

Scott County Community Channel Rules and Policies

- 1) Statement of Purpose
- 2) Definitions
- 3) Operating Rules Governing Access Channel Time
- 4) Indemnification and Hold Harmless
- 5) Procedures Summary

1. Statement of Purpose

Public Access refers to specific channels on the cable television systems available to Scott County residents for the distribution of programming produced by various segment of the community including community groups, non-profit organizations, and local residents. These cable television channels may be used to convey a message or provide information on any topic of local interest or general interest.

Programs may also deal with issues or circumstances which have a direct bearing on the lives of citizens of Scott County served by the cable system, even though they may be produced in or affect other communities as well. Cable time will be provided on a first-come, first-served non-discriminatory basis, subject to the following rules, regulations, procedures and access restrictions.

The Scott County Community Channel believes that a dynamic public access policy, including community outreach in education, as well as technical and financial support, will result in significant benefits to the citizens of Scott County. The primary purpose of the following access definitions, regulations and procedures is to encourage the community to provide localized cable television programming that meets community needs and interests.

2. Definitions

(a) **Cable casting:** refers to programming (exclusive of broadcast signals) carried on a cable television system using the Scott County Community Channel

(b) **Production Equipment:** refers to the equipment necessary for the local production of video and audio programs, as required by the franchise.

(c) **Access Cable casting:** refers to programs provided by access users on access channel time provided by the Scott County Community Channel as defined in these rules.

(d) **Access Channel Time:** refers to time on a signaling path provided on the Cable System for use by access users.

(e) **Access User:** refers to any group or individual residing within Scott County and making proper application for the Scott County Community Channel access channel time and presents access Cable casting materials for distribution over the Scott County Community Channel.

(f) **Media Coordinator:** refers to those appointed to be responsible for the Maintenance, operation and supervision of access channel time, Cable casting equipment and facilities.

(g) **Lottery:** refers to any promotion, contest or other program that involves the elements of prize, chance and consideration, or any such program that is declared a lottery under applicable local, state, or federal laws.

(h) **Lottery Information:** refers to any information concerning any lottery, gift enterprise, or similar scheme offering prizes depending upon chance or any list drawn or awarded by means of any such lottery whether that list contains any part or all of the prizes.

(i) **Non Commercial Use:** Refers to the use of the Scott County Community Channel Access Time for not-for-profit interests of an individual or an organization.

(j) **Obscene or Indecent Material:** refers to any material that is obscene or indecent under applicable local, state, or federal laws.

(k) **Advertising Material:** refers to any material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office) or the solicitation of donations, or barter.

(l) **Community:** refers to the collection of any residents, organizations, or any other entity located within the boundaries of Scott County.

(m) **Candidate for Public Office:** refers to any person who has publicly announced that she/he is a candidate for nomination by a convention of a political party, or for nomination or election in a special primary, or general election, for municipal, county, state or national office, so that she/he may be voted for by the electorate directly or by means of delegate, or electors, and who has qualified for a place on the ballot, or is eligible under applicable law to be voted for by sticker, by write- in on the ballot, or by other method, and has been duly nominated by a political party which is commonly known, or makes a substantial showing that she/he is a bona fide candidate for nomination to office.

(n) **Government Access:** refers to use by Scott County, or the State of Indiana for the production of local access programming that pertains to Scott County.

(o) **Educational Access:** refers to use by educational institutions for production for the purpose of educational access. Or by non-profit organizations who request assistance in the production/Cable casting access programs that are educational in nature.

(p) **Public Access:** refers to the use of channel time by residents of Scott County for general purposes.

3. Operating Rules Governing Access Channel Time

(a) The Media Coordinator will schedule programs in a first come non-discriminatory manner that will maximize fairness and diversity of expression and that will ensure that no one person or organization monopolizes facilities to the disadvantage of others. The Media Coordinator will be guided by the following rules and may also take community interest into account.

(b) Access channel time, shall be available for Cable casting on a first come, non-discriminatory basis after filling the necessary request forms, in accordance with Section 4 of these rules. Users may specify alternative dates and time.

(b.1) A Public Access user is restricted to two cablecasts of the same program per month and not more than one cablecast in any 24 hour period.

(b.2) A request for Access Channel Time must be made at least two weeks in advance and not more than two months in advance to allow for proper scheduling of the cablecast.

(c) There will be no charge for the non-commercial use of regular access channel time. Regular access channel time is limited to thirty minutes per cablecast. Charges will occur if the cablecast extends past thirty minutes according to the price table below.

Charges for cablecasts are as follows.

½ hour total	* Free
1 hour total	\$100.00
1 ½ hours total	\$250.00
2 hours total	\$350.00
2 ½ hours total	\$450.00
3 hours total	\$550.00
3 ½ hours total	\$650.00
4 hours total	\$750.00

* One thirty minute time slot will be given free per week.

(d) Program content should be consistent with community standards and applicable state and federal laws. The Media Coordinator will determine appropriateness of questionable or mature content. Restrictions may include limiting time slots, editing for content, and not airing the program in its entirety.

The following are not permitted on the Public Access channel:

(d.1) No program or presentation shall be cablecast that involves a lottery or any lottery information.

(d.2) No program or presentation shall be cablecast that involves any obscene or indecent material, as determined by State and Federal laws.

(d.3) No program or presentation shall be cablecast on access channels that involve any advertising material. This rule will not prevent identification by name and phone number of persons or businesses providing funds, equipment or other items of value to access users producing programming unrelated to the commercial interests of the donor.

(d.4) No program or presentation shall be cablecast that involves any libelous or slanderous material.

(d.5) No program or presentation shall be cablecast that does not have all appropriate clearances (copyright, use of image, etc.), which are the responsibility of the access user.

(d.6) A political candidate's access to Educational and Governmental Access Channels is limited to particular formats such as debates and forums sponsored by non-partisan groups. Political expression by individuals and organizations is allowed on the Public Access Channel.

(e) Should the Media Coordinator determine or believe that the statements in the access user's application are false, misleading or incomplete; the Scott County Community Channel will not cablecast nor permit to be cablecast the material or portions of the material presented for cablecast by the access user.

(f) Upon determination by the Media Coordinator that the program subject material offered by an access user may offend some viewers due to mature content, an announcement in substantially the following form will precede and/or appear during breaks in cablecast of that program: "This program is considered to be of mature theme and therefore, may be considered to be offensive to some viewers. Viewer/parental discretion is advised."

(g) In the event of poor technical quality the following announcement will be shown: "The viewer may find the technical quality of some portions of the following program unsatisfactory."

(h) Failure to comply with these rules may subject the user to forfeit the right to use the access channel time for a period of time appropriate to the infringement. Users who have two (2) violations within a period of one (1) year will be prohibited from using access channel time for a period of one (1) year.

(i) Requests for access channel time on behalf of minors (as defined by applicable state laws) must be made in the name of an adult who agrees to assume responsibility for the minor's use. The adult responsible for such minors must also execute the necessary assurances that authorization has been obtained concerning appearance of any minors on a cablecast program. The adult will also be responsible for any liability resulting from the use of equipment or the appearance by a minor.

(j) All MPEG2 files of programs to be cablecast (except live programs and events of timely interest determined by pre-arrangement) shall be submitted to the Media Coordinator at least 48 hours before the scheduled time of broadcast to provide an opportunity for review of technical quality and content. If the program is to air on Sunday then the program must be submitted by noon on Thursday. The judgment of the Scott County Community Channel shall be final with respect to the use of the particular scheduled program.

(k) The following announcement may be cablecast before the applicant's program material: "The content and opinions presented in the following program are not necessarily those of the Scott County Community Channel." and "This Public Access programming is made available through the facilities of the Scott County Community Channel."

(l) In the event funds, equipment or other items of value are provided for any access user including program material which is funded, sponsored, or underwritten, in part or in full by any individual, business or non-profit organization, the following announcement may be cablecast before the applicant's program material:

This program was made possible with funds provided by _____."

This rule will allow identification by name and phone number of persons or businesses providing funds, equipment or other items of values to access users production programming unrelated to the commercial interest of the donor.

(m) MPEG2 files that are submitted will be retained for a period of two weeks following their last scheduled cablecast. The media should be picked up within that two week period. Media left after the two week period will become the property of The Scott County Community Channel.

(n) Applications for the use of public access channel time must be submitted in writing and specify or contain the following:

- The proposed user's name, address, and phone number.
- The times and dates desired and alternatives for channel time.
- The exact length of program material to the nearest second.
- Must be in MPEG2 file format following the specs provided.
- A summary statement or synopsis of the content/subject matter and title.
- A statement that no advertising, lottery, lottery information material, obscene, slanderous nor libelous material is contained in the program.
- A statement that all appropriate arrangements and clearances have been obtained from broadcast stations, networks, music licensing organization performers' representatives, sponsors and other persons necessary, without limitation to the above, for authorization to transmit program material over the Scott County Community Channel
- A statement that the access user accepts full responsibility for the content of programming and the consequences of its presentation.
- A statement that the access user is familiar with the Scott County Community Channel operating rules and regulations, and a statement that the user has read and understands the requirements contained within the rules and will comply with them.
- Such other additional information, as is necessary to enable the Scott County Community Channel staff to properly perform its playback duties in accordance with the rules that govern the channel.

4. Indemnification and Hold Harmless

All access users shall be fully responsible for the content of their programs. Such full responsibility shall include, but not be limited to, making all necessary arrangements with and obtaining all required clearances from broadcast stations, networks, sponsors, music licensing organizations, performers representatives, authors, composers, and any and all other persons or entities that may be necessary to transmit the public access user's program material on access channel time. All public access users shall indemnify and hold harmless the Scott County Community Channel and its franchisee, their officers, directors, employees, agents and representative from any and all liability, damage, injury, judgment, including cost of defending claims (including reasonable attorney's fees) arising from or in connection with any claim for failure to comply with any laws, rules or regulation of federal, state or local government, claims of libel, slander or invasion of privacy, claims of infringement of copyright, patent or unauthorized use of any material or trademark, service mark or image, or for any other injury or damage in law or in equity claimed as a result of or from or connected with access user's use of access channel time, equipment, facilities or other resources. The foregoing shall include obscenity claims as well as any and all other claims related to scheduling or programming on public access channel time, and shall include only claims relating to intentional malfeasance of any party or entity to be indemnified hereunder.

5. Procedures Summary To submit a program for Cable casting:

- A. Bring the MPEG2 File to the office.
- B. Make sure it is labeled with your name, the program title and the running time to the nearest second. The Media you bring the MPEG2 file in on should be labeled directly.
- C. Complete and sign the Access request form.
- D. The MPEG2 File must have at least 3 seconds of black before and after the program.
- E. Programs longer than 29 minutes or programs longer than 59 minutes may be interrupted during Cable casting with a channel ID at the half hour or at the hour.
- F. Programs must be submitted 48 hours ahead of the time requested for Cable casting, unless prior arrangements have been made. *If the program is to air on Sunday then the program must be submitted by noon on Thursday.*
- G. The Scott County Community Channel schedules are posted online at <http://www.scottcounty.tv> and may be seen on the channel during non cable casting hours.

Subject to change