

Urbana Public Television ~~UPTV - Channel 6~~

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Public Access Policies ~~And~~ and Procedures

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UPTV OPERATIONAL POLICIES AND PROCEDURES FOR PUBLIC ACCESS USE
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Section No. 1.1**Subject: Privileges of UPTV membership**

Purpose: To establish the services UPTV members are available to receive.

Policy: UPTV membership grants the following privileges:

1. Ability to broadcast programs on UPTV
2. Eligible to attend UPTV General Membership meetings.
3. Access to training and use of UPTV production equipment
4. Eligible to receive technical advice from UPTV staff.
5. Access to UPTV bulletin board for announcements and show promotion.

Section No. 1.2**Subject: Membership Fees**

Purpose: To establish fees for each level of UPTV membership participation.

Policy: The following UPTV membership types exist:

1. Illinois Resident Membership
2. Out-of-State Resident Membership

Membership fees and types may be revised at the discretion of the Urbana City Council and the UPTV Station Manager. Current membership fee rates can be found in the City of Urbana's Schedule of Fees or by contacting the UPTV Station Manager.

All memberships will coincide with the City of Urbana's fiscal year (July 01 – June 30). Membership privileges may be suspended in accordance with Sections 5.1 & 5.2 Violations.

Fees are non-prorated.

Section No. 1.3**Subject: Membership Requirements**

Purpose: To establish requirements for UPTV Membership

Policy: In order to become a member of UPTV, an individual or organization must:

1. Read Urbana Public Television Public Access Policies and Procedures.
2. Complete a membership application.
3. Sign the UPTV Agreement, including acknowledgement and acceptance of UPTV Policies and Procedures.
4. Pay any required membership fee based on the current City of Urbana Schedule of Fees
5. Attend orientation.

Section No. 1.4**Subject: Orientation**

Purpose: To initiate an orientation process for new UPTV members

Policy: Each new UPTV member will receive an orientation session covering key user policies and responsibilities. This orientation is a prerequisite for any UPTV production training or membership privileges.

Section No. 1.5**Subject: Representation**

Purpose: To discourage misrepresentation of UPTV affiliation.

Policy: Urbana Public Television (UPTV) is represented by the UPTV Station Manager, ~~UPTV Production Coordinator~~ and the City of Urbana Information Technology Director. UPTV may also include ~~part-time staff, Production Assistants~~ hired by the City of Urbana.

Public access members and television producers are not agents or employees of UPTV or the City of Urbana. They are considered to be independent producers who create programming for themselves or the organization they represent. At no time may any individual or organization identify themselves as an employee or agent of UPTV or the City of Urbana, unless hired by UPTV. Members and producers must not identify their production efforts as being “for UPTV.” Rather, producers should indicate that their programs “will be seen on UPTV.” Public access members and television producers shall have no authority to speak for or on behalf of UPTV or the City of Urbana or represent that their views are anything other than that of themselves or their organizations, respectively.

Section No. 2.1**Subject: Member Responsibilities**

Purpose: To establish a UPTV member responsibility for programming and equipment.

Policy: Compliance with these Policies and Procedures is a prerequisite to using equipment and scheduling programming. Every UPTV member submitting a program for broadcast must acknowledge legal responsibility for program content. Legal responsibility includes but is not limited to (a) absence of plagiarism; (b) full and proper attribution when another person’s material is used or incorporated into the programmer’s content; and (c) responsibility for copyright, trademark and service mark infringement. Failure to comply could result in discipline, as provided in Section 5.1 “Violations”.

UPTV members are responsible for any damage to UPTV facilities and equipment signed out to them beyond normal wear, as well as for the actions of their on-air personnel; talent, crew, guests, and any others involved with their production.

Section No. 2.2

Subject: Channel Regulation

Purpose: To establish responsibility for the regulation of Urbana Public Television programming.

Policy: UPTV operates under the jurisdiction of the City of Urbana and the city-granted franchise. Ultimate responsibility for developing policy and reviewing programming decisions lies with the Mayor and City Council of the City of Urbana. Policies will be reviewed and recommended by the Urbana Public Television Commission as established by Urbana Ordinance. The Urbana Public Television Commission will consist of ~~the three appointed Cable & Telecommunications Commissioners~~ four at-large Urbana Residents and one appointed member each from the Urbana School District, Urbana Park District, Urbana Free Library, and UPTV Public Access membership. ~~and an at large Urbana Resident.~~

The UPTV Commission will also act as a hearing board for disputes involving membership in UPTV, discipline of members and restriction placed on cablecast material.

The UPTV Station Manager, with the consent of the Mayor and City Council of the City of Urbana shall administer the programming and operation of the cable channel.

Section 3.1

Subject: Scheduling Priorities

Purpose: To establish priority of scheduling for Public, Education and Government programming.

Policy: UPTV's priorities in scheduling programming will be as follows: (i) Government, (ii) Education, (iii) Public Access, and (iv) Bulletin Board. The UPTV Station Manager will be responsible for scheduling programming on the UPTV channel in accordance with the immediate aforesaid priorities. Reasonable effort will be made, where practicable, to accommodate all participating groups in the scheduling and broadcasting of their respective programming.

Procedure: The time available to Public Access will be based on demand for channel time and station capabilities.

Section No. 3.2

Subject: Scheduling Requests

Purpose: To institute a system for UPTV members to request time on UPTV.

Policy: UPTV members requesting broadcast of a program or series of programs are required to submit a broadcast request form.

This form shall include a reasonably detailed description of the program sought to be aired, contact information for the submitter, acknowledgment of responsibility for content; copyright clearance and compliance with the UPTV Public Access Policies and Procedures; acknowledgement that the submitter (and organization, if one is involved) assumes all responsibility for any copyright, trade mark, and service mark infringement; and indemnification and hold harmless of and duty to defend the City of Urbana and its elected and appointed officials and employees.

Programs for broadcast must be submitted to UPTV at least three (3) business days in advance of airdate, unless authorization to a lesser timeframe is given by the UPTV Station Manager. Members may request the general day and/or time they would prefer their programming to air. Whether or not such requests may be granted will depend on such things as the availability of the day and time requested and where on the priority list the programming fits.

Notwithstanding the immediate foregoing, the UPTV Station Manager, in consultation with ~~the Production Coordinator and~~ the UPTV member, will determine appropriate broadcast times for all programs on UPTV.—

A single program will be scheduled based on availability of time slots. Series programs will be assigned regular time slots based on available time slots. In all events, the priority list provided in Section No. 3.1 shall govern.

If the program includes adult content (see def. Sec 3.7), the program submitter must so indicate on the broadcast request form which shall include a brief description of the adult content. UPTV reserves the exclusive right to broadcast or reject programming which contains adult content, excessively violent or graphic material, offensive language, nudity, or sexually explicit material. If UPTV accepts programming with such material, UPTV reserves the exclusive right to limit the broadcasting of such programming to the hours between 11:00PM and 4:00AM.

Staff will notify program submitters of the original broadcast date prior to telecast. The schedule may be changed or added to once it is published as needed and/or to accommodate and adhere to the priority schedule provided in Section 3.1. A daily program log will list all programming for that day.

Section No. 3.3**Subject: Single Programs**

Purpose: Create a system for scheduling single programs on UPTV.

Policy: A single program is any program whose content is contained in a single presentation which is not part of any UPTV Series (defined in Sec 3.4).

Single programs must follow all policies and procedures listed in Secs 3.1 and 3.2.

UPTV shall have the sole and exclusive discretion whether to rerun, and if so, how many times, any single program.

Section No. 3.4**Subject: Series Programs**

Purpose: Create a system for scheduling series program on UPTV.

Policy: A series program is defined as a program which is comprised of a number of original episodes, under one single title and general issue, theme or plot which is to be regularly scheduled in the same time slot. Time slots are exclusive and may be daily, weekly or monthly.

Individual series programs, if accepted for airing, may be rerun outside of the series program's assigned time slot.

Staff will notify program submitters of the original broadcast date of a series prior to its broadcast.

Failure to provide new episodes for broadcast without notice may result in cancellation of the series programming. Failure to comply with any other program submission policies or procedures content rules defined in Sections 3.1 through 3.8 may result in cancellation of the series program regardless of whether the series program has been aired through the final episode.

A new episode is defined as a program that, in whole or in substantial part, has not previously appeared on UPTV.

UPTV shall have the sole and exclusive discretion whether to rerun, and if so, how many times, any episode of a series and at such dates and times as UPTV deems appropriate but consistent with the priority scheduled contained in Section 3.1. In the event that UPTV elects to rerun a series program, nothing herein shall be deemed to require UPTV to rerun all episodes of that series program.

Section No. 3.5

Subject: Prohibited Programming

Purpose: To establish guidelines for prohibited programming.

Policy: UPTV members are fully and legally responsible for the content of their program.

The member is legally and financially responsible for any disputes arising out of a program's content, including programming that is judged to be obscene, libelous or slanderous, and/or programming that makes unauthorized use of copyrighted, trademarked, or service marked material.

The member shall indemnify, hold harmless and defend the City of Urbana and its elected and appointed officials and employees from and against any and all claims, actions, suits, causes of action, rights, remedies, liabilities, penalties, judgments, decrees, orders, costs and expenses (including but not necessarily limited to attorneys' fees) of every type, nature and description, whether in law or in equity, which are or may in any manner be asserted in connected with the member's programming or any other conduct of the member regarding its airing of programming on UPTV or use of any UPTV owned, operated or leased facility or equipment. The member's duty to indemnify, hold harmless, and defend extends to all losses regardless of description which arise or may arise out of the member's intentional, willful, wanton, grossly negligent, or negligent wrongful or unlawful act or omission.

Presentation of the following is prohibited:

- Any commercial programming or advertising as defined by the Federal Communications Act (47 U.S.C. §§ 151, *et seq.*) and/or any rules and regulations promulgated by the Federal Communications Commission (47 CFR §§ 0 *et seq.*).
- Any sexually obscene material or child pornography. Obscene is defined by applying the Miller test: (a) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.
- Any content taken to be an invasion of privacy.
- Any material in violation of FCC regulations.
- Any direct appeals for funds by non-profit organizations, businesses or individuals,

UPTV believes that when it comes to controversial content in programming, the correct response is to encourage more speech, as opposed to enforcing silence. UPTV encourages anyone who disagrees with a program to produce counter-programming presenting an opposing point of view.

Section No. 3.6
Subject: Adult Programming

Purpose: To establish guidelines for the use of UPTV to broadcast programs that may be considered indecent.

Policy: UPTV wants to provide parents and guardians with a means of controlling the viewing of programming with indecent material by children as well as provide viewers with notification of programming with potentially indecent material so they can make informed viewing choices. While providing such notification, UPTV does not wish to preclude the opportunity for all forms of expression in accordance with all relevant laws and these Policies and Procedures.

Indecent material is defined by the courts as the repetitive and deliberate use of language or material that depicts or describes, whether directly or by innuendo, in terms patently offensive as measured by contemporary community standards. For example, extreme physical violence or degradation, nudity, graphic depiction of medical procedures, and repetitive use of profanity would be considered "indecent". Profanity includes, but is not limited to, words such as those identified in *FCC vs. Pacifica Foundation*, 438 U.S. 726 (1978).

Section No. 3.7
Subject: Disclaimers

Purpose: To establish a means of identifying programming and content responsibility.

Policy: An announcement in substantially one or more of the following forms, as applicable, may precede and follow the broadcast of public access programs:

1. "The following program is being aired at the request of a UPTV member who is sponsoring its content and is presented in the interest of furthering free speech and civic discourse. The content and opinions expressed herein are not necessarily those of the City of Urbana, UPTV or the cable provider. More information about member program sponsorship is available at urbanapublictelevision.org, or by calling (217) 384-2452.~~The content and opinions presented in the following program are not necessarily those of UPTV, the City of Urbana or the cable provider."~~
2. "The following program was produced by a UPTV member who is sponsoring its content and is presented in the interest of furthering free speech and civic discourse. The content and opinions expressed herein are not necessarily those of the City of Urbana, UPTV or the cable provider. More information about member program sponsorship is available at urbanapublictelevision.org, or by calling (217) 384-2452.~~The City of Urbana does not condone or endorse speech that promotes fear, hatred, prejudice or discrimination toward any group based on religion, ethnicity, race, gender or sexual orientation."~~

3. ~~“This program is considered to be of mature theme and may be considered offensive by some viewers. Viewer/parental discretion is advised.”~~ UPTV hope you enjoy the following program. The content and opinions expressed herein are not necessarily those of the City of Urbana, UPTV or the cable provider. If you are interested in producing or sponsoring a television program on this or any other topic, contact UPTV at (217) 384-2452 or at urbanapublictelevision.org.”
4. “The following program may contain material that is upsetting or not suitable for all ages. Viewer discretion is advised.”
5. “The City of Urbana does not condone or endorse speech that promotes fear, hatred, prejudice, or discrimination toward any group based on religion, ethnicity, race, gender or sexual orientation”

UPTV shall have the right, in its sole discretion, to select the appropriate disclaimer(s) applicable to the particular program sought to be aired on UPTV.

Section 3.8

Subject: Underwriting

Purpose: To establish guidelines for use and acknowledgment of underwriting assistance.

Policy: In the event that funds, equipment or other items of value are provided for any program aired on UPTV, including program material which is funded, sponsored or underwritten in part or in full by any individual business or non-profit organization, UPTV may only identify the person or business, according to the following procedures:

Procedure:

1. Underwriting credits may appear only at the beginning and end of a program, and at a natural midpoint break.
2. Underwriting credits must be clearly identified as such; the following format is strongly encouraged: “This program has been made possible in part by (Underwriter’s full name).”
3. Underwriting credits cannot be longer than 20 seconds each.
4. Comparative or qualitative statements, price information, calls to action and repetitive statements (giving name / address several times in one announcement, e.g.) are prohibited.
5. Underwriting credits may contain the name of the donor, the logo identifying the donor, address, telephone number, website and a value neutral description of products, goods and service.

Section No. 3.9**Subject: Formats for Media Submitted for broadcast**

Purpose: To establish formats for media submitted for broadcast on UPTV.

Policy: Programs may be submitted in the following formats:

1. DVD,
2. portable hard drive
3. flash drive,
4. downloadable link sent via email (UPTV is not responsible for content that is missed due to security filters)
5. live, as UPTV equipment allows
6. satellite

UPTV will assist members in transferring and converting videos to an acceptable format.

Section No. 3.10**Subject: Technical Issues Regarding Audio and Video Conditions and Compatibility**

Purpose: To define technical problems that may prevent a program's broadcast on UPTV.

Policy: UPTV may refuse to play programs that contain one or more of the following problems, as determined by UPTV staff:

- Video level is not properly adjusted (picture is either too bright or too dark)
- The media is in poor physical condition.
- The video level is inconsistent.
- Video displays too much generational loss (It is a copy of a copy of a copy...)
- The picture is too noisy, snowy or grainy.
- The video is unstable (the picture jumps or flickers frequently).
- Media is not compatible with UPTV equipment.
- The audio contains loud hum or buzz.
- The audio level varies greatly from scene to scene.
- The audio is distorted.
- The audio level is too low.

Section No. 3.11

Subject: Community Bulletin Board

Purpose: To establish guidelines for use of UPTV's Community Bulletin Board service.

Policy: Listings may be posted by:

1. All City of Urbana Government Departments and the Urbana School District, Urbana Park District and the Urbana Free Library.
2. Non-profit and community service-oriented organizations.
3. Local producers using the system to promote their cable access programs.

Types of listings not allowed:

- Commercial announcements or advertising.
- Direct appeals for contribution of funds, support or other property of value.
- Material designed to promote the sale of commercial products, services or trade.

Procedure: There is no charge for this service. Announcements must be submitted digitally to UPTV staff in either a PowerPoint, .JPG or .PNG format.

Users of the Community Bulletin Board are fully and legally responsible for the content they provide for the board. Section 3.5 shall be applicable to all material submitted for the Community Bulletin Board.

The UPTV Station Manager will determine if the announcement is consistent with these Policies and Procedures.

Section No. 3.12

Subject: Election/Campaign Programming

Purpose: To establish guidelines for use of UPTV time and equipment by UPTV Members running for political office, in support of a candidate or addressing a ballot issue.

Policy: UPTV provides to all UPTV members, including those running for local, state or national public office or those supporting a ballot initiative, equal opportunities for access to training, equipment, resources and air time, on a first-come, first-served, non-discriminatory basis. UPTV is committed to providing UPTV members equal time for persons running for local, state and national public office and persons who support or oppose a ballot initiative. UPTV will provide all such candidates and supporters and opponents of ballot initiative with training, equipment, and airtime on a first-come, first-serve, non-discriminatory basis. Notwithstanding the immediate foregoing, UPTV will not permit a single candidate or support or opponent of a ballot initiative to schedule or acquire all time slots available for such programming thereby denying other candidates or supports or opponents of the ballot initiative access to UPTV.

For purposes of this channel policy, a person is considered to be a candidate from the time of publicly announcing his/her intention to seek elective office. In the case of ballot initiatives, an initiative is considered to be placed in the public domain when at least on petition commences to circulate in order to place the initiative on a ballot.

For purposes of assessing and applying the equal access policy provided herein, such equal access will not be computed on the basis of the amount of airtime an elected official receives in carrying out his/her duties as an elected official as opposed to the airtime allot to such elected official in seeking an additional term in such elected office. For example, and by way of example only, the equal access policy expressed herein shall not be computed based on an elected official's presence at and participation in a public meeting called by the body (e.g., City of Urbana City Council) to which the official has been elected.

Section No. 4.1

Subject: Equipment Use & Restrictions

Purpose: To establish guidelines for appropriate use of UPTV equipment and airtime.

Policy: The purpose of UPTV is to provide local citizens with the equipment and assistance necessary to operate that equipment and schedule airtime to create quality programs for public, educational and government access channels. Use of the UPTV equipment for any other purpose is strictly prohibited.

Programs recorded/produced using UPTV equipment must be broadcast on UPTV.

Section No. 4.2

Subject: Use of Field Equipment provided by UPTV

Purpose: To provide a fair and managed system for UPTV members to use portable video equipment provided by UPTV.

Policy: UPTV members may use portable camcorders, tripods and accessories to record programming after receiving the proper training from UPTV staff.

Procedure:

A. Reservations: Reservations are made on a first-come, first-served basis. Reservations must be made through a UPTV staff member in person, by phone, or by e-mail.

Maximum length for a portable equipment reservation is 48 hours, except for weekend reservations. Weekend portable equipment reservations may run from Friday 5:00 p.m through Monday at 11:00 a.m.

Reservations cannot be made more than one month in advance. UPTV shall exercise its reasonable discretion when accepting portable equipment reservations so that no one person monopolizes UPTV's portable equipment to the detriment of others who wish to use that portable equipment.

B. Check-Out: UPTV members must check out equipment from a UPTV staff member at the appointed reservation time.

Portable equipment must be checked out by the UPTV member (with an adult co-signer if the member is a minor) who reserved it and is responsible for it. **Members must complete an Equipment Check-Out Form provided by UPTV staff.**

C. Check-In: Equipment must be returned at the time indicated on the Equipment Check-Out Form.

Failure to return equipment on time without receiving an extension to one's reservation is considered a minor policy violation (See Section 5.1). Community Producers may not borrow additional equipment until all items have been returned in good working order (normal wear and tear excepted), or paid for necessary repair or replacement

UPTV members are responsible for notifying UPTV staff if there are any problems with the equipment. UPTV member shall not attempt to repair any damage to the portable equipment.

D. Reservation Cancellation: UPTV members are encouraged to give at least 24 hour advance notice when canceling any reserved use of UPTV equipment, facilities, channels or classes. Cancellation must be made by speaking directly to UPTV staff. Voicemail or e-mail messages will be accepted, but every effort should be made to establish confirmation by UPTV staff. If a community producer is more than 30 minutes late without notification, the

reservation may be canceled so those facilities and/or equipment may be used by another UPTV member.

Section No. 4.3

Subject: Use of City Council Chambers

Purpose: To establish guidelines for UPTV members use of video facilities and equipment to produce live and pre-recorded programming for Urbana Public Television in the City Council Chambers

Policy: UPTV Members may use the Urbana Council Chambers to produce live or pre-recorded programming for UPTV if the UPTV studio does not meet their needs as determined by UPTV staff. The UPTV ~~Station Manager Production Coordinator~~ will schedule available time in the City Council Chambers and staffing requirements. A City of Urbana camera operator/building monitor must be present at all non-City sponsored events held in the City Council Chambers or any conference room.

Procedure:

If a group or individual is not a UPTV member producing a program open to the public, free of charge, and intended for broadcast live or pre-recorded on UPTV, they may not use the City Council Chambers, ~~and will be encouraged to contact the Urbana Civic Center.~~

A. Priority: Use of the Council Chambers and conference rooms is allowed at times when they have not been scheduled for official business or previously scheduled by another person. Use of Council Chambers by persons conducting official City business shall take precedence over any other person or group requesting use of such facilities. In the event of any City emergency where the use of the Council Chambers or a conference room is required to address the emergency and where the Council Chambers or conference room has been scheduled for use by a person conducting other than City business, UPTV shall have the authority to cancel or reschedule that person's use of the Council Chambers or conference room to a date and time so as not to conflict with use of such facilities to address the said emergency.

B. Audiovisual Equipment: Requests for audiovisual needs must be indicated at the time of request. The UPTV ~~Station Manager Production Coordinator~~ will schedule a camera operator for the meeting. It is also required that members discuss audiovisual needs and capabilities with the ~~Station Manager Production Coordinator~~ prior to the meeting time and date. The camera operator will also act as a building monitor for security purposes. This person will check the building before and after the meeting. At all times during the production or broadcasting of any program from Council Chambers, the UPTV ~~Production Coordinator~~ ~~Station Manager~~ shall have the unilateral authority to terminate the use of Council Chambers should such use, production or broadcast threaten human life, health or safety or property.

C. Damage: Users will be billed for any damage done to City facilities and/or equipment. Further, if the City is required to expend resources for unscheduled maintenance or for repairs of City facilities or equipment where the need for such maintenance or repairs is directly attributable to the user's activities, the user shall be responsible for the costs of all such maintenance and/or repairs. In the event City staff, including but not necessarily limited to

police, fire or public works personnel, are required to address a situation or condition in or about the Council Chambers which situation or condition is or was created by the user, the user shall reimburse the City for the use of such staff services at the rate or rates customarily charged by the City for the use of such services when providing services for special events hosted by persons other than the City. Future use of the Council Chambers and the UPTV studios may be denied in the event damage is done to the City's facilities and/or equipment and the user has not corrected it or paid to have it corrected.

| D. Meeting Room Set Up:- If UPTV equipment is needed for the meeting, e.g. computer projection, such equipment must be expressly requested at the time of the request to use the Council Chambers, so the UPTV Station Manager, ~~Production Coordinator~~ may evaluate the necessary arrangements. The City will make a reasonable attempt to accommodate special requests made the day of the meeting.

E. Refreshments: No food or drink will be allowed in the Council Chambers.

Section 4.4

Subject: Use of UPTV Studio

Purpose: To establish guidelines for UPTV members to use the UPTV Studio to telecast live and pre-recorded programming for Urbana Public Television

Policy: UPTV members may use the UPTV Studio to produce live or pre-recorded programming for UPTV. The UPTV ~~Station Manager~~ ~~Production Coordinator~~ will schedule production time for the UPTV Studio and arrange staffing and equipment requirements. A UPTV staff member must be present for all productions held in the UPTV Studio.

Eligible Users: The following criteria shall be used to determine whether or not the request is from an eligible user:

1. The user is conducting official City business or an event specifically sponsored or co-sponsored by the City.
2. The user is a UPTV member.

If the request meets any of the above criteria, the UPTV Studio may be scheduled for use, provided that it is available.

Procedure:

A. **Priority:** Use of the UPTV Studio is allowed at times when it has not been scheduled for official city business or reserved by other UPTV members.

B. **Reservation/ Cancellations:** Reservations can be made in person, by phone or by e-mail. Reservations will be taken no later than one week prior to the production date. Reservations will be made on a first come, first served basis. Production times will be contingent on the availability of UPTV personnel. Cancellations must be made at least 24 hours in advance of the production date. Notwithstanding anything to the contrary in the forgoing, use of the UPTV Studio for official City business shall take priority over UPTV member uses.

C. **Audiovisual Equipment:** Audiovisual needs must be discussed with UPTV Staff at least three business days in advance.

D. **Damage:** Users of the UPTV Studio other than City officials and employees will be billed for any damage done to any City facility and equipment. Users are responsible for their own clean-up and may be charged a fee if the facilities are not returned to their original condition. Future use of the UPTV Studio may be denied in the event damage is done to the City's facilities and/or equipment and the user has not corrected it or paid to have it corrected.

E. **Refreshments:** No food or drink will be allowed in the UPTV Studio.

Section No. 5.1
Subject: Violations

Purpose: To provide for penalties for violations of UPTV policies or procedures.

Policy:

MINOR VIOLATIONS

1. Failure to follow procedure for submitting program requests [See Sec 3.2]
2. Media not provided or late for playback
3. Failure to cancel equipment or studio reservations

These violations may result in the following restrictions:

- **First violation:** verbal warning
- **Second violation:** written warning
- **Third violation:** Suspension of UPTV membership for such period of time as the UPTV Station Manager and/or the Mayor may, in either of their sole discretion, prescribe.

All violations require satisfactory resolution of the violation in order for reinstatement of UPTV membership privileges.

MAJOR VIOLATIONS

1. Commercial or profit-making use of UPTV equipment.
2. Physical or verbal abuse of staff or other members.
3. Misrepresentation that a member is an elected or appointed official or employee of the City of Urbana or UPTV or that the member is affiliated with UPTV other than as a UPTV member.
4. Falsifying forms.
5. Taking equipment without staff permission.
6. Equipment damage, including that resulting from attempted repair or improper transport.
7. Failure to notify UPTV staff of adult content
8. The submission for broadcast on UPTV of any prohibited programming specified in Section 3.5.

Major violations, and others, may result in any of the following restrictions:

- Suspension of membership for a specific period of time as determined in the sole discretion of the Station Manager and/or the Mayor.
- Permanent loss of equipment and channel usage privileges as determined in the sole discretion by the Station Manager and/or the Mayor.

All reinstatements require satisfactory resolution of the violation, including cost of repair or replacement of damaged equipment or facilities.

Section No. 5.2**Subject: Disciplinary Authority and Appeals**

Purpose: To establish authority for disciplinary action and an appeals process.

Policy: UPTV staff is authorized to issue warnings and suspensions.

Where the implementation of these policies is subject to interpretation, decisions shall be at the discretion of the UPTV Station Manager.

UPTV members are encouraged to resolve difficulties with UPTV staff. Any member wishing to appeal an action of the staff may request a hearing before the Urbana Public Television Commission.

The Urbana Public Television Commission will act as a hearing board to make findings of fact. The Commission rulings will be final.

Section No. 6.1**Subject: Ownership of Programs**

Purpose: To establish ownership of locally produced programs.

Policy: At the time a member requests to broadcast a program or any part thereof on UPTV, the member shall represent and warrant in writing that the member either owns the copyright, trademark, service mark, and/or patent, as the case may be, or has the right to use such copyrighted, trademarked, service marked, and/or patented material included in the program. Upon receiving authority to broadcast the said program, the member shall be deemed to indemnify, defend and hold harmless the City of Urbana, UPTV and their elected and appointed officials and employees from and against any and all actions, causes, claims, rights, remedies, causes of action, judgments, orders, decrees, damages, costs and expenses (including, but not necessarily limited to, actual attorney fees incurred) from and against any claim relating to or arising out of any asserted or alleged copyright, patent, trademark, or service mark infringement.

Section No. 6.2**Subject: Copies of Programs**

Purpose: To establish rates for copying member programs on UPTV.

Policy: UPTV members are allowed to make one copy of their program for personal use, on media they provide. UPTV will charge a fee for all other copies based on costs of media and reproduction time. The fees charged are those which appear on the City of Urbana's Schedule of Fees.

Section No. 6.3**Subject: Right to Refuse**

Purpose: To establish UPTV's right to refuse access to any user that poses a threat to UPTV staff or equipment or to human life, health or safety or to property.

Policy: UPTV reserves the right to refuse the use of its facilities or equipment to any person who appears to be under the influence of alcohol or drugs, who physically or verbally abuses staff members or who interferes with the orderly conduct of business. Further, UPTV has the right to refuse the use of its facilities or equipment to any person whose use will present a clear and present danger which threatens human life, health or safety or to property.

Section No. 6.4**Subject: Donations**

Purpose: To establish a policy for donations to UPTV.

Policy: Financial donations to support UPTV's programs, production and outreach may be made through the UPTV Community Fund at the Community Foundation of East Central Illinois. Donors may request on-air acknowledgement or may remain anonymous. The frequency and nature of on-air announcements will be determined by the current UPTV Underwriting Guidelines and Rate Card, available on request.