



Community Program Center Policies and Operational Procedures

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COMMUNITY PROGRAM CENTER GUIDELINES AND OPERATING PROCEDURES

Mission Statement

The Mission of the Community Program Center (CPC) is to provide to individuals, organizations, agencies, institutions, and groups from participating communities in Kenton County the facilities, training and equipment necessary to produce quality television programs which are responsive to their interests, issues, and needs.

These Guidelines and Operating Procedures (Guidelines) have been recommended by the Community Program Center Advisory Committee, and approved by the Telecommunications Board of Northern Kentucky. The Guidelines were developed to ensure maximum convenience and fairness for producers. To insure that the Guidelines continue to reflect the best interest of the community they are subject to review and change by the Telecommunications Board of Northern Kentucky upon recommendation of the Community Program Center Advisory Committee.

Public participation in the goals of the Community Program Center is encouraged and the public is invited to be a part of its success.

Section I

MEMBERSHIP

The Community Program Center (CPC) is a member organization. Membership is open to any and all residents of participating communities in Kenton County on a non-discriminatory basis. Organizations and groups, based in a participating community, are also eligible for membership. Individuals under the age of eighteen (18) who wish to use the CPC services and facilities must have a signed parental consent form on file with the CPC. Members are entitled to use CPC equipment and facilities for the production of a program at **no cost** on a first-come, first-served basis upon completion of certification requirements.

A. ORIENTATION CLASS

Orientation sessions will be presented on a monthly basis. These sessions will include discussions of: the history of public-access television; First Amendment rights; public access as a community communication tool; the structure of the CPC and its relationship to the Telecommunications Board of Northern Kentucky (TBNK), its member communities, the cable operator, access policies and procedures; cablecast equipment use agreements; and how individuals can become involved in the CPC beyond making programs. During these sessions, the CPC staff may also present program options and help the participants plan how they will begin their training in order to accomplish their program goals.

B. CERTIFICATION CLASSES AND WORKSHOPS

Training classes will be offered on a first-come, first-served, non-discriminatory basis.

Any person wishing to take an access training class, workshop, or equipment competency demonstration/facility procedures review, or cablecast a program must first attend an orientation session. Likewise, any individual wishing to use CPC equipment, facilities, or channel time must attend this orientation. Additionally, Orientation class is a pre-requisite for any of the equipment certification classes.

Certification classes will be offered in the following areas on a monthly basis:

- Field Production (field camera, tripod, and accessories)Editing (non-linear editing and graphics)

Certification classes will be offered in the following areas to individual groups as needed:

- Portable Studio Kit (TriCaster)
- Studio Mentoring Sequence

* (If a producer wants to use the studio simply as a “sound stage” with a field camera in order to utilize the studio's staging and lighting they do NOT need to take the Studio Mentoring Sequence.)

Optional Workshops may be offered from time to time in the following areas:

- Producer/Director Workshop
- Lighting Workshop
- Audio for Video Workshop
- Adobe Photoshop Workshop
- Advanced Audio Editing

The Studio Mentoring Sequence is as follows:

Due to the complexities of producing a multi-camera studio show (live or recorded), CPC Staff uses a “Studio Mentoring” sequence of classes rather than a traditional single session.

Before any multi-camera studio training can begin, the Producer must put together a video crew made of up of their friends, family members and volunteers who wish to help with the show. Once the Producer has their crew organized, the CPC Staff will schedule the first training session for the group.

The first training session for the group will cover basic studio operations, crew positions, rules for the studio, as well as any specific discussions regarding the producer's upcoming program. At the end of this session, all crew members in attendance will be qualified to work in the studio, and the CPC Staff and Producer will schedule the second training session. *(Additionally at this point crew members will be encouraged to attend other studio tapings, and even volunteer for them, as part of continuing their education.)*

At the second training session, the Producer and crew will work together to create a mock-taping or a “pilot”. This is a good chance for the Producer and their crew to work out all the needed staging, lighting, audio and program details specific to the future creation of their show. Again, CPC Staff will be on-hand to answer any questions and finish up any needed training while assisting the Producer as they make the decisions needed to get ready to record their first show. Included in this second session will be further practice on proper studio techniques, director commands and advanced control room operations. At the end of this second training, CPC Staff will work with the Producer to schedule the third training session and actual recording of the program.

The actual recording of the first program will serve as the third training session. During this session, all crew members will work the positions for which they have been trained. *An actual finished show is the goal of this third session.* Once again, CPC Staff will be on-hand and involved in order to fine tune the workings of the crew and their producer. If needed, a fourth session *(basically a repeat of the third session)* may be scheduled if the CPC Staff feels that the crew and/or producer need more assistance before beginning to work on their own *(without CPC Staff assistance)*.

Once the multi-camera studio mentoring sequence is complete, CPC Staff will always be available for questions, troubleshooting, ladder-related setup and additional training of crew if needed, *but CPC Staff will not be able to work ANY of the crew positions on future shows.* Due to the small nature of our staff, it is up to the Producers and their crew to work their own shows

after the mentoring sequence is complete. This also helps maintains the Producer's independence and control of their program content.

C. CERTIFICATION AND RECERTIFICATION

It shall be the certified user's responsibility to make sure that their records of equipment certification are kept current. Any person who has not used a particular piece of CPC equipment for a period of 12 months may be recertified by demonstrating his/her competency in the operation of the equipment before they may use it. After 12 months of inactivity, the user will be treated as a new member and may be required to begin the recertification process, starting with the Orientation Session.

Certification in Field Production, Studio Production, and Editing may be obtained by attending certification classes provided by CPC staff and demonstrating proficiency with the appropriate equipment. Producers who come to the CPC with prior video experience may be certified by the CPC Staff on specific pieces of equipment by demonstrating their competency instead of attending classes. The competency demonstration shall be designed to confirm the user's ability to safely and properly setup, operate, shut down and repack the equipment. Remember, People who wish to receive certification in this manner must first attend the CPC Orientation Session

The name, address, telephone number, qualifications, and most recent equipment or facility used shall be recorded and kept on file with the member's certification records.

Section II

SCHEDULING AND USE OF CPC EQUIPMENT AND FACILITIES

Use of CPC production facilities and equipment must be for the purpose of producing a **non-commercial program** to be cablecast on CPC access channel(s). Access facilities, equipment, technical assistance, and channel time is available at **no cost** to certified users who reside within participating communities in Kenton County.

Certified users may use CPC equipment and facilities after passage of specified training courses provided by the CPC as outlined above. Users must complete the current project before beginning a new production unless special arrangements are made with the CPC staff.

A. OPERATING HOURS

TBNK/CPC administrative offices will be open to the public consistent with the following schedule:

Monday –Friday 9:00 a.m. – 5:00 p.m. Closed Saturdays/Sundays

The CPC TV Studio and production facilities will be open to certified members during the hours that best meet the needs of the communities and producers it serves at the discretion of the Executive Director. The following schedule will generally be followed:

Monday – Friday 1:00 p.m. - 6:00 p.m. **and 6:00 p.m. to 9:00P.M. by reservation.**
Closed Saturdays/Sundays

The CPC production facilities will be closed for maintenance during the first week of January and one week in June or July as needed at the discretion of the Executive Director and on the following holidays:

New Year's Eve and Day
Martin Luther King Day
President's Day
Spring Holiday
Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day
Veteran's Day
Thanksgiving Day and Day after Thanksgiving
Winter Holiday (December 24th and December 25th)

B. RECORDING MEDIA FORMATS

In order to ensure the highest quality possible, producers must use current approved formats for production, editing and airplay.

In order to keep up with the always changing technology of television production, formats will be determined and updated by CPC/TBNK Staff from time to time, as needed. CPC Community Producers should check with staff to obtain a list of the current recording formats and rules for program submissions. Current lists will be available in Master Control.

C. EQUIPMENT AND FACILITY RESERVATIONS

Equipment and facility reservations will be accepted from 24 hours to 30 days in advance on a first-come, first-served, non-discriminatory basis. All equipment, facility reservations and cablecast scheduling must be made through CPC staff. Separate arrangements must be made for series programs. Arrangements for live programming must be made through the staff. A reservation made outside this time frame is left to the discretion of the CPC Production or Program Director.

Editing time will be flexibly scheduled during regular facility hours. During peak demand, reservation times may be limited to 4 hour blocks no more than 2 days in a row, in order to serve the largest number of users. Studio time will be scheduled in four (4) hour blocks. No more than four (4) continuous hours in a single day or more than 3 consecutive days in a single week shall be granted without a showing of special circumstances. Producers must arrive and claim their reservation within 15 minutes of their scheduled starting time, or risk forfeiture of their reservation. Producers and/or crew must vacate the facilities at the completion of their reserved time block. No individual producer may have more than one edit bay scheduled at a time.

Each time any equipment of the CPC is checked out, the producer must execute an "Equipment Use Agreement", accepting the responsibility for its safekeeping and for any negligent or intentional misuse.

D. EQUIPMENT CHECK OUT/CHECK IN

Any equipment that is checked out on a weekday is due back to the facility within 24 hours. Any equipment that is checked out on a Friday (weekend sign out) is due back on Monday (or Tuesday, if Monday falls on a day that the CPC facility is closed). The Production Director or Program Director will address any exceptions to this checkout policy based on an availability of the gear on an individual basis. (It is generally easier to get extended check out times for cameras on weeknights.)

The certified producer must sign an "Equipment Use Agreement" before any equipment is loaned out of the CPC facility. It is the responsibility of the producer and staff to determine that the equipment is all accounted for and in proper operational condition before they sign the checkout form. The producer is required to return, at the specified time, all equipment in undamaged working order, ordinary wear and tear excepted, and the producer is liable to compensate the CPC for any loss and/or damage. CPC staff will inspect and test the equipment as it is being checked in, and will notify the producer and the Program Director immediately of any loss and/or damage.

In cases where there is damage or the equipment is non-working, the producer will have 14 working days after notification to work out satisfactory arrangements with the Executive Director for the payment of costs of repair or replacement of any equipment loss and/or damage. All CPC user privileges will be suspended until satisfactory arrangements for payment have been made.

The staff will maintain an equipment repair/maintenance record available for inspection by producers.

All members and producers shall execute an agreement holding the CPC Advisory Committee, its staff, volunteers and the Telecommunications Board of Northern Kentucky, its Board members, employees and agents harmless from any and all claims or losses occasioned by the use of CPC equipment or facilities by any producers, members, their agents or volunteers.

E. STUDIO/FIELD CREW ASSIGNMENTS

Crew position assignments are the responsibility of the program producer. Interns and volunteers may be available to assist in productions. A list or database of certified users will be available to help producers obtain crew for productions. **All crew must be certified on the equipment that they are to operate.**

The producer is fully responsible for the conduct of all crew and guests while in the facility or while using checked out equipment.

F. CPC EQUIPMENT WIRING

Under no circumstances should any member or producer of the CPC manipulate or disturb in any fashion any wiring. No changes to the studio, control room, or edit suites wiring, or attachment of any non-CPC accessories will be allowed. Master Control is for CPC employees only. No members are allowed in this area.

G. SCHEDULING CABLECAST TIME

Producers must complete a Cablecast Request Form with the program title included in order to schedule an airtime.

Programs are scheduled to begin on the hour or half-hour and may be re-aired as time slots allow and at CPC's discretion, subject to the contract with the producers.

Any programs submitted to CPC for airplay shall fall into one of two categories, either *Series* or *Single (non-series)*.

- 1) **Series programs** are ones shows of an continuing episodic nature that are produced on a continual cycle. Some examples of series programs are regular church services, regular studio shows, sporting events throughout a season, etc. Series programs have regular time slots for air play and are programmed on either a weekly, biweekly or monthly basis. **All series programs have two (2) regularly scheduled air times in their initial cablecast week**, generally one airing during prime time and one during another non-prime time, in order to find the largest audience. Series programs which are continually submitted in time for their next scheduled cablecast will retain their regularly scheduled air times (all programs must be submitted at least 48 hours prior to their scheduled air times).
 - a. **A Weekly series** episode may air twice a week, at the times agreed to in the cablecast agreement. After that, a new episode is needed to maintain its time slots for the weekly cablecasts.
 - b. **A Bimonthly series** episode may air twice a week for up to two (2) weeks, and or up to four (4) times within a fifteen (15) day period, including the first week at the originally designated time agreed to in the cablecast agreement. After that, a new episode is needed every two weeks to maintain the time slots for the program's its

initial week of the bimonthly cablecasts.

- c. **A Monthly series** episode may air twice a week, and up to eight (8) times within a thirty (30) day period, including the first week at the originally designated time agreed to in the cablecast agreement. After that, a new episode is needed each month to maintain the time slots for the program's its initial week of the monthly cablecasts.

- 2) **Single programs** (*non-series*) are ones shows that are NOT produced on a regularly scheduled basis and are NOT part of a regular series and are submitted to CPC less often than once a month. Some examples of single programs are a documentary, a concert, a single sporting event, etc. All single programs may have two (2) regularly scheduled air times in their initial cablecast week, just like series programs, but because single programs are submitted less often than once a month, they do NOT retain their air times beyond their initial run. At the discretion of the staff of the TBNK/CPC, a single program may receive additional air-plays beyond their initially scheduled week of air-times for up to 6 more air times over the next three (3) weeks.

All programs submitted for air at the TBNK , may be given further air-plays in addition to the above designated times if the schedule permits and at the discretion of the staff of the TBNK/CPC.

Staff shall set time deadlines for submission of series programs by contract. Failure to fulfill the contract deadline terms shall result in the loss of dedicated time slots. CPC reserves the right to schedule **restricted** material in accordance with other policies set forth herein.

Any producer who wishes to cablecast a live program that would pre-empt a series program shall submit a channel time reservation request to the Program Director 45 days in advance of the date of the proposed cablecast. Staff shall determine the community value of the proposed live program and, if justified, shall notify the series producer of its preemption **within five (5) days of receipt of the live program request. If the series producer accepts the preemption, the staff will do the following:**

- Play the series program at a different time or day
- Schedule an additional playback of the series program on a different day
- Schedule notice of preemption of the program on the channel where program is regularly scheduled to run two days in advance of regularly scheduled time noting the new dates and times of playback

The live program producer will be required to:

- Schedule a video announcement at the beginning of the program alerting the viewer that the regularly scheduled program(s) has been preempted with the times and dates when the program(s) will be cablecast
- During the live program, the producer will provide video notice of the preemption of programming regularly scheduled with the new dates and times of the playback of the program(s).

- At the end of the live program, a video announcement will be made regarding the preemption of regularly scheduled program with the dates and times when the program(s) will be cablecast.

The pre-empted producer may appeal the decision of the staff by following the procedures set forth in the guidelines for the "Appeal of a Series Preemption" in this manual.

H. NON-LOCAL PROGRAMS

Residents or organizations of participating communities in Kenton County may submit non-local, non-commercial programs from other sources for cablecasting. Non-Local programming shall be defined as any program where 60% or more of the program has been produced or acquired from outside the participating communities in Kenton County. The submitter must:

- Attend a CPC orientation session;
- Obtain any necessary releases;
- Complete and sign a "Cablecast Request Form" prior to scheduling;
- Meet cablecast technical standards.

The submitter must identify himself or herself as accepting full responsibility for the program content at the end of the program. This is done by placing the text required by the "Cablecast Request Form" at the end of the program. Non-local programming is secondary in priority to local programming and subject at all times to the terms and conditions of the franchise agreement.

The TBNK and CPC prohibit public access programming (including programs submitted for the Devotion Channel) which is, or was, produced by, for, or on behalf of an organization that has its primary address in a non-member community located in Boone and Kenton County, even if the programming is submitted by a member resident. If the TBNK or CPC knows that the non-member organization hires or pays a member resident to produce or submit the programming for the non-member organization, or if the resident is an employee of the organization; then this will constitute a conflict of interest, and since the resident is acting as an agent of the non-member organization, the programming will be considered to be on behalf of the non-member organization and not on behalf of the resident. **Organizations whose parent organization has its primary address in a member city, may submit programming, such as schools or libraries that are a part of a member community's school or library system.**

This prohibition does not apply to Government Access, Educational Access, staff produced programming, programs requested by officials of member cities or counties, programs that are cooperative productions between the TBNK/CPC and other PEG/Centers or PEG organizations, or events produced by member communities in cooperation with non-member communities.

I. PROGRAM OWNERSHIP

Anyone who produces a program using CPC equipment and/or facilities maintains the copyright to the production. However, in consideration for the use of CPC equipment or facilities, the

producer of any program produced in whole, or in part, with CPC equipment or facilities shall provide the CPC with an air quality master for cablecast at the CPC before distributing to any other media (other access facilities excluded) and shall display the CPC logo and the following notices in the credits:

This program was produced in whole or in part through the facilities of the Community Program Center, An Agency of the Telecommunications Board of Northern Kentucky."

"The content of this program is solely the responsibility of (insert producer's name) and not the Community Program Center nor the Telecommunications Board of Northern Kentucky and does not necessarily reflect the views of the CPC nor the TBNK."

As further consideration, the CPC reserves the right at its discretion to:

- Copy all or any part of the master of any program submitted for cablecast for its archives, and has the right and license to replay the program without charge or any other fee which would be payable to or by the original producer ;
- CPC shall not sell or transfer the right to cablecast a program not produced solely by CPC or its employees or agents;
- CPC may use any part of a production for the purpose of a promotion of the CPC facilities of CPC after receiving the permission of the producer, whose permission will not be unreasonably withheld.

Section III

CPC CABLECAST TECHNICAL STANDARDS

- To insure that programming (DVD-R discs) submitted for cablecast meets reasonable standards of quality producers must follow the cablecast technical standards, which will be determined and updated by CPC/TBNK staff from time to time as needed. CPC Community Producers should check with staff to obtain a list of the current technical standards. Current lists will be available in Master Control.

If programming contains restricted material, it must carry the following viewer warning on the DVD face and be cablecast for 15 seconds at the beginning and end of the program:

"The following program contains material which may be offensive to some viewers, or is inappropriate for viewing by children (under age 18). Viewer discretion is advised."

"The content of this program is solely the responsibility of (insert producer's name) and not the Community Program Center nor the Telecommunications Board of Northern Kentucky and does not necessarily reflect the views of the CPC nor the TBNK."

(A label containing this warning may be obtained from CPC.)

- Contain as the last two (2) images, the following items, held for fifteen (15) seconds each:
 1. The Producer's name and organization, if there is one
 2. If CPC equipment is used, the CPC Logo and the following text:

"This program was produced in whole or in part through the facilities of the Community Program Center, an agency of the Telecommunications Board of Northern Kentucky."

In consideration of the use of the facilities of CPC the producer hereby agrees to hold CPC, the CPC Advisory Committee, its agents and employees, the Telecommunications Board of Northern Kentucky and its employees and agents harmless from any and all damages or claims which may result from erasure of videotapes or any loss of program material or any resulting claims which may be made as a result of playback or use of any CPC equipment.

Programs with false starts and retakes will be returned to the producer. Once a program has completed airing on CPC, the producer is encouraged to reclaim the DVD. The CPC will retain unclaimed DVD's or videotapes for up to six months and may recycle or destroy them after such time, at the discretion of CPC.

Section IV

PROGRAM CONTENT

Anyone who produces programming using CPC equipment or facilities is wholly responsible for all program content and legal responsibilities as described in the "Statement of Compliance", and "Equipment Use Agreement." Additionally, producers or users presenting recorded and/or live programming for cablecast on CPC channels must sign a "Cablecast Request Form" accepting full responsibility for the content of their program.

The following is prohibited on CPC access channels:

- Material that is obscene, indecent, libelous, slanderous, invades personal privacy, or is otherwise illegal according to Federal, State, Local law, or CPC policies;
- Advertising material with a call to action, soliciting the sale of specific products or services or soliciting votes for public office; appeal for money or property, except for CPC fundraising purposes approved by the Telecommunications Board of Northern Kentucky. (Identifying information such as name, address, telephone number, sponsors or place of employment shall not be considered as advertising.) Mentioning of events that program participants will be involved with, also will not be considered as advertising. This does not prohibit offering of equal time to debate issues.
- Advertisement of, or information concerning any lottery;
- Material or performances that require copyright or trademark, unless written authorization for the use of such material has been obtained, and is on file with the CPC;
- Material promoting illegal acts.

SPONSORSHIP RULES FOR TBNK/CPC CHANNELS and PROGRAMS

Approved Summer 2006

Commercial content on the community access channels is **NOT** allowed, however sponsor support of programs and the channels **ARE** allowed.

1. Sponsorship is defined as financial or in-kind (barter) support given to a producer to support an access program or the facility. Sponsorship is permitted with the understanding that it constitutes a **DONATION** of money, goods or services to support the producer's work and/or the facility's mission and is not compensation for the use of cablecast time or access resources.
2. Funding sources may be credited within access programs according to the sponsorship guidelines. Any individual, business or institution that helps defray production costs may be given sponsorship credit.
3. The overall tone or appearance of the announcements must be informational rather than promotional. Remember that a sponsor is providing a support for access programming, channels and/or the facility as a community service, not taking advantage of a sales opportunity or buying airtime.
4. Credit may be placed at the opening, logical mid-breaks and/or ending of programs with a maximum of two credit sequences per half hour of programming and a

- maximum of four credit sequences per hour of programming. Each sponsor must have no more than 15 seconds of airtime per credit sequence.
5. Total credit time per half-hour of programming may not exceed 60 seconds.
 6. If program content is longer than one hour, sponsors may be credited at the opening, at the 60-minute mark (or at a natural break as close to the hour as possible), and at the ending. Programs reaching two-hour lengths and beyond may follow the same approach.
 7. A sponsor's name **CANNOT** be part of the title of the program. Programs **ARE** permitted to have a "title sponsor", i.e. you **CANNOT** say "*The Coca-Cola Game of the Week*", but you **CAN** say "*Coca-Cola presents – The Game of the Week.*" Likewise, you **CANNOT** have "*The Coca-Cola Half-Time Scoreboard*", but you **CAN** have "*The Half-Time Scoreboard is brought to you by Coca-Cola.*"
 8. Producers are encouraged to use any of the following phrases in credit sequences:
 - a. The (following/preceding) community program is made possible in part by a grant from....
 - b. This program was made possible by a grant from....
 - c. Local presentation of (program) was made possible by....
 - d. This program has been brought to you by....
 - e. We would like to thank (sponsor) for their contribution to help make this program possible.
 - f. Special thanks to (sponsor).
 9. The credit may include pictures and/or signs with CG graphics and/or logos, not to include product representations. Text may include name, address, phone number and web site of the sponsor. Logos should fill no more than ¼ of the screen. Video or still shots of the fronts of main offices/stores, symbols (not products) that represent the sponsor ARE also permitted. All addresses, phone numbers and web sites should only be listed or mentioned once during each credit sequence.
 10. Audio during sponsor credits may include voice-overs and/or music. Music must be clear of copyright issues and may **NOT** be commercial or corporate jingles. Voice-overs **CANNOT** be done by an identifiable national spokesperson.
 11. The following items are **NOT** allowed during credit sequences.
 - a. Video of a person using a product in or out of its commercial container.
 - b. Video of a service being provided.
 - c. No use of cigarettes, tobacco products or alcohol in any form during the credit sequences.
 - d. Call-to-action or solicitation to purchase a product or service. No use of "you" or "yours".
 - e. No slogans.
 - f. No superlatives, comparisons or quality judgments in regards to sponsor's products or services.
 - g. No price or value information.
 - h. No inducements to buy or special deals.
 12. Cartoon characters as corporate logos **ARE** permitted (i.e. the EXXON Tiger), but ones that refer to a specific product are **NOT** permitted (i.e. Tony the Tiger for Frosted Flakes.)

13. Individual producers have the latitude to establish different levels of on-air acknowledgements for different levels of sponsorships within their own programs, subject to the above rules.
14. All producers are required to inform all sponsors that they are supporting a specific access television program and the mission of the TBNK/CPC and that the producer is acting on their own behalf. The producer is **NOT** a representative of TBNK/CPC, is **NOT** on staff at TBNK/CPC. TBNK/CPC does **NOT** assume any responsibility for the program and/or it's airing beyond its usual assumptions. TBNK/CPC is **NOT** responsible for making sure that any sponsorship agreement made with an individual community producer is fulfilled.
15. All sponsorship funds must be used for production and programming expenses only and must be not-for-profit. Allowable costs may include videotapes or discs, music rights, set supplies, actors/talent, crew food and other production costs.
16. Sponsors cannot claim their donations to programs as charitable donations unless the program is produced **BY** a non-profit charitable organization, *i.e. a sponsor could claim donations (for tax purposes) given to the United Way in support of a program produced by the United Way.*
17. Incidental appearances by owners or employees of a sponsor organization or business **ARE** allowed, but must not promote the sponsor's products or services.
18. TBNK/CPC reserves the right to acquire sponsors for the Community Bulletin Boards, staff programming and/or its channels, subject to the above rules. Producers are **NOT** permitted to have sponsors on the Community Bulletin Boards.
19. **TBNK/CPC reserves the right to refuse or modify any sponsor's material for any reason.**

CPC OBSCENITY, INDECENCY and RESTRICTED MATERIAL POLICY

The staff of CPC shall determine whether or not a program contains prohibited material, or is inconsistent with the purposes of CPC. If the program cannot be cablecast because of the content of the material contained in the program, the producer has the option of altering the program to conform, or may withdraw the program entirely. The producer may appeal the decision of the staff by following the procedures set forth below for appealing of a major infraction.

Programs containing material defined by CPC policy, local, state, or federal law as obscene, libelous, slanderous, invasion of personal privacy or otherwise illegal will not be cablecast and will be returned to the producer. However restricted material will be cablecast between the hours of 1 a.m. and 5 a.m. All programs cablecast during this time period must include the approved CPC disclaimer (see Cablecast Technical Standard) placed at the beginning of the program. This disclaimer must be in the form of written and spoken text. Such disclaimers shall be included in all CPC promotional materials and announcements, which contain restricted material.

WARNING: Producers are advised that productions that are in violation of applicable law or CPC rules may result in criminal prosecution or civil action. If a producer is uncertain of the propriety of a production, they are strongly urged to consult legal counsel. If it is found in any court action that a

producer has violated these rules, the producer's CPC Privileges will be suspended.

For the aid of producers in identifying prohibited material, the following definitions and summary of applicable law and rules are provided:

CPC OBSCENITY, INDECENCY AND RESTRICTED MATERIAL DEFINITIONS

A. COMMONWEALTH OF KENTUCKY OBSCENITY LAWS

KENTUCKY REVISED STATUTES 531.010 DEFINITIONS

- (1) "Distribute" means to transfer possession of, whether with or without consideration.
- (2) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines, or materials.
- (3) "Obscene" means:
 - (a) To the average person, applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct; and
 - (b) The matter depicts or describes the sexual conduct in a patently offensive way; and
 - (c) The matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (4) "Sexual conduct" means acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse; or physical contact with the genitals, flagellation, or excretion for the purpose of sexual stimulation or gratification.

KRS 531.020 DISTRIBUTION OF OBSCENE MATTER.

- (1) A person is guilty of distribution of obscene matter when, having knowledge of its content and character: (c) in this state he:
 1. Prepares, or
 5. Distributes, or
 6. Offers to distribute, or
 7. Has in his possession with intent to distribute, exhibit or offer to distribute any obscene matter.
- (2) Distribution of obscene matter is a class B misdemeanor... Punishable by a fine of up to \$250 or 90 days in jail or both.

KRS 531.030 DISTRIBUTION OF OBSCENE MATTER TO MINORS.

- (1) A person is guilty of distribution of obscene material to minors when, knowing a person to be a minor, or having possession of such facts that he should reasonably know that such person is a minor, and with knowledge of the content and character of the material, he knowingly:
 - (c) Distributes, or offers to distribute, obscene material to a minor.
- (2) Distribution of obscene materials to minors is a Class A misdemeanor... Punishable by a fine of up to \$500 or 12 months in jail or both.

(CPC NOTE: Since to cablecast on public access would necessarily be to minors in the viewing audience, the violator would be charged with the latter offense.)

B. CPC STANDARDS CONCERNING OBSCENE, OFFENSIVE, AND RESTRICTED MATERIAL

The CPC has determined that material which is patently offensive and which violates the contemporary community standards of the average person, when taken as a whole, is material which may be restricted from cablecast between the hours of 1 a.m. and 5 a.m., or prohibited altogether.

The CPC recognizes that speech, which is offensive and/or indecent, but not obscene, is afforded a degree of protection by the First Amendment of the United States Constitution. As such, merely indecent speech may not be banned from cablecast completely. Similarly, the CPC recognizes that speech, which is hostile, but not rising to the level of insightful language, is afforded protection by the First Amendment of the United States Constitution. As such, hostile or profane speech may not be banned from cablecast completely. However, offensive material which, if displayed or uttered in a public place which could be prosecuted as a criminal public offense, should be prohibited on public access cable channels. The public access cable channels are the modern day public soapbox and users of the public cable media are responsible to the public for their actions. The CPC has determined, as a result of public hearings and after extensive public debate, that certain material is so offensive and violative of the community standards that it may be prohibited from cablecast.

The CPC wishes to protect children and those adults who do not wish to be exposed to such restrictive or offensive material to the full extent of its legal ability. As such, the CPC has determined that all programming which is indecent or hostile, but not obscene or otherwise prohibited, may be cablecast between the hours of 1 a.m. and 5 a.m. only. This policy provides a means of protecting children from this type of material while still allowing adults who wish to view such material access to the programming. Similarly, material, which is offensive, may not be cablecast at anytime.

(1) OFFENSIVE MATERIAL

The CPC, in accordance with community standards, has determined that a range of materials which are not legally obscene under the definition articulated by the United States Supreme Court are still offensive and should be prohibited from cablecast at all times. These materials include programming which discusses or depicts sexual conduct, excretory activities or organs in a manner which may not be obscene; however, when taken as a whole, offends the average person within the local community. The CPC has determined the following material is patently offensive and violates contemporary community standards of decency and shall be prohibited from cablecast.

- **Gratuitous displays or discussions of sexual acts;**
- **Gratuitous violence to humans or animals;**
- **Gratuitous profanity; and**
- **Gratuitous nudity.**

While these materials are not legally obscene, the CPC believes that these patently offensive materials should be prohibited from cablecast at all times of the day in the best interests of the community.

(2)RESTRICTED MATERIAL

"Restricted Material" is defined as material, which when taken as a whole, **is indecent or hostile** as *measured by contemporary community standards* of the average person. This material includes: 1) programming which discusses sexual acts, organs or nudity, but which does not rise to the level of offensive or obscenity; 2) programming which discusses or displays realistic violence; and 3) programming which contains repeated profanity within the context of a program which do not rise to the level of obscenity.

C. DETERMINATION OF OBSCENE or RESTRICTED MATERIAL

Based on the information provided by a producer concerning the content of his or her production, the Executive Director will review the submitted production to determine if it contains material which is prohibited from cablecast or restricted to the hours of 1 a.m. through 5 a.m. for cablecast. Any producer whose production is deemed obscene or otherwise prohibited or restricted material will be notified of the Executive Director's decision by letter.

D. PRODUCER APPEAL OF EXECUTIVE DIRECTOR'S DETERMINATION

If a producer disagrees with the Executive Director's determination that his or her production contains prohibited or restricted material, he or she may file a request for appeal with the CPC Advisory Committee. The CPC Advisory Committee will hear the producer's complaint, and make a recommendation to the Telecommunications Board of Northern Kentucky, who will make the final determination. ANY AND ALL DECISIONS OF THE TELECOMMUNICATIONS BOARD OF NORTHERN KENTUCKY WILL BE FINAL.

Section V

PUBLIC RECORDS

The Community Program Center will maintain a detailed record of all persons and organizations granted time on the public access channel(s). The records shall be maintained in a public file, and will be made available for inspection during normal executive business hours and as provided by law. Those requesting inspection will be required to provide identification, which will become part of the public file.

Section VI

Appeal of a Series Pre-emption

Any series producer who is aggrieved by the determination of the CPC staff that his/her series will be pre-empted by a live program, may appeal such action within 5 days of his/her receipt of the notice of preemption by filing a written appeal with the Executive Director. The Executive Director shall, within 24 hours of receipt of the notice of appeal, excluding weekends or holidays, determine whether the decision of the staff is appropriate and will notify the series producer of the decision. If the preempted producer is not satisfied with the determination of the Executive Director, a meeting will be scheduled within five (5) days with the Executive Director, the staff, the chairperson of the CPCAC or the vice-chair, the preempted producer and the live producer. They will review the determination of the staff and Executive Director and make a determination of the merits of the appeal after the preempted producer and live producer have had the opportunity to be heard. At this time the chairperson of the CPCAC may grant the preempted producer relief from the determination of the decision of the Executive Director or sustain the decision.

If the preempted producer is not satisfied with the decision of the CPCAC chairperson, a written appeal may be made to the chairperson of the Telecommunications Board. The chairperson or vice-chair of the Telecommunications Board shall convene a meeting of the Executive Director, the CPCAC chairperson or vice-chair, the preempted producer, the live producer and the TBNK legal counsel within five (5) days of receiving the written appeal. The chairperson or vice-chair of the Telecommunications Board will review the record of the meeting with the CPCAC chairperson or vice-chair and will make a final determination after hearing from the preempted producer and the live producer. The record of this meeting shall consist of a written recitation of the finding of fact and the decision as recorded by the TBNK legal counsel, who shall be present at the hearing of appeal. ANY AND ALL DECISIONS OF THE TELECOMMUNICATIONS BOARD CHAIRPERSON OR VICE-CHAIR WILL BE FINAL.

This process should be completed within fifteen (15) working days from the date of the receipt of the notification of a live program from the live program producer.

Section VII

Disciplinary Actions

To ensure that CPC equipment and facilities remain in good working order, available to the broadest possible range of users, and that all available resources are used in such a manner as to fulfill the mandate under which the CPC was created, the CPC reserves the right to initiate disciplinary actions. These include any necessary legal action against individuals or organizations interfering with or jeopardizing the CPC operations, or otherwise violating CPC rules and procedures under which the CPC provides such resources and services. Immediate suspension of privileges may be imposed for a major offense.

A. Minor Infractions

Disciplinary action for minor infractions including, but not limited to, the following violations of the published rules and procedures may be imposed by the CPC Staff:

- Failure to return equipment on time;
- Return of equipment that is improperly packed or dirty;
- Leaving production facilities unclean and/or improperly storing equipment;
- Making equipment and/or facility reservations on behalf of others;
- Smoking, eating, or drinking in any restricted areas of the CPC;
- Unauthorized posting of materials in the CPC facility;
- Unauthorized use of CPC office equipment;
- Unauthorized entry into any "employee's only" area;
- Repeated minor misuse or abuse of equipment or facilities.

B. Disciplinary Actions for Minor Infractions

The Executive Director may impose the following disciplinary action in cases involving minor infractions:

- First infraction results in verbal warning with a notation made in the individual's file;
- Second infraction results in a written warning by the Executive Director, Program Director, or Production Director;
- The third infraction results in a suspension of all CPC privileges for up to 60 days. If there are previous suspensions, the third offense may result in a suspension for longer than 60 days.

C. Notification of Minor Infraction Disciplinary Action

The CPC will notify the individual who has been cited for a third minor infraction, in writing, within 20 days, stating the disciplinary action to be taken. Such notification shall also indicate any conditions for reinstatement of the user's privileges.

D. Minor Infraction Appeals

Any individual, against whom the CPC has imposed a disciplinary action for a minor infraction, may appeal such action within 20 days by filing a written, appeal with the Executive Director. The Executive Director may at his or her discretion present the issues to the CPC Advisory Committee Chairman who may in his discretion convene a special CPC Advisory Committee meeting. If no extraordinary action was taken by the Executive Director or the Advisory Committee Chairman then the Executive Director will then present this appeal at the next meeting of the CPC Advisory Committee, at which time the individual will have an opportunity to be heard and receive relief from the CPC Advisory Committee. If the individual is not satisfied with the action of the CPC Advisory Committee then he/she may appeal to the Telecommunications Board of Northern Kentucky by written request within 20 days. The Telecommunications Board of Northern Kentucky will make the final determination at the next

regular meeting. ANY AND ALL DECISIONS OF THE TELECOMMUNICATIONS BOARD WILL BE FINAL.

E. Major Infractions

The CPC may impose appropriate disciplinary action, including legal or other actions, for major infractions of the rules and regulations including, but not limited to:

- Misuse or abuse of CPC equipment or facilities;
- Theft or vandalism of the property of the CPC, the Telecommunications Board of Northern Kentucky, or of any staff member, volunteer, or visitor;
- Failure to return equipment for any reason including, but not limited to intent, negligence, illegal activity, theft, damage, destruction, loss of possession, or loss; (for whatever reason). (Equipment returned more than 48 hours late will be considered a major infraction)
- Making false or misleading statements on any CPC document or to any CPC staff member;
- Use of CPC facilities and/or equipment for commercial/profit-making purposes or for personal purposes, without contractual approval first;
- Removal of equipment or other materials from the CPC facility without proper sign out and supervision of a CPC staff member;
- Any adjustment or removal of wiring in any part of the CPC facility;
- Allowing the use of CPC equipment by non-certified or suspended users;
- Chronic or willful disregard for CPC rules and regulations. Chronic is defined as 6 violations in a 6 month period;
- Abuse and/or harassment, physical, mental, or sexual, of CPC staff, volunteers, or visitors;
- Production with CPC equipment or facilities of any material that is in violation of the CPC obscenity, indecency and restricted material policy or obscene by CPC policy, local, state, or federal law;
- Causing the cable casting of any material that is in violation of the CPC obscenity, indecency and restricted material policy.
- Conviction for fraud, theft, forgery or other criminal acts of dishonesty.

F. Disciplinary Actions for Major Infractions

The first **major** infraction will result in a suspension of CPC Privileges for 90 days. A second infraction within 5 years will result in a suspension of 6 months. Third infractions, regardless of time of occurrence, will result in permanent suspension from the CPC.

In cases where an individual's conduct has endangered CPC facilities, other individuals, or the property of others, refusal of services may be permanent, regardless of the number of previous infractions. In cases of lost or damaged equipment and/or facilities, users' privileges will not be reinstated until service of the suspension period prescribed in section F, and satisfactory restitution or compensation for loss or damage has been made.

Where it is deemed appropriate by the Executive Director, appropriate civil or criminal charges may be brought.

If the CPC staff becomes aware of a CPC user's conviction of a violent crime it will result in automatic termination of the CPC production facility privileges. Such producer may still submit programs by mail or courier - but not in person.

G. Notification of Major Infraction Disciplinary Action

The CPC will notify the individual who has been cited for a major infraction, in writing, by ordinary mail, within 20 days of CPC staff notice of the infraction, at the producer's address provided to CPC, stating the disciplinary action to be taken. Such notification shall also indicate any conditions for reinstatement of the user's privileges.

H. Major Infraction Appeals

Any individual against whom the CPC has imposed a disciplinary action for a major infraction may appeal such action within 20 days, by filing a written appeal with the Executive Director. The Executive Director may at his or her discretion present the issues to the CPC Advisory Committee Chairperson who may at his or her discretion convene a special CPC Advisory Committee meeting. If no extraordinary action was taken by the Executive Director or the CPC Advisory Chairperson, then the Executive Director will present this appeal at the next regular meeting of the CPC Advisory Committee, at which time the individual will have an opportunity be heard and request relief from the CPC Advisory Committee. If the individual is not satisfied with the action of the CPC Advisory Committee, then the individual may appeal to the Telecommunications Board of Northern Kentucky, who will make the final determination. ANY AND ALL DECISIONS OF THE TELECOMMUNICATIONS BOARD WILL BE FINAL.

Section VIII

Producer/User's Redress of Grievances

If at any time a producer or user feels any CPC staff member, volunteer, or visitor, is treating them unfairly he or she may fill out a "Grievance Form" and submit it to the Executive Director. The Executive Director will investigate the complaint and attempt to rectify the problem as quickly as possible. If the user is not satisfied with the outcome of the Executive Director's investigation, he or she may appeal that decision to the CPC Advisory Committee at its next meeting. The CPC Advisory Committee will hear the user's complaint and make a recommendation to the Telecommunications Board of Northern Kentucky who will make the final determination. ANY AND ALL DECISIONS OF THE TELECOMMUNICATIONS BOARD WILL BE FINAL.

If the user's complaint is in regard to the Executive Director, he or she may file his/her grievance directly with the Chairperson of the CPC Advisory Committee, who will then investigate the complaint and report back to the CPC Advisory Committee about his or her findings and recommendations. The Chairperson will then report the recommendations of the CPC Advisory Committee to the Telecommunications Board of Northern Kentucky for a final decision.

If you have any questions regarding the Community Program Center's Guidelines and Operating Procedures, please call the Executive Director at 859-261-1300.

General Facility Rules

1. Smoking is forbidden in ALL areas of the CPC.
2. Producers must check in with the MASTER CONTROL OPERATOR upon arrival at the CPC.
3. Unless they have been checked into MASTER CONTROL, all videotapes, SD cards, flash drives, DVD's or any other recording media are the responsibility of the producer. CPC assumes responsibility only for DVD's and recording media in MASTER CONTROL.
4. Any DVD's or other recording media found in the CPC, which are not clearly marked on DVD face or the case of the recording media will be erased for future use or disposed of.
5. CPC assumes NO responsibility for the quality of a cablecast program that DOES NOT meet our minimum technical standards.
6. All requests for special needs of a producer must be given at least 24 hours in advance of needed time. This includes irregular set or equipment needs and special access needs. CPC staff will attempt to facilitate any special needs, as we are able.
7. Producers are not allowed to adjust any equipment in studio control areas labeled ENGINEERING; this also includes anything behind the studio control rack, studio light breakers, and studio audio raceways.
8. Producers using the studio MUST have at least two CPC studio-trained crew members (to include the producer, but excluding talent), in order to produce a TAPED (Recorded) show.
9. Producers using the studio MUST have at least four CPC studio-trained crew members (to include the producer, but excluding talent), in order to produce a LIVE show.
10. Producers are not allowed on the studio ladder and are not allowed to adjust studio lighting. Staff members will be happy to make any adjustments desired by a community producer.
11. Producers are responsible for making sure that their production is recorded to DVD in either one of two ways: a) use the recorder in the control room; or b) request that your show be recorded in MASTER CONTROL. Option A is the preferred solution by our staff.
12. Producers are responsible for the cleanliness of the studio when leaving. Return all equipment (microphones, cables, etc.) to their proper storage areas. Please leave the studio in the condition you found it.
13. Overhead speakers must be kept at a volume specified by CPC Staff.
14. No open food or drinks in the studio control room.
15. No open drinks or food in the studio unless the staff has been notified. Please refer to cleanliness rule above.

Revised March 2014.