaluated and/or changed in the interest of the facilities, resources, volunteers, producers, users, viewers and BAT staff. Should one or more sections of this policy manual be determined unenforceable, the remaining sections of the policy manual shall remain in full force and effect.
3. Any rule, regulation or procedure changes will take effect immediately after adoption by the Council of the City of Brunswick.
4. BAT will post and publish any rule or regulation change; however, it is the sole responsibility of the producer or user to become informed and up-to-date on any amendments.

Producer Indemnification

BAT producers, users, or guests shall hold harmless, indemnify, and defend BAT, its staff, The City of Brunswick/Brunswick Hills Township and Joint Cable Board members from any and all liability, claims and/or costs, including attorney fees, arising out of any claim or cause of their action asserting that their program is libelous, slanderous, obscene, unlawful or illegal, or infringes on any intellectual property rights including copyrights and/or trademarks, or is an invasion of privacy. Producers certify these indemnifications when they complete and submit their program for airing.

- ❖ **Please sign and return the BAT Rules, Regulations and Procedures Acceptance Form to BAT.**
- ❖ **A signed Acceptance Form must be on file prior to producing a program or checking out equipment.**
- ❖ **A copy of producer's or user's State of Ohio issued photo identification must be on file prior to producing a program or checking out equipment.**
- ❖ **Minors must have a copy of their parent or legal guardian's valid State of Ohio issued photo identification on file prior to producing a program or checking out equipment.**

Adopted on March 14, 2005 by City of Brunswick Resolution 25-05.
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