

Operating Policies and Procedures  
Version 1.0 March 2006

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OUR PURPOSE

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## Community Media Network TV

The City of Modesto regulates the local cable television franchise agreement, which allows the cable company to use public rights of way for their cables and wiring. Within this franchise agreement, provisions are made for Public Access -Education-Government (PEG) access channels.

Programming is broadcast on Channels 7, 26 and 96 on the Comcast cable system these channels are available to all Comcast cable residents in the City of Modesto as part of their basic cable television service. Channel 96, the government channel, can also be viewed throughout the rest of Stanislaus County on channel 19, on the Charter cable system.

The Public Access portion of this, Comcast Channel 26 is operated by an independent non-profit community based organization, Community Media Network.

## Our Purpose

Assisting residents and organizations to communicate ideas and exchange information through the medium of community access television.

To accomplish this, we will work toward the following goals:

- Advocate the use and benefits of community access television
- Encourage the cablecasting of non-commercial programs directly related to the community of Modesto and/or Stanislaus County
- Encourage the creation of programs aimed at preserving, developing, and enhancing the diversity of thought, culture, and heritage within Modesto and/or Stanislaus County
- Facilitate lifelong learning and community participation in the democratic process
- Serve as a local information exchange
- Monitor and incorporate, to the extent funding is available, the use of emerging technologies that will benefit community access users
- Maintain those cable channels dedicated to public use in a manner that is free of censorship and control of program content, except as necessary to comply with State or Federal law
- Attempt to provide equitable access to community channels by developing and utilizing rules and policies.

I. Introduction

These Operating Policies and Procedures set out the rules that govern the operation of the Community Media Network TV channel.

A. PEG

In the City of Modesto, Channels 7, 26 and 96 on the Comcast cable system and channel 19 on the Charter cable system have been set aside for use by members of the public, community organizations, educational institutions, and governmental agencies as the city’s community access channels. Community Media Network TV is the independent organization that provides the public with the access for locally produced television programs to be shown over Channel 26. The Educational and the Governmental channels are operated and managed by the City of Modesto.

B. Public Access

Public Access means TV for you, by you, and about you. This is television made by you free of censorship (to the extent allowed by law) and free of commercials. Public Access allows for varying degrees of an individual’s participation. One can participate in Public Access easily by bringing in a previously taped show or by putting a message on the Video Bulletin Board.

C. Education & Government Access

These channels are used to deliver programming produced by educational institutions, as well as agencies of local and state government. The use of the education and government channels shall be reserved solely for what is deemed informational and educational for the citizens of City of Modesto and Stanislaus County. These channels are not operated by the Community Media Network.

D. Contact Information

The Community Media Network operates the Public Access TV Channel in Modesto and the greater Modesto Area served by Comcast. Community Media Network works with the City of Modesto Technology Department and uses the broadcasting functions of the PEG Studio of Access Modesto to air the content supplied by local producers.

Community Media Network Contacts:

Master Control Room :..... (209) 525-5104  
CMN Email (Video Bulletin Board Announcements): [info@cmn26.com](mailto:info@cmn26.com)

Web Site:..... [www.cmn26.com](http://www.cmn26.com)  
Email:..... [info@cmn26.com](mailto:info@cmn26.com)

E. Drop-off Location

Programs for airing on the Community Media Network may be submitted by:

1. Drop off at the office of the Community Media Network, 825 8<sup>th</sup> Street, Suite 725. Modesto, California during these hours:

- Monday 10-2      Wednesday 10-2      Friday 2-5
2. Mailing to Community Media Network, P.O. Box 642, Modesto, CA 95353

## II. Producers' Responsibilities

### A. Application Forms

Forms must be completed for each show that is produced for Community Media Network TV. The forms provide details about the production and serves as a working production tool for both the producer and Community Media Network TV.

Producers are fully responsible for signing and obtaining all necessary forms and releases involved in their production. This includes talent releases and music rights. The Community Media Network has no legal liability for clearances that have not been obtained. The following forms must be filled out and submitted:

1. Statement of Compliance
2. Indemnification
3. Duplication Process Policy
4. Program Technical Requirements
5. Community Media Network TV Playback Request
6. Program Content Survey Form

### B. Program Copy

Community Media Network recommends that producers keep possession of their edited master and submit good quality duplication on any Community Media Network accepted media for cablecasting, which may be kept. The Community Media Network is not responsible for damage to the air tape, under the Statement of Compliance form, which is completed for cablecasting. Programs will not be broadcast after 30 days of receipt and all media will be returned to the offices of Community Media Network for pick up by producers. Media left over 6 months will be discarded.

### C. Conduct and Behavior

It is expected of all individuals, during the process of participating in Community Media Network whether it is dropping off a tape or requesting information, will conduct themselves in a responsible manner at all times. In honoring the spirit of diversity, all participating individuals are asked to respect others within the work environment while on the Community Media Network premises. The following actions would be considered conduct, which disturbs the work environment and could be subject to violation, which may include permanent forfeiture of privileges on Community Media Network.

1. Personal verbal attacks or harassment of individuals and or groups.
2. Yelling, loud or disruptive discussions or behavior.
3. Individuals who behave in a threatening manner or interfere with orderly conduct.

## III. Services Provided

- ### A. Public Service Announcement

A separate bulletin board appears on the Public Access channel in between taped or live programming. Eligible users may submit messages and announcements to the Video Bulletin Board. Eligible users include bona fide nonprofit agencies, educational, and governmental organizations. Messages may be typed or printed on a Public Service Announcement Form. Public Service Announcement messages may be no longer than 35 words, however press releases will be accepted and edited. The information should be submitted 10 days in advance of requested airdate. Pick up a Public Service Announcement form in the Community Media Network Office.

#### B. Duplications

The Producers that supply content to the Community Media Network own the copyrights to their programming. All requests for duplication must be directed to the individual producer.

### IV. Programming Guidelines

#### A. Program Content Policy

Community Media Network has designed its policies and facility to encourage the broadest possible usage of the cable television community channels, to celebrate the diversity of the community, and to strengthen the sense of community in the City of Modesto and Stanislaus County. Public Access is committed to being the vehicle for non-commercial programming made by individuals and groups in the Stanislaus County area. As such, it is the producer or presenter of the program who accepts responsibility for the content, not Community Media Network.

Community Media Network will exercise no control over program content, except that legally, community access programming must not contain:

1. Obscene or indecent matter as defined by the First Amendment to the U.S. Constitution and any applicable case law in the 1992 FCC guidelines.
2. Materials that contain other speech not protected by the Constitution: i.e., speech, which directly results in violence, 'fighting words,' and incitement to riot.
3. The direct or indirect presentation of lottery or other information as prohibited by State Law.
4. Advertising material that promotes the sale of commercial products or services or motivate a viewer to contact guests or businesses for additional information. For example: A program with a guest from a business or organization cannot contain a slate that states, "For more information call or contact.
5. The direct solicitation of funds or donations for any and all purposes is prohibited. Bona fide nonprofit agencies may appeal for volunteers or publicize fundraising events.
6. Material which constitutes libel, slander, invasion of privacy, or publicity rights, unfair competition, violation of trademark or copyright, or which might violate any local, state, or federal law.
7. Material, which has a reasonable probability of creating an immediate danger of damage to property or injury to persons.

#### B. Copyright and other Clearances

Users presenting a program for cablecast must state in writing that they have made all appropriate arrangements to obtain all rights to materials to be cablecast. Users shall obtain in writing, the consent of all persons and parental permission for all minors appearing in programs submitted for cablecasting. Sample Talent Release Forms are available online at [www.cmn26.com](http://www.cmn26.com)

C. Minors Submitting Programs

A parent or legal guardian must sign the Program Content Survey for each program submitted by a minor. Staff may request copies of all clearances and releases before airing a program.

D. Acknowledgements and Disclaimers

The presenter of a program must be clearly identified on a slate appearing at the beginning and end of each program. The slate must include the presenter's name and address. A phone number is optional. The slate provides the viewer with contact information in case of questions or concerns. (A presenter is a Modesto resident or organization that signs the Program Content Survey form and submits a show for airing. Presenters are legally responsible for the content of a show. The presenter may or may not be the producer of the program.)

E. Viewer's Discretion

Presenters are required to indicate on their completed Program Content Survey whether or not any portion of their programming content may present cause for Community Media Network viewers to exercise viewer or parental discretion. Programs marked, as 'Yes' will be scheduled as follows:

- Obscene Material Prohibited by Federal Law, will not be scheduled or aired
- Matter Inappropriate for Children Must be scheduled after 10:00 PM and before 4:00 AM
- Material of a Sensitive Nature Must be scheduled after 10:00 PM and before 4:00 AM

An announcement must be included at the beginning of the programs disclosing if it is sensitive, indecent material or inappropriate for children, for example:

"The following program contains language or other program content that may be offensive to some viewers. Viewer and parental discretion are advised."

F. Ownership

The presenter of any program submitted for cablecasting on any of the Community Media Network TV channels retains copyright ownership of the program. Community Media Network reserves the right to retain a copy of the program for later cablecasting on the community channel or for other non-commercial, promotional purpose.

G. Distribution Rights:

The producer/presenter retains the rights of distribution for all programs aired on Community Media Network channels.

#### H. Underwriting and Sponsorship Credits

Public Access producers are permitted to seek underwriting and/or sponsorship credits for their productions, as long as the support is in direct relation to the cost of program production. The producer may give on-air credit to the person or organization that has given financial or in-kind support for the production or promotion of a program using the following guidelines:

1. Length: A credit of up to 180 seconds is given per every 30 minutes of programming. For instance, a half hour show (30 minutes) would be allotted three minutes (180 seconds) for crediting sponsors and an hour show (60 minutes) would get six minutes (360 seconds) of time for sponsor acknowledgement.

- a. Total amount of underwriting and/or sponsorship credits may not exceed the length of original programming.
- b. Each underwriting and/or sponsorship credit cannot exceed 15 seconds in duration.

2. Placement: Credits may be placed at the beginning, middle, and/or end of a show. The credit may be split into any time increment.

Sponsorship Guidelines: A credit may contain:

1. The Company/Person's Name
2. The Company Logo
3. The Company/Person's Address and/or Phone Number
4. A web site address
5. A qualifying line – A 10 word description of the type of business. Example "This has been brought to you by company X, serving the valley since 1940."

A credit MAY NOT contain

1. A video or photograph of any product the company sells.
2. A description of services or products the company provides.
3. A slogan – A slogan is defined by Community Media Network as a copyrighted catch phrase associated with a company that is used for marketing purposes and established to assist that business in making a profit.
4. A promotion of any form for the purchase or use of alcoholic or tobacco products
5. Comparative Descriptions\*
6. Pricing Information\*
7. Calls to action\*
8. Inducements to buy, rent or lease\*

\*Please see attached document for Tips on Evaluating Underwriting and/or Sponsorship Credits.

#### I. Underwriting - Financial Reporting

Upon receiving a written request from Community Media Network, producers receiving underwriting sponsorship must explicitly inform of any payment or cash received by an individual or group for the purpose of programs using Community Media Network equipment or facility. Additionally, The Internal Revenue Service may periodically review the non-commercial status of Community Media Network.

#### J. Company Sponsorship

Companies can sponsor shows:

- Which cover local public community events. Companies cannot sponsor shows:
- About themselves
- Showing their product or service exclusively

## V. Promote Programming

### A. Program Schedule

Specific requests for airtimes will be met when possible. Generally, program cablecast requests submitted to Community Media Network four (4) weeks prior to the requested airdate will be listed in the TV listings aired on the Public Bulletin Board. The schedule will also appear on the Community Media Network website [www.cmn26.com](http://www.cmn26.com) and at [www.modesto.tv](http://www.modesto.tv) which is updated weekly.

### B. Producer's Promotion

Presenters are encouraged to promote and otherwise encourage viewership of their programs. Presenters can submit program description to Community Media Network. Program Description may be submitted to [info@cmn26.com](mailto:info@cmn26.com)

### C. Cable Guide

The Cable Guide is aired daily on Channel 2. Programming on the Community Media Network TV channels will be submitted each week for this daily listing service. Community Media Network TV is not affiliated with the Cable Guide Channel.

## VI. Program Scheduling Policies

Community Media Network scheduling policies are designed to:

- Provide equitable allocation of available channel time, as determined by our

Operating Policies and Procedures give residents of the City of Modesto and Stanislaus County:

- Priority in the allocation of airtime on the community access channels.
- Encourage viewership of the community channels
- Maximize opportunities for program promotion

### A. Public Access Scheduling

The Public Access is divided into general categories to show a mix of different types of programming throughout the week. All program schedules are subject to review by Community Media Network. No individual may reserve a specific time slot, except when a producer membership is entered into with Community Media Network. The programming schedule appears on the website at [www.modesto.tv](http://www.modesto.tv) and [www.cmn26.com](http://www.cmn26.com) To establish priority, the following will be considered.

Priority:

- Time dated programs
- Locally-produced programming
- Programs that have not been previously shown on the community channel

- Programs submitted by new producers

#### B. Scheduling Conflicts

It should be understood, that since this is a shared community resource, specific time requests cannot always be granted. The public access channel time requests will be scheduled on a first come, first served, nondiscriminatory basis. In the case of scheduling conflicts, program times will be determined by a lottery system, which will be held for producers at least once per year.

#### C. Scheduled Time Slots

To allow for regularly produced programming aired at a consistent time on regular days of the week, or regular bi-weekly or monthly days and times, Community Media Network will enter into membership contracts for the public access channel with Producers/Providers for scheduled time slots within the constraints of the following guidelines.

1. To be eligible to enter into a contract or a scheduled time slot with Community Media Network a Producer/Providers that are paid members of the Community Media Network in good financial standing must have demonstrated the ability to produce programming of consistent quality and not in violation with Community Media Network Policy and Procedures.
2. Producer/Providers must demonstrate the ability to deliver the programs in a regular, timely and consistent fashion.
3. Only pre-taped programs on technical approved media will be accepted.
4. Community Media Network reserves the right to pre-empt regularly scheduled programming in order to better serve the public interest such as in the event of an emergency broadcast or a special event.
5. In the event of a scheduling conflict, programming times will be determined by a lottery system that will be held for producers once per year.
6. Scheduled time slots may be reallocated every 12 months.
7. A time slot may be revoked or reassigned if the Producer/Provider assigned to that time slot does not meet the terms of his or her membership contract, including but not limited to failing to deliver programs in a regular, timely and consistent manner.

#### D. New Users and Time Dated Programs

Staff reserves several time slots each week to accommodate programs created by new eligible users and / or time dated programs.

#### E. Repeats

Community Media Network reserves the right to repeat the same show within each programming block period. The number of playback times is limited to two (2) per week for all programs, with a maximum playback of three (3) times per week if scheduling allows. This excludes any contractual agreements the City may have with presenters.

#### F. Program Submission

A presenter must submit a signed Community Media Network Playback Request prior to submitting any programming. A Program Content Survey form must be submitted with each program. **Programs submitted without the Program Content Survey will not be aired.** Since a tape must be entered into the Community Media Network TV tape database, labeled, and scheduled, an airdate cannot be given at the time of submission. Airdates will be available approximately three business days after a tape has been

submitted. Producers submitting episodes of an approved series must deliver the tape and Program Content Survey to Community Media Network TV at least seven days prior to their time slot to allow for scheduling, unless other arrangements are agreed upon with the Programming Manager.

G. Sensitive Programs

Programs, which contain material that may be inappropriate for children or deal with issues of a particularly sensitive nature, will be cablecast in accordance with FCC guidelines. It is the program presenter's responsibility to notify Community Media Network staff in advance if their program is of a sensitive nature. A Program Content Survey must be completed for each submission. Presenters are required to indicate on their completed Program Content Survey whether or not any portion of their programming content may present cause for Community Media Network viewers to exercise viewer or parental discretion. An announcement must be included at the beginning of the program and will be scheduled after

H. Re-submittal of regular programs and series programs

Community Media Network will act according to the instructions provided by the presenter on the Program Content Survey form. Re-submittals will be considered on a case-by-case basis. Series programs can be resubmitted for up to two more airdates. These additional airdates will be at the discretion of Community Media Network and will be subordinate to regular submittals and first-time series programs.

I. Failure to Submit Tape

In the case of a scheduled program, producers who fail to submit tapes on schedule will risk the loss of their time slots. Staff reserves the right to cancel the program's time slot, if the producer fails to provide a new show within the agreed upon time frame

J. Cancellation, Pre-emption and Rescheduling

Staff reserves the right to pre-empt the regular schedule as necessary to accommodate date sensitive programs, technical difficulties, education and/or government related news conferences, or emergency announcements or programming. Staff shall make every effort to reschedule pre-empted programs at the earliest available time slot.

K. Program Length

The recommended length for programming on Community Media Network TV is 28:30 minutes for a half hour show and 58:30 minutes for an hour show. These lengths allow time in-between programs for public service announcements (PSA's), stations identifications, and the interactive bulletin board. PSA and station ID's may be used for Community Media Network producers to tag onto their programs.

L. Exceeding Time Slot

The community channels run several hours in the evenings and weekend by computer automation with a limited amount of equipment for program playback. Community Media Network reserves the right to cut series programming which exceeds its scheduled time slot, unless prior arrangements are made. For example, a half-hour series program should not exceed 30:00 minutes, even by half a second. This could cause the program credits to be cut short, or the next program to start late. Series producers must submit a

properly timed program in order to help maintain the schedule and create the best possible appearance of the community channels.

#### M. Political Programming

Community Media Network views Political programming should be treated like any other programming. On the Public Access channel, programming concerning political issues and candidates for public office will be afforded the same privileges and will be subject to the same limitations as other public access programming. In order to promote the fullest and fairest presentation of divergent political views, issues and candidate forums are encouraged.

However, in an effort to bring fairness and order, Community Media Network has established the following voluntary guidelines, which we encourage candidates to abide by. A candidate in definition is any individual who will appear on an electoral ballot.

#### Political Programming Guidelines:

1. A Campaign Period, for the purposes of Community Media Network shall be defined as beginning on Monday of the first full week, 4 weeks prior to an election and will continue until all run-off elections are completed.
2. Community Media Network may broadcast Candidates Forums, a Candidates Forums is considered a program or programs produced specifically for candidates during the election periods in which all-running candidates are invited to participate and non-partisan groups sponsor the forums.
3. All candidates do not have to accept the invitation for a Candidates Forum program in order for Community Media Network to air the program on the access channels.

### VII. Technical Issues

#### A. Media Formats

Acceptable media format for cablecasting include prerecorded programs on DVD, Mini-DV, and DV Cam, SVHS, VHS.

#### B. Technical Standards

Programs must have technical standards high enough to deliver a clear and unbroken picture to cable subscribers.

1. The audio must be clearly understandable and at audible levels without distortion.
2. Tapes should be recorded in standard play speed (SP).
3. Tapes recorded in extended play (EP) will not be accepted.

#### C. Technical Information

1. There must be at least 30 and no more than 90 seconds of black at the head of the tape. Tapes will not be accepted with more than 90 seconds of black before the program. Color bars are not necessary.

2. The black section must be followed by the Viewers Discretion Advisory, if required. The beginning of this Advisory is the beginning of the program.

3. An identification slate, which includes the name and address of the presenter of the program, may then be displayed for at least 10 seconds. A phone number is optional.

4. The program audio and video should begin within 3 seconds of the end of the presenter's slate.

5. Program credits should appear at the end of the program. Credits should include the name of each crewmember (unless anonymity is requested), and allowable credit to the underwriters/sponsors of the show.
6. Repeat the presenter's slate. The end of this page is the end of the show.
7. The end of the show must be followed by 30 seconds of black.

#### D. Label Information

The following information must be legibly included on labels affixed to both the videocassette and videocassette box. If the information is not on the label or is unreadable, the tape will not air.

1. Presenter's name, local address, and phone number
2. Program Title
3. Exact length of programs (minutes, seconds, and frames timed from the first frame of the beginning title page to the last frame the end title page)
4. Date (month and year) program is scheduled to air.

### VIII. Infractions and Appeals Process

#### A. Violations

Violations of Community Media Network programming policies and procedures, or breaches of the Statement of Compliance may subject the offender to immediate forfeiture of the privilege of using the channel, facilities, and services. The Board of Directors of the CMN, according to the severity and frequency of the infractions, will determine the duration of the forfeiture. Violations of Community Media Network Operating Policies and Procedures will be documented in writing in the user's file. Violators of the Community Media Network Policies and Procedures will face the following penalties:

1. First Violation: Written warning
2. Second Violation: Loss of privileges for 6 months and a possible fine.
3. Third Violation: Subject to Permanent forfeiture of privileges.

#### B. Appeals Process

If staff imposes sanctions on a user or refuses to cablecast a user's program, the user may appeal for a hearing. The following steps shall be followed for appeals:

1. Submit a written appeal to the Community Media Network Manager within 15 days of the action. The Community Media Network Manager must then investigate the circumstances surrounding the action and provide a written response.
2. If the user feels his/her concern has not been resolved, the user must present a written report to the Board of Directors which will be reviewed and make recommendations to the Community Media Network Staff and programming manager.

The decision will be final and binding upon the Community Media Network user.

I hereby acknowledge having read these Community Media Network Policies and Procedures and agree to abide by these and any other requirements and/or changes that

may be instated by Community Media Network or required by The City of Modesto. I understand any violation of the Community Media Network Operating Policies and Procedures may result in immediate forfeiture of privileges on Community Media

Network.

Name of Program

Signature of Producer

Date