



Rules, Regulations and Procedures for Public Access



Brunswick Area Television

Rules, Regulations & Procedures

Effective December 11, 2013, adopted by Brunswick City Council Resolution 94-13.

MISSION STATEMENT: Brunswick Area Television will provide citizens 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. Use of any equipment through our public access program is contingent upon submitting a completed program in a timely manner. Failure to provide a completed program could result in permanent suspension of privileges.

I. DEFINITIONS

PRODUCER – A Producer is a person residing in, or representative of a not-for-profit organization or institution which serves the cable franchise area of the City of Brunswick and Brunswick Hills Township, and bears responsibility for the content, equipment use and/or overall production of the program. A Producer may also act as a sponsor for programs which are pre-produced outside of the Brunswick/Brunswick Hills Township area. The Producer will continue to bear sole responsibility for the content of the program submitted. BAT equipment resources are not available for productions created primarily outside of our geographical area.

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, up to a maximum of 4 plays in any seven 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 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 to authorized representatives of not-for-profit organizations and/or institution within or serving the residents of Brunswick/Brunswick Hills Township.
- 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 a mandatory 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, Editing and Studio Check-Out / Check-In / Reservations / Cancellations / Usage

- 1) Prior to reserving field production equipment or studio, any producer/user must present a written or verbal program outline or concept to BAT staff.
- 2) Producer/Users are responsible for providing their own media stock, including but not limited to, tapes, dvds and media cards and USB drives. In special circumstances, media stock may be provided for productions at the discretion of BAT Staff. BAT Staff can advise Producer/User of the proper format and size of media, available at many local retail outlets.
- 3) Reservations for BAT resources are available on a first come, first served basis and should 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 approved by BAT Staff 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 borrow, check-out or check-in any BAT resource without BAT staff verification. Violators will receive disciplinary action.

9) Non-Linear editing systems are available to access users completing a mandatory training session. Like all equipment and facilities, they are available on a first come, first served basis. To allow for access by the largest number of users, the following rules will apply.

a) Users with reserved editing time always take priority over walk in requests.

b) BAT encourages and urges all users to maintain their original media until the editing process is completed. BAT is not responsible for any corrupt or missing data on the editing system hard drives.

c) Projects that have not been accessed on the editing systems for a period of more than 45 days are subject to deletion from the system to maintain adequate drive space for all users.

d) All files and components must be placed in the user's folder on the system. Untitled clips, images or audio files not in an active folder may be deleted.

e) Once a project is completed and submitted for playback on the

channel, all files will be deleted within seven days to keep drive space free. It is the responsibility of the access user to notify BAT Staff if files need to be maintained for a longer period of time. That request will be granted based on available hard drive space.

f) All editors will be shut down at the close of the business day. There will be no overnight processing of files allowed on the editing systems.

g) BAT Staff is not responsible for any media left in drives or in the editing rooms.

10) 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 will 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 personal monetary gain from using BAT equipment. Violators will receive an indefinite suspension of access privileges.

III. 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 up to a maximum of 4 plays during any 7 day playback cycle. 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 run.

6) All public access programming submitted to air on the public access channel will also be uploaded to our web based service, PEGCentral. Programs will be available for online viewing within one week of the first play on the cable channels. Programs will remain available on the site for a period of up to three months.

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 the sale of 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 between 10 p.m. and 5:00

a.m. daily. It is the responsibility of the Producer to notify staff of the type of program at the time it is completed for playback.

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) Our playback week begins on Friday and runs through Thursday. Program playback requests and media must be received seven days in advance of the new playback cycle to allow the programs to be copied to the server and uploaded for internet on demand availability. All programs must be submitted by 5:00pm on the Friday prior to the requested playback week. Programs must be submitted on an acceptable format for playback on BAT. BAT will not be responsible for transferring programs to the acceptable format.

b) All media 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.

D. 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.

E. 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, addresses, email, and 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.

F. 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.

G. Dubbing Policy and Program Distribution

Producers are free to make multiple copies of their programs, utilizing the available duplicating system. BAT Staff is not responsible for duplicating programs on behalf of the producers.

1) BAT encourages the sharing of locally produced programming with other communities. To ensure proper distribution, producers must copy and distribute programs to other access centers on their own, without BAT assistance.

2) Producers wishing to convert videos for use on their own, or other websites may do so; however, BAT Staff is not responsible or obligated to provide assistance with converting files and uploading the programming. Uploading of video content to a producer's personal website must be done offsite.

3) All programming produced through Brunswick Area Television's facilities will be uploaded and available for streaming on the PEG Central website (bat.pegcentral.com) within one week of its first play on the cable channels. Programs will remain available on the site for a period of up to three months. Program availability on the web is subject to available server space and may be changed at any time.

H. 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, as well as activities by other non-commercial community 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. A cable announcement form must be completed either in person, or electronically submitted to participate in this program.

2) No political statements for or against a party, individual, levy, etc. will be accepted or displayed.

3) No personal announcements will be considered for publishing.

4) The City, at its discretion, may from time to time, make other promotional announcements available at a cost to individuals, organizations and businesses in exchange for monetary or in kind service consideration on a space available basis.

IV. RULE VIOLATIONS / LOSS OF PRIVILEGES / DISCIPLINARY ACTION

A. 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 and/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 Community Television Advisory Committee.

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 Community Television Advisory Committee, 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 Community Television Advisory Committee. If no appeal is filed within 15 working days, the original agreement regarding the program becomes final.

6) If an appeal is filed, Community Television Advisory Committee 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.

B. 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.

a) 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.

b) 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.

2) Upon verification that any violation of BAT rules and regulations has oc-

curred, BAT staff will issue to the producer or user in writing a statement of disciplinary action within 15 working days.

- a) Providing fraudulent information on the Acceptance Form will result in immediate loss of privileges, suspension and/or appropriate legal action.

C. BAT Operations: Equipment Misuse or Damage

- 1) Any producer, user, or guest who is found to have been responsible for the damage or loss of any BAT resources will receive immediate disciplinary action and they or their guardians or sponsors 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 and all other fixtures and equipment located within the BAT production center 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.

D. 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 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) 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.

7) No producer or user may present themselves as a representative of BAT, The City of Brunswick or Brunswick Hills Township.

8) No person shall make misleading or false statements on the BAT premises.

9) 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.

E. 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 Manager and Community Television Advisory Committee. Any suspension or disciplinary action remains in effect throughout the appeal or grievance process.

4) Community Television Advisory Committee may overturn and/or amend the disciplinary action and make recommendations to the Manager to issue their findings in writing to the producer. If the Community Television Advisory Committee upholds the manager's decision, the full effect of the disciplinary action will be carried out.

V. AMENDMENTS / INDEMNIFICATION

A. Amendments to the Rules, Regulations and Procedures

- 1) The BAT staff is responsible for recommending amendments to the Community Television Advisory Committee, which will make recommendations to Brunswick City Council for adoption.
- 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.

B. Producer Indemnification

- 1) BAT producers, users, or guests shall hold harmless, indemnify, and defend BAT, its staff, and The City of Brunswick, Brunswick Hills Township and the Community Television Advisory Committee 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.
- 2) All producers must sign and return the BAT Rules, Regulations and Procedures Acceptance Form to BAT.
 - a) A signed Acceptance Form must be on file prior to producing a program or checking out equipment.
 - b) 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.
 - c) 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.



Watch your favorite programs, online and on demand, 24/7 at bat.pegcentral.com



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Hours of Operation
Monday through Friday, 9:00am—6:00pm
www.brunswick.oh.us