

DATV OPERATING RULES

DATV is a nonprofit corporation organized for charitable, education, scientific purposes within the meaning of Internal Revenue Code code section 501 (c)(3)

DATV Mission Statement

Recognizing that democracy works best with full freedoms for citizens under the constitution, DATV, an independent, nonprofit organization, has as its mission, to provide public access to cable television by promoting the public's First Amendment rights, providing appropriate staff and facilities, to train and equip community users, and encouraging balanced alternative programming.

DEFINITIONS

1. **DATV Member** is an individual or a representative of an organization who pays a membership fee and joins in support of DATV's mission. Members receive various services varying with type and level of Membership.
2. **Volunteer** is any DATV Member who has attended classes and gained equipment certification and may schedule equipment to produce programs.
3. **Producer** is any DATV Member who has gained equipment certification and is applying for use of DATV equipment or facilities to produce programming for public telecast. Must attend appropriate training classes and gain equipment certification prior to scheduling.
4. **Producer of Record**, is the certified DATV member who reserves equipment and/or facilities to produce for another individual. Assumes all liability for facility use and program content.
5. **Public Access TV**, a channel for expression of free speech, within appropriate legal boundaries.
6. **Spiritual Access TV** a channel for religious expression.
7. **Video Service Provider** (VSP) means a person, firm or corporation granted a video service authorization to operate cable system under State of Ohio law.
8. **DATV viewing area** is defined as that portion of the local cable system which provides carriage of DATV public channels. Currently this includes the City of Dayton, Butler Township and the City of Riverside.

The words Producer, Volunteer and User in this document are one and the same and, refer to the different roles a DATV Member may perform.

GENERAL CONDITIONS and REGULATIONS

- 1.1 The policies and regulations set forth herein supersede any and all other previously issued. The DATV Executive Director is responsible to see that these policies and regulations are fairly applied, complied with by Members and has the authority to resolve any questions or interpretation thereof. The DATV Executive Director may issue statements of procedure consistent with these policies and regulations to cover any and all aspects of DATV's operations.
- 1.2 No Member or other Users may use the name, former name, symbols, logo and/or any image of Dayton Public Access Television, Inc. (dba DATV, Dayton Access Television) without prior written authorization of the Executive Director.
- 1.3 Producers are independent agents and do not represent DATV. During the course of your production you may not enter into any agreements with anyone on behalf of DATV. You may not represent that you are working for DATV. You are an independent Producer of a program to be shown on DATV. You have sole control and responsibility of your program and are responsible for any agreement you make during your production.
- 1.4 Equipment and facility use, and programs submitted for cablecasting are scheduled on a non-discriminatory, first-come first-served basis. In the event requests for equipment, facility or channel use exceed the time available, priority will be given as follows:
 - a. Members who are City of Dayton residents.
 - b. Members who are residents within DATV's service area.
 - c. Members in the local interconnect area.
 - d. Members outside the local interconnect area.
- 1.5 Members wishing to produce programs using DATV equipment may use their own media or purchase tapes, DVDS, etc from DATV for their use. No free media is provided. The Producer will receive one free copy of his/her finished program providing they supply the necessary media to make the copy.
- 1.6 DATV will not exercise editorial control over the content of any Producer's program and will cablecast any program which is technically sound unless it is known that the program violates parts (1.6) or (1.7) below.
- 1.7 The access equipment, facilities and channel may not be used for the presentation or production of advertising material designed to promote the sale of products or services (including advertising by, or on behalf of candidates for public office) or the dissemination of any information, directly or indirectly, involving lotteries as defined in Section 76.213 of the Rules of the Federal Communications Commission.

- 1.8 In keeping with its goal to encourage community participation and promote civic pride, DATV will seek to involve corporate citizens of Dayton in the support of the production of programming which is informative, educational and culturally diverse through creation of underwriting opportunities. These underwriting opportunities will be non-commercial in nature, and will not endorse a particular person, belief, organization, product or platform. Furthermore these opportunities will comply with applicable DATV approved policies, procedures and conform to industry standards governing content of underwriting credit.
- 1.9 Federal law provides that any person who transmits obscene programming or programming unprotected by the Constitution over cable systems may be fined and imprisoned. Moreover, Members may be subject to federal, state and local laws regarding libel, slander, obscenity, incitement, invasions of privacy, or other similar laws. The access channel(s) may not be used to present material which violates federal, state or local law.
- 1.10 Children are welcome in our facility and we are concerned about their safety and welfare. However, parents and caregivers are responsible for monitoring the activities and regulating the behavior of their children while the children are in the DATV facility. DATV cannot be held responsible for minors left unattended. All Minors under the age of 14 years should always be accompanied by parent or guardian.

DATV RESPONSIBILITY

- 2.1 Video production equipment will be provided for use by certified Producers and will be maintained by DATV.
- 2.2 DATV will make available a qualified person to offer technical, programming and creative assistance to Producers to assure technical quality.
- 2.3 DATV will offer regular, low cost workshops in basic field and studio production techniques to acquaint Members with the use, care and potential capabilities of the video equipment.
- 2.4 If the Executive Director or his/her designee determines that a submitted program is technically unsound and therefore denies cablecasting of the program, the producer may appeal the decision to the Board of Directors by requesting in writing within 15 days of the formal notification of the decision, a review by the DATV Board of Directors.
- 2.5 If a tape is accepted for cablecasting, DATV will cablecast the tape at least once.
- 2.6 The producer of the program holds the copyright to his/her program. As a result, DATV will not provide copies of a producer's tape nor any portion of the tape without the permission of the Producer.
- 2.7 DATV staff may produce up to one ten-minute cameo production per year for any City of Dayton resident at no charge.

MEMBER RESPONSIBILITY

- 3.1 Members must successfully complete appropriate DATV workshop(s) to be certified by the Executive Director or his/her designee. If a Member is not familiar with the requested equipment or has not used equipment within the last six months, a refresher workshop may be required.
- 3.2 Video equipment may be used outside Montgomery County only with the approval of the Operations Manager or designee, and solely for the purpose of producing programs for the public access channel(s) operated by DATV. Personal use of DATV equipment or facilities, and use for commercial gain is strictly prohibited and will result in suspension of privileges.
- 3.3 New Members must meet with Operations Manager, or designee, for a Pre-Production meeting to discuss their production plans before scheduling DATV facilities. Current Producers who wish to produce a new show with a major change in production format or use different equipment, must meet with Operations Manager, or designee, for a Pre-Production meeting to discuss production. In the Pre-Pro, staff will assist the Producer to prepare for their new production.
- 3.4 A Producer must submit the appropriate Equipment request form to schedule facility/equipment use and submit a "Program Release" form, along with completed tape, to schedule channel time. Forms must be submitted to the Executive Director or his/her designee.
- 3.5 Producer must be at least 18 years or older to schedule equipment, facilities or channel time. Members under age 18 may use equipment and facilities as long as their Parent or guardian, who are required to be a DATV member, signs for the studio and becomes the Producer of Record. Studio time used is counted towards the monthly allotted time of the Producer of Record.
- 3.6 When any DATV equipment is used on a production, a finished product for airing must be provided to DATV within 90 days of the taping date. If work is not completed within 90 days, a request must be made by the Member for an extension. Granting of extensions will be left to the discretion of the Operations Manager. If after 90 days the program is not completed and an extension was not granted, DATV reserves the right to release any DATV media for re-use by other Members.
- 3.7 Members should recognize that equipment may not be available for use on short notice. To ensure that equipment is available, Members should reserve equipment at least two weeks in advance of anticipated date of usage. Equipment checkout is subject to availability.

- 3.8 Members must sign a liability agreement at the time of equipment check-out, assuming full responsibility for any damage to or loss of equipment or production facilities while in the control of the Member.
- 3.9 Members must be at least 10 years of age or older in order to Volunteer to use DATV studio equipment. Must be at least 14 years of age to check out portable equipment. DATV requires that scheduling of equipment or facility for productions by Members under the age 18 must have all proper release forms signed by a Parent or Guardian.
- 3.10 Members may reserve portable equipment for no longer than five days each month. Equipment must be returned no later than one hour before scheduled closing on the day the equipment is due back.
- 3.11 Portable equipment can be checked-out between the hours of 9:00 am and 8:00 pm Monday through Friday and 10:00 am to 5:00 pm on Saturday. Equipment must be returned no later than one hour before scheduled closing.
- 3.12 Permission to keep equipment overnight requires approval by the Operations Manager or his/her designee. Overnight privileges require proof of sufficient home owner's or renter's insurance. A copy of the policy must be on file at DATV before the equipment request is approved.
- 3.13 In the event a Member wishes to cancel equipment or production facility use (including edit time, Internet use, studio time), 24 hour advance notification is requested.
- 3.14 In the event equipment is damaged or lost, payment in the full amount of repair or replacement must be made within 30 days of the damage or loss, or satisfactory arrangements as otherwise agreed upon must be made.
- 3.15 Producer will bear full responsibility for all program content. Any Member who serves as Producer of Record will assume responsibility for obtaining all necessary rights to program production materials. This includes all necessary literary, artistic, intellectual, performing and music rights as well as all necessary clearances from the owners or licenses of such material. Member must be able to document, in writing, that the cablecasting of such material does not violate the rights of a third party, including the privacy rights of a third party.
- 3.16 The Member shall indemnify and hold harmless DATV, the local cable operator, and all supporting groups including the City of Dayton from and against any damages, liabilities, and costs of any nature including attorney fees and disbursements arising out of or resulting from any action related in any way to the Member's use of the access channels or DATV equipment or facilities. This includes, but is not limited to, any damages and liabilities and costs which may arise as a result of the Member's failure to abide by the Operating Rules & Regulations.

- 3.17 Members may not interfere in the production and/or studio usage time of another person.
- 3.18 Programs must be submitted to the Executive Director or his/her designee for technical evaluation before programs will be cablecast on the public access channel(s).
- 3.19 No smoking, eating or drinking is allowed at any time in the control room, studio, edit suites or mobile vans.
- 3.20 Any Member who appears to be under the influence of alcohol or drugs will be prohibited from using the public access facilities.
- 3.21 If in the estimation of the Operations Manager or his/her designee, a Member becomes verbally abusive or is engaging in behavior which is dangerous or disruptive, they may be asked to leave the premises.
- 3.22 Members are responsible for the actions of their guests while on DATV property.
- 3.23 No more than two programs by one producer may be in production at one time. A program is considered "in progress" once equipment and/or studio request is approved by Operations Manager, or his/her designee
- 3.24 Non profit corporate members are eligible to purchase other production and consulting services.

PRODUCER'S STUDIO RESPONSIBILITIES

To qualify to schedule and use the studio for an independent production, the producer must meet the following criteria:

- 4.1 Be a Member that has completed the Basic Studio workshop and has satisfactorily performed those duties associated with this workshop on at least two DATV training productions.
- 4.2 Be a Member that has completed the Audio/Video workshop and has satisfactorily performed those duties associated with this workshop on at least two DATV training productions.
- 4.3 Producer must provide a crew that has been studio production certified.
- 4.4 Producer must submit a studio production proposal.
- 4.5 Producer must provide any props required for their set.
- 4.6 Producer may reserve the studio for 1 day per month for up to six hours. Six hours includes set-up and strike time. If available, 1 additional date may be requested no more

than 1 week prior to the requested date. Use of studio equipment beyond six hours per month may be charged at a rate of \$50.00 per hour.

- 4.7 If it does not interfere with another Member's scheduled studio time, set-up may be done the day before the production, Monday through Friday after 6:00 pm and after 4:00 pm Saturday.
- 4.8 Members may submit a Studio Request form no more than 30 days before the date of the studio production. Studio requests for Saturday productions may not be made more than two (2) weeks prior to the production.
- 4.9 No unauthorized person(s) will be permitted in the studio or control room during the production.
- 4.10 Producers shall bear full responsibility for program content, including all copyrighted material and performance releases, as required in Section 3.11. In addition, if a program is to be a "live" studio production, the Producer shall present in writing, at the time of requesting studio time, that the Producer will bear total responsibility for all program content.
- 4.11 Producer shall indemnify and hold harmless DATV, the local cable operator, and all supporting groups including the City of Dayton from and against any damages, liabilities and costs of any nature as provided in Section 3.12.
- 4.12 Studio time may not be available for use on short notice. Producers should reserve studio time at least two (2) weeks in advance of anticipated date of usage. Contingent upon staff and studio time availability, studio time may be made available on shorter notice providing a DATV certified producer in good standing has completed a "Studio Request" form and has been approved by the Operations Manager or his/her designee. A "live" studio production request must be made no later than four weeks in advance and require approval by the Operations Manager and the Programming Department.
- 4.13 The Producer is responsible for all studio and control room equipment while in their use. The Producer is responsible for returning the studio to its original configuration. After which, Producer must report to a production staff person for approval of clean-up.

CABLECASTING GUIDELINES

- 5.1 Any program that is submitted by a Producer is subject to DATV compatibility standards. Currently we require programs to be submitted in DVD format. The Program Director will notify Producers of DATV's current playback technical standards, and it is the responsibility of the Producer to ensure that the program meets those standards. In case of playback problems due to the format or condition of the submitted media, DATV will advise the Producer as to the necessary steps to correct the problem. However, it is the Producer's ultimate responsibility to ensure programs meet compatibility standards or, as a result, DATV may not be able to cablecast programs that are not compatible.
- 5.2 Producers who receive goods or services for the production of their programs may provide Sponsorship credit in their program within the guidelines governing underwriting credit and only after receiving written permission from the donor. Commercial identification is prohibited from appearing within the content or credits of the program
- 5.3 A program release form must be completed by the producer for each program submitted for cablecasting. The form states, among other things, that the producer is solely responsible for the content of the program and the producer has obtained all necessary performance and copyright clearances.
- 5.4 A performance release must be signed by any event organizer and a representative of each act performing at the event. A performance is defined as an entertainment, theatrical or informational presentation, including those by hands.
- 5.5 Each program submitted for cablecasting must be technically sound including clear audio and video and solid control track from beginning to end.
- 5.6 DATV's program schedule is subject to change without notice.
- 5.7 DATV reserves the right to schedule adult programming between the hours of 12:00 a.m. and 6:00 a.m., in adherence to FCC regulations governing indecent speech. A Member may appeal this decision by requesting it in writing to the Board of Trustees within 125 days of the action, and ask that they review it at their next regular meeting."
- 5.8 Dayton Public Access Television, Inc. operates two public access channels, Channel 20 and Channel 12. Channel 12 shall be used exclusively for religious programs. Channel 20 shall cablecast all other community programming. A program shall run on Channel 12 if it contains material which is religious in nature (guidelines for the definition of "religious" shall follow IRS, FCC and Supreme Court indices).

SERIES PROGRAMMING

- 6.1 DATV reserves the right to set aside a reasonable portion of air time for weekly, bi-weekly and monthly series programs throughout the year.
- 6.2 Series programs are subject to pre-emption for special events.
- 6.3 DATV may assign the designated series time slots on a lottery basis which will then remain in effect for one year. Series producers must provide a new show each week or every other week per month in order to maintain the time slot. Failure to meet this requirement may result in loss of series time slot. If this requirement is not met DATV reserves the right to re-assign the time slot to other producers.
- 6.4 In the event a person or organization outside the local interconnect area requests their program be cablecast, the program must be sponsored by a certified DATV Member.
- 6.5 Pursuant to the agreement between DATV and City of Dayton, DATV will periodically produce programs of interest to the local community and may produce programs as a means of training residents to produce their own programs.

LIVE PROGRAMS

DATV will offer certified DATV producers the chance to have a program aired "live" under the following conditions:

- 7.1 The production must be scheduled subject to the Studio Usage Guidelines.
- 7.2 The producer must demonstrate the need for the program to be "Live", such as being interactive with viewers at home.
- 7.3 User must provide appropriate crew for "Live Call-In" shows. Appropriate crew means people in the following crew positions; Director, Audio, Graphics/Phones, Master Control, and at least two camera operators. It must be noted, full-time staff cannot act as crew on any independent productions. Staff may assist with basic master control duties for "Live" productions.

PRIORITY OF EQUIPMENT USAGE POLICY:

DATV provides portable equipment configurations based upon the needs of the production, training level of the producer and equipment availability. They are as follows:

1. One camera portable production:
 - (a) Contains one camera, tripod, power supply and tape(s). Other equipment may be requested (see "Equipment Request" form).
 - (b) Training required: Basic Field Production workshop.

2. Multi-camera portable production:
 - (a) Contains requested number of cameras, tripods, etc.
 - (b) Training required: Basic Field Production workshop; DATV certified Members must operate each camera.

3. Multi-camera portable production with portable switcher:
 - (a) Contains requested number of cameras (maximum of three) and accessories, portable switcher package (switcher, monitors, audio mixer, videotape recorder).
 - (b) Training required: Basic Field Production and Portable Switcher workshops; must have produced at least three single camera field productions in order to qualify for the Portable Switcher workshop.

ENFORCEMENT

Failure to comply with DATV's Rules & Regulations may result in the loss of any and all access privileges. In cases of suspensions of longer than one year, the DATV Board of Trustees may review the decision of the Executive Director upon written request from the Member stating the reason(s) a review is warranted.

EQUAL OPPORTUNITY

DATV provides equal opportunity to all Members without regard to race, color, religion, age, sexual orientation, gender, physical or mental handicap or disability, national origin or marital status.

Revised & adopted by DATV Board of Director 7/96, 6/97, 2/00, 6/02, 8/04, 10/04, 6/05, 2/08