

# Rules of Operation

The purpose of Bloomington's public access television is to provide residents and organizations a means to produce a wide variety of cable television programs about their experiences and interests. More specifically, the operation strives:

- To facilitate, promote, coordinate and assist public service community programming of interest or benefit to the citizens of Bloomington; and
- To inform members of the community of the potential services and benefits of cable television communications in Bloomington; and
- To provide training, resources and technical assistance that will make cable television facilities more accessible to the citizens of Bloomington as a non-commercial means of communication.

As it is consistent with the intent of Congress to establish an electronic forum which will further First Amendment goals, and to foster the availability of diverse viewpoints through public access programming, therefore neither the public access facility, the City of Bloomington, nor the franchised cable grantee, shall exercise any editorial control over programming presented on the public access channels, nor shall they attempt to regulate or constrict content of the programs except herein provided. Only in the event that public access programming is in violation of local, state or federal laws, or in violation of the public access facility's policies, including content that qualifies as libelous, slanderous, obscene, or incitement to riot, shall the City of Bloomington have the authority to restrict public access programming from the public access channel.

To ensure that persons submitting tapes take full responsibilities for their programming and that the public access channel retains its distinctive, non-commercial character, the City of Bloomington has created the following rules to define what submitted programming may contain and what the person submitting a tape must declare about their program.

Persons submitting programming agree to comply with these public access television guidelines. Failure to comply may result in loss of scheduled program time on the channel and/or equipment/facility user opportunities.

## Section 1: User eligibility

- 1.1 Any Bloomington resident, organization, student or employee of a Bloomington-based business or organization is eligible to become a public access user.
- 1.2 All applicants or a minor's parent/legal guardian must submit an application and show a current driver's license, state ID card or student ID card. Producers under 18 years of age must arrange for a parent or legal guardian to complete the application form on their behalf.

- 1.3 Application must be made in person to the public access programming coordinator.
- 1.4 The City of Bloomington reserves the right to determine the accuracy of application information. Programs found not to be in compliance with rules regarding eligibility will not be further processed or played.

## Section 2: Facilities and equipment

- 2.1 Access to facilities and equipment shall be on a first-come, first-served basis, through reservation as time permits. Reservation and use of equipment and facilities is handled by staff and is subject to scheduling reflecting availability, prior project completion and eligibility. Terms and conditions of equipment checkout are specified on reservation/checkout forms. Equipment or facility requests must be made at least one day in advance during the facility's normal business hours.
- 2.2 Access to equipment, studio facilities, training sessions, and cablecasting of programs shall not be withheld, prohibited, or restricted in any way because of race, color, creed, religion, political beliefs, sexual orientation, disability, national origin, marital status, status with regard to public assistance, age or sex.
- 2.3 All equipment users must attend a training session sponsored by the public access channel, or be able to demonstrate proper use of equipment.
- 2.4 No studio production shall take place without staff supervision.
- 2.5 Eligible users must show up on time for scheduled studio or equipment times and must put away equipment before the end of the scheduled time period.
- 2.6 Users of equipment or facilities will be required to sign a responsibility form before such use.
- 2.7 Eligible producers using the public access channel's equipment, studio or post-production facilities are not allowed to make any modifications of wiring, computers, components, or software. Any damage caused in this manner will be charged to the user.
- 2.8 Any users found to be misusing or abusing the equipment or facilities will be subject to loss of privilege.
- 2.9 Abusive language and/or actions will not be permitted in the facility.
- 2.10 Public access channel equipment shall be used for production of programs for playback on the public access channel.

## Section 3: Programming and cablecasting

- 3.1 A program producer must sign a playback form for completed programs. The producer is responsible for insuring that all persons appearing in completed programming have signed a release form, and that any applicable copyright permissions have been obtained.
- 3.2 Programs submitted to the public access channel must be accurately timed and be of good technical quality.
- 3.3 Staff reserves the right to suspend or cancel the cablecasting of any program that contains either poor technical quality or is in poor physical condition.
- 3.4 All public access channel programming is scheduled by staff, reflecting availability as determined by staff.
- 3.5 Eligible producers take responsibility for the content of the program, including but not limited to: the accuracy of claims and the possibility of slander, the impact of indecent or obscene material, the possession of all clearances and permissions for the use of music, pictures, video and personal images, and will cover costs associated with claims made in the event of real or perceived copyright violations. Producers are required to sign an agreement indemnifying and holding harmless the City of Bloomington and its employees and officials from any claims, lawsuits or damages arising out of programming alleged to be obscene, libelous, slanderous or incitement to riot.
- 3.6 Submitted programs must contain no advertising material and be in compliance with FCC and federal lottery, indecency and obscenity directives. Advertising material covers a range of qualitative information about products and services, from a product or services inventory, to messages having the impression of an infomercial/image piece or classified ad, to direct appeals to purchase products or services. Non-profit charitable service and civic organizations may profile their services and events.
- 3.7 Upon determination by staff that a program contains material for a mature audience, and/or unsuitable for children, the program will be scheduled in time slots no earlier than 11 p.m.
- 3.8 Non-resident individuals and organizations need a Bloomington individual or organization to serve as a sponsor in order to have programs cablecast on Bloomington public access television. These individuals and groups must obtain approval for air time from staff.
- 3.9 Programs for playback on the public access channel shall not be used for profit-making or revenue-generating activities.
- 3.10 Tapes dropped off without completed application forms or unclaimed more than 90 days after playback may be discarded.
- 3.11 Programs up to one hour in length may be shown up to four times per week. Programs between one and

two hours in length may be shown up to three times per week. Longer programs may be shown up to two times per week. All showings are subject to availability of channel time.

- 3.12 Series time slots may be scheduled, subject to change, for producers submitting new programs on a weekly, bi-weekly, or monthly basis. Series time slots will be one-half, one and one-half, or two hours in length. One slot length may be selected per series and may not be exceeded, nor underutilized by more than 15 minutes, once established. To retain series time slots, new programming fitting the established length must be submitted on a regular basis. A waiting period of one month will be imposed to re-establish a series in the event of disruption or non-compliance. The City of Bloomington reserves the right to impose additional restrictions on program scheduling to encourage the regular delivery of established, series programming.

## Section 4: Election programming

- 4.1 The public access facility will offer equal opportunity to opposing candidates for political office in the political coverage it produces for the public access channel, provided that fairness and equal time rules are followed where applicable pursuant to Minn. Stat. §211B.01. This includes equal notification of opportunities, fair questions of candidates, and equal response or debate time for candidates.
- 4.2 Whenever a candidate produces a program, staff will be responsible for notifying the candidate's opponent by certified mail of the intended broadcast and the opportunity to produce a similar piece subject to the same limitations.
- 4.3 Any political programming must have a disclaimer identifying the source of the material and the fact that broadcast of such programming on the public access channel does not constitute an endorsement by the City of Bloomington of its content or the candidate, pursuant to Minn. Stat. §211B.01.
- 4.4 The City of Bloomington will not endorse candidates on the channels it operates.
- 4.5 The public access facility will only partner with external agencies to produce political programming (e.g., League of Women Voters, local newspaper, Chamber of Commerce, etc.), and only with those groups devoted to fair, equal and non-partisan consideration of candidates and positions.
- 4.6 All political programming will be aired on Bloomington public access television up to 24 hours before polls open in Bloomington.
- 4.7 If a potential violation of the City's fair and equal time policy occurs, staff will investigate the matter within 24 hours notice of the potential infraction, and will implement appropriate remedies if needed as soon as reasonably possible. He or she will notify all affected parties of the action taken or remedy proposed. Such remedies may include offering equal opportunity to all

candidates, or the removal of programming that doesn't meet the fairness standards of the public access channel's program policy.

## **Section 5: Insurance and indemnification of BCAT staff**

- 5.1 All eligible users of equipment and facilities are responsible for the equipment under their care. After certification, all eligible users will agree to hold the public access television station and the City of Bloomington harmless from liability and/or legal fees incurred as a result of damage to equipment or injuries sustained by users while in the access facility and using access equipment. No equipment will be used without such agreement.
- 5.2 Users of equipment may be required to pay the deductible for any equipment covered under the insurance policy and damaged or lost while under the use of said user. If equipment is damaged, the user may be responsible to reimburse the City of Bloomington for the full replacement value of the damaged or lost equipment.
- 5.3 All programs are the sole property of the producer, and the producer retains the copyright. As part of the cable request form, each producer must sign an agreement indemnifying and holding harmless the City and its employees and officials from any claims, lawsuits or damages arising out of programming alleged to be obscene, libelous, slanderous or incitement to riot. No show will be aired without such agreement.
- 5.4 The public access television reserves the right to add appropriate disclaimers before and after each program for any material that may be sensitive to some viewers.

## **Section 6: Suspension of privileges and appeals process**

- 6.1 Unless otherwise stipulated in these guidelines, three violations of the above guidelines will result in a loss of all access production for one year. A single violation of a more serious nature in the sole discretion and determination of staff will result in immediate suspension of all privileges for up to six months. Failure to deal with staff in a courteous matter will also be considered a violation of the above guidelines.
- 6.2 Should anyone, including producers, users or the viewing public, dispute any action taken by staff, its interpretation of the public access policies, and/or request the censorship of a public access program, the following process shall be available to the complainant:
  - a) Request a meeting with the public access production specialist to discuss the issue.
  - b) If the meeting with the production specialist does not resolve the matter, a meeting may be requested with the Communications Administrator.
  - c) If the complaint is unresolved with the Communications Administrator, the matter may be appealed to the Transition Advisory Committee, or a committee acting in a similar capacity, for a hearing at their next regular meeting. The Committee's decision is final in all matters pertaining to the interpretation and administration of public access policies and activities.

## **Regulation of policies**

- 7.1 The guidelines for public access channel operation are approved by the City of Bloomington, Minnesota. The City of Bloomington has the right to amend these rules and policies at any time.

8/27/2003