

BATV Studio Use and Program Submittal Policy

Revised November 21, 2008
and December 9, 2013

Policies and Procedures

The mission of Batavia Access Television is to educate, entertain, celebrate, engage, and inspire the community through programming that enhances the quality of life for all.

Since its inception in 1998, Batavia Access Television (BATV) has provided Batavia residents, organizations, agencies and institutions with free, non-commercial television production and related services on a first-come-first-served, non-discriminatory, non-monopolistic basis. These services include video production equipment and facilities, usage and training, professional assistance, and cablecasting of non-commercial, public, government, and education access television programs. BATV is administered by the Station Manager and Program Director, who are also liaisons to the Batavia Access Television Board.

Article I. Definitions

BATV: Batavia Access Television, Incorporated 11-member Board currently managing Comcast Channels 10 & 17 in Batavia and AT&T U-verse Channel 99 across Northern Illinois.

BATV Area: The geographical area covered by the City of Batavia Cable Television franchise agreement. This is every place that is serviced by any Cable Television Franchise holder with the City of Batavia.

BATV Staff: Anyone employed by the BATV Board for the purposes of administering production or cablecasting of programming on BATV.

Board: The BATV directors as defined by the BATV by-laws.

Cablecast: The distribution of programming through a cable system.

Donor: Any person, business, or corporation that provides non-monetary assistance to BATV in production or operations.

Equipment: Any and all items that are used to produce and cablecast programming on the BATV channels, including, but not limited to cameras, tripods, microphones, cables, editing decks, playback decks, lighting systems, linear editing, non-linear editing, field acquisition, mobile studio productions, and playback.

Non-Resident: Anyone that is not a resident of the BATV Area.

Producer: An individual who creates original programs to be cablecast on the BATV channels.

Program Director: Reports to Station Manager and facilitates the broadcast of BATV channels.

Requester: A resident who submits programming for cablecast produced by others and who assumes responsibility for the proper content and permissions as defined in Article V of this document.

Resident: Any person that resides in the BATV area.

Sponsor: Any person, business, corporation, or governmental body that provides monetary or in-kind support to BATV.

Station Manager: The employee that is responsible for the day-to-day operations of BATV, Inc.

Studio: The facilities located within the Batavia High School at 1201 Main Street, Batavia, Illinois.

User: Any person that completes the training required to use the BATV studio and equipment.

Volunteer: Any person that lends time and support.

Article II. Eligibility for Residents

1) To utilize BATV:

a) Producers/Requesters shall be any Resident at least 18 years of age; or any registered high school student that is a member of the Video Club or enrolled in Broadcasting; or any employee of the City, Park District, Library District, School District, Chamber of Commerce, or Township; or any owner or employee of a business in the BATV area. Producers/Requesters can reserve the facility and equipment to produce or edit videos for cablecasting. Producers/Requesters, ages 12-17 years, will need a parent or legal guardian to represent them.

b) Acceptable proof is Illinois Drivers license, Illinois Identification card, an Illinois Voter's registration card, Batavia School Identification Card, a City of Batavia utility bill, Batavia Library card, or business letterhead or business card with a Batavia area address.

2) To use BATV equipment:

a) The user shall be trained in the proper use and care of the equipment. The BATV Staff shall determine what training is necessary and can revoke user privileges if necessary. The BATV Board will be the final judge in matters of user privileges.

b) The Studio is available to users 24 hours a day, seven days a week, except when there are high school classes using the Studio. Users are responsible for the entire facility and any activity that occurs during a user's reservation time. There is a 72-hour reservation deadline for Studio requests. The BATV Staff will allocate times for use.

c) Portable equipment is available to users on a first-come-first-served basis. A sign-out sheet for all equipment issued shall be filled out and signed by the BATV Staff and the user. There is a 24-

hour reservation deadline for portable equipment requests. The BATV Staff will allocate times for use.

Non-Residents may be certified for using BATV facilities and equipment. Facilities and equipment requests shall be co-signed and co-produced by a certified BATV resident user. Requests will adhere to resident user guidelines.

Article III. Program Submission and Program Scheduling

1) Any resident may be the Requester for programming. All program submissions shall include a completed Program Submission Form.

2) Live cablecasting is currently available at the BATV Studio and the Batavia City Council Chambers. Users shall be certified for live cablecasting. BATV Staff shall approve live requests. Staff shall enforce a 14-day reservation request deadline. There is limited availability.

3) General Guidelines:

a) An advanced notice of 10 business days shall be provided for a program to be cablecast. The Program Director can make exceptions to this, and the BATV Board has final approval.

b) Total length of any program shall not to exceed 2 hours without prior approval of the Station Manager or Program Director.

4) Priorities:

a) Locally produced programs about Batavia have priority in cablecasting. These programs can be, but are not limited to City Council or other elected board meetings (School, Park, Library, and Township), school activities and events, Chamber of Commerce events and meetings, church events, civic organization events, or programs produced by students in the Batavia schools system.

b) Programs of local interest will have priority over other regional programs.

c) First-run programs will be given priority over previously cablecast programs.

d) BATV will make a good faith, concerted effort to produce and cablecast all board and council meetings of governmental bodies in the Batavia community (not necessarily sub-committee meetings). These tapes are not to be considered the official record of these meetings. BATV will also assist in producing and cablecasting all nonpartisan-moderated, community-oriented events.

5) Format:

a) Program submissions shall be produced in DVD, MiniDV, SVHS or VHS format, recorded in SP (Standard Play) mode. Tape shall be labeled on the spine with program title and date of event/production. Face label shall include Producer/Requester name, Producer/Requester phone

number, title, and total running time of program. Total running time - displayed in hours, minutes, and seconds - begins at the disclaimer and ends after the closing credits.

b) Program tapes shall maintain a continuous control track, 7.5 IRE black, 100 IRE white, and 0 VU audio. Program audio shall be recorded on both linear (mono) audio tracks. Tapes that do not meet these standards may result in signal loss during playback and refusal of playback.

c) All programming created by Producers for cablecasting shall contain the BATV volunteer disclaimer (30 seconds) preceding each program. Please contact BATV for written disclaimer.

All programs shall have a title and a name identifying the person(s) who produced the program. Names of director(s), performer(s), production crew, or other participants may be added either before or after the program.

Article IV. Ownership and Duplication

1) Producers/Requesters submitting programs shall retain full responsibility for, rights to, and ownership of their program content, subject to the policy statements set forth below:

2) The Producer/Requester shall be responsible for securing any copyright, trademark rights or other intellectual property rights.

3) Programs produced with BATV equipment and facilities shall be for cablecast and premiere on BATV, unless produced under a rental contract with BATV Staff.

4) Programs produced with BATV equipment and facilities shall be for noncommercial purposes, unless produced under a rental contract with BATV Staff.

5) BATV may retain copies of master recordings of programs produced with BATV facilities and equipment for subsequent use.

6) BATV will allow duplication or distribution of recordings from its library for any non-commercial purposes.

7) BATV may use any program submitted for cablecasting to promote the access channels in Batavia and the concept of public access regionally and nationally, unless the Producer/Requester prohibits such use in writing on the Program Submission Form and tape label.

8) BATV may release to a third party any copy of a program cablecast on any BATV channel unless the Producer/Requester prohibits such use in writing on the Program Submission Form and tape label.

Copies of tapes for non-commercial use will be made at cost of labor, equipment, and material. A request for duplication shall be made five business days in advance of the date required.

Article V. Program Content

BATV provides a community service by administering channels for programs submitted by individuals and nonprofit organizations in the Batavia area and does not discriminate against any such users; however, Producers/Requesters are legally responsible for program content and shall follow the policies set forth below. BATV cannot assume responsibility for the content of any programs or information cablecast.

1) In accordance with federal, state and local law, your program shall not include the following material:

a) Gambling: Your program may not promote or conduct any lottery, raffle, contest or game involving prizes awarded in whole or in part by lot or chance except for charitable fundraising.

b) Obscenity: Your program shall not contain material that is obscene. Federal law states that material is obscene if:

I. The average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest.

II. The work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law.

III. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

c) Solicitation: Your program shall not solicit funds or other property of value from viewers except for recognized charitable causes.

d) Advertising: Your program shall not promote the sale of products or services, including prices, or promote or endorse a trade or business, except for charitable fundraising.

e) Products or Services: Your program shall not discuss or show products or services made available by persons, corporations or institutions which have a commercial interest in the subject of the program.

f) Commercial Identification: Your program shall not identify, promote or make reference to any product, service, trademark or brand name in any manner which does not further the noncommercial message of your program or which would jeopardize the noncommercial mandate of BATV, except as provided in Article VI. This includes, but is not limited to, the names of businesses as well as addresses and telephone numbers, e-mail or web page addresses.

g) Misrepresentation: Your program shall not contain any material, which is intended to defraud the viewer, or designed to obtain money by false or fraudulent pretenses, representations or promises.

h) Illegals: Your program shall not contain any material which constitutes libel, slander, defamation, invasion of privacy or publicity rights, unfair competition, or violation of trademark or copyright or which may otherwise violate any local, state or federal law.

2) A Producer/Requester shall obtain in writing and keep records of all necessary approvals, clearances, licenses, etc., for the use of any program material to be cablecast on BATV. This includes, but is not limited to, approvals by broadcast stations, networks, sponsors, music licensing organizations, copyright owners, performers' representatives, and all persons featured in the program material and any other approvals that may be necessary to transmit the program via BATV.

Article VI. Underwriting and Sponsorships

RESERVED

Article VII. BATV Studio Rules

1) BATV production equipment and facilities are available at no charge to certified users, providing that the user is making a program for a BHS broadcasting course, Video Club, or morning announcement; or for cablecast on BATV; and is making a program for non-commercial purposes; and obeys all rules and regulations adopted by the Batavia Access Television Board.

2) To become a certified User/Producer, a person shall:

a) complete a BATV Statement of Compliance; and

b) be a resident of the BATV district, and

c) show proof of said residence; and

d) be 18 years of age or older (see exception regarding minors in paragraph 9 below);

e) Must have completed the appropriate training for the equipment and/or facility being used.

3) BATV Staff may grant a waiver of training to persons who demonstrate proficiency with the equipment and/or facility that they propose to use for BATV program production.

4) BATV equipment and facilities may be reserved and checked out only by certified users.

5) A person who ceases to be a resident of the BATV area loses eligibility to be a certified User, Producer and requester.

6) BATV district residents who are 12 to 17 years of age may become certified Users under the same requirements as adults, however, they shall have a parent, in person at BATV, sign the

Parental Consent Section of the Statement of Compliance Form before they can reserve or use any public access equipment or facilities.

7) Parents or legal guardians signing the Parental Consent Section of the Statement of Compliance Form shall do so in person at BATV and accept full financial responsibility for equipment used by the minor. This form shall be updated each calendar year.

8) Training and Certification:

a) BATV offers regular orientation, training and certification for persons wishing to use public access equipment.

b) Orientation and the basic class are a prerequisite to all video production workshops and User certification. Completing the appropriate workshop for the desired equipment or facilities and passing the evaluation given at the conclusion of the workshop certifies Users.

c) Users shall complete the required paperwork for certification.

d) After completing the necessary forms, certified users may use equipment at no charge, provided they have been certified on that type of equipment.

e) BATV Staff will use the Certification Checklist when determining if a person passes certification.

f) Special Cases:

I) Persons who have been trained elsewhere may stand for certification after attending a free orientation session. Persons who fail the certification test shall be required to attend a workshop before certification is given.

II) When new equipment arrives, additional workshops shall be provided to train certified Users.

III) The BATV Staff shall arrange workshops for groups by appointment only.

9) The certified user assumes full responsibility for BATV equipment and facilities used during their reservation, and are liable for damage, misuse, or theft, which occurs while the equipment or facilities are in the user's possession or control. Persons checking out the equipment shall be required to sign a checklist attesting to the condition of equipment at time of checkout and return.

10) Users of BATV equipment and facilities bear full responsibility for their program content and shall be held responsible for any disputes arising from unauthorized use of copyrighted materials.

11) The users of BATV equipment and facilities shall indemnify and hold harmless BATV, the City of Batavia, Comcast and any other representations of BATV, from and against any and all

claims, demands, damages, costs, expenses, loss of services, actions and causes of action including attorney's fees and disbursements arising out of or resulting from any action or use by the user of the equipment or facilities herein described.

12) It shall be the responsibility of each Producer and User to identify him- or herself to any person being taped, especially if the subject is not aware of the taping. At NO time during a public access production may any certified Producer or User identify him- or herself as an employee of BATV, the City of Batavia, or Comcast.

13) Access to Studio:

a) Regular BATV Staff hours are Mondays through Fridays, 9:00 a.m. to 5:00 p.m. State-observed holidays is the exception.

b) For after-hours access, a key will be available at Batavia Police Department, 101 N. Island Avenue. There will be a list of authorized users that can check out a key at any time.

14) There are four reserved parking spots for use by BATV personnel and volunteers visiting BATV during school hours 7:30 a.m. to 2:30 p.m. in the Wilson Street lot. If these spaces are full during school hours, then additional visitor parking is available.

15) All rooms in the Studio are to be left in a neat and orderly fashion. While janitor service is provided to people using the Studio, users are expected to clean up after themselves and return all equipment, sets, props, and furniture to its proper place.

16) Prohibited Items:

a) No live ammunition, incendiary devices, functional firearms or other weapons or illegal items shall be permitted in the Studio at any time.

b) No alcoholic beverages shall be permitted in the Studio at any time.

c) No animals shall be permitted in the Studio without the approval of the BATV Staff. Service dogs are the exception.

d) No eating or drinking shall be allowed at any time in the studio, control room, head end, or office areas without the consent of the BATV Staff. No illegal substances, tobacco or alcohol are allowed on the premises of BATV, this also includes the BHS campus.

e) There is no smoking allowed anywhere on the Batavia High School campus.

f) Users are expected to bring their props and supplies for use in the Studio. Acquisition tapes and editing tapes will be provided by BATV.

g) BATV is not responsible for any lost personal property.

17) Equipment use:

- a) The BATV Staff can make exceptions where there is no prior need.
- b) The Batavia Access Television Board determines equipment and facility use policies.
- d) Only persons properly trained and certified will have use of BATV equipment and facilities.
- d) The BATV facility can be used only when a BATV Staff member is on duty, or when certified in after-hours access.
- e) BATV equipment and facilities are for non-commercial use. The use of BATV equipment or facilities for economic profit or revenue generation is prohibited
- f) BATV Staff and the user will inspect all equipment for proper operation before leaving the Studio. This will include accounting for all cables, parts, and batteries. The user is responsible to account for all equipment. Both BATV Staff and the user will sign a Camera Checkout Form before it leaves the Studio. BATV Staff will retain a copy for the check-in procedure. BATV Staff will assess the cost to repair or replace any equipment that is lost or damaged other than normal wear and tear.

18) Mobile Production Studio (Studiovan):

- a) The Station Manager has a form to be filled out and faxed to Comcast. There is a 30-day advanced notice required for the Studiovan.
- b) Comcast will supply or authorize a driver/engineer for the Studiovan.
- c) Reservations are limited to availability.

19) Facilities scheduling:

Requested Activity

Hours/Session

Sessions/Month

Studio Productions

5 hours

4 per month

Control Room Editing

4 hours

4 per month

Post Production Editing

4 hours

4 per month

Portable Equipment

24 hours

1 per month

a) Limits have been placed on the total number of hours each BATV facility area may be reserved per session, as well as the number of sessions per calendar month, to encourage use by as many individuals and organizations as possible.

b) Facilities shall not be reserved for consecutive time periods.

c) At the discretion of BATV Staff, exceptions may be granted for unusual circumstances.

d) Since it would be easy for individuals within a group production to separately reserve time for the production, users are expected to respect the spirit, as well as the letter of facility scheduling rules.

e) Weekday checkout shall be returned by noon the following day. Weekend checkout shall be returned by noon on Monday.

f) Facility/Equipment Requests and Program Proposals, which can be made up to one month in advance, shall accompany all equipment and facility reservations. Reservations will be taken on a first-come-first-served basis. Users will be notified only if there is a time conflict.

g) Should a user fail to use facilities or equipment previously reserved, or fails to notify BATV Staff of the CANCELLATION AT LEAST 24 HOURS IN ADVANCE, that user may be prohibited from using the same facilities and/or equipment for 30 days. Reservations previously made by that user for the 30-day suspension period would be made available to other Users.

20) BATV Staff reserves the right to RE-ASSIGN the use of portable equipment if a user is more than 30 minutes late for the reserved checkout time. Failure to return the equipment on time may result in restriction of further use.

21) Persons holding equipment reservations are encouraged to arrive at least 30 minutes before the reserved time to complete the checkout procedure. Otherwise, the procedure has to be accomplished within the equipment reservation time

22) Persons with Studio reservations should arrive in time to complete the required paperwork, organize crew, test equipment, and coordinate any final pre-production. Studio equipment: 30 minutes, Editing Equipment: 15 minutes.

23) All users reserving time on any equipment shall be certified on that specific equipment.

Article VIII. Suspension of Privileges

- 1) Violation of any part of this document is grounds for suspension.
- 2) BATV Staff reserves the right to temporarily refuse the use of the facilities to anyone who appears to be under the influence of drugs or alcohol or not in full control of his or her behavior, or who engages in inappropriate conduct.
- 3) Certified Producers shall be responsible for making sure that all crew, talent, and guests obey all BATV rules. Certified Producers shall be held responsible for rule violations by crew, talent, and guests. The Certified Producer shall be responsible for making sure the production crew used is qualified for the use of equipment and facilities.
- 4) Failure to abide to any of the BATV rules shall result in suspension of privileges. Repeated violations may result in permanent restriction of use of the BATV equipment and/or facilities.
- 5) User Suspensions:
 - a) BATV Staff may impose a short-term suspension. This suspension will be for any length of time but no longer than the next scheduled BATV Board meeting. The Board will review the reason for the suspension and decide if further action is required.
 - b) The Board may suspend any person for any length of time depending on the circumstances of the violation.
- 6) BATV Staff may suspend programs, for violations of Article V. The Board, at its earliest convenience, will review the program in question and decide on a further course of action.

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Article IX. Statement of Compliance

USER# _____

Statement of Compliance

I have read and am thoroughly familiar with the Batavia Access Television (BATV) Policies and Procedures and agree to abide by these rules.

I agree to pay repair or replacement costs and assume full responsibility for damage that occurs to the BATV facility, equipment or videotape due to my negligence. I agree to pay reasonable attorney fees and collection costs incurred by BATV in collecting or attempting to collect any sums under this agreement.

I understand that my use of BATV equipment is to be only for the taping and production of a program to be cablecast on BATV and cannot be used in any way for personal profit or commercial endeavor.

I agree to return equipment on time and understand that failure to do so may prohibit my use of the equipment in the future.

I agree to defend, indemnify and hold harmless BATV, City of Batavia, Comcast, Batavia City Council, Batavia City Staff, Batavia School District 101, Batavia Park District, Batavia Library District, Batavia Chamber of Commerce, Batavia Township and the BATV Board from any liability, loss, litigation claims, demands, damage, and expenses, including reasonable attorney's fees, caused by or arising out of any material supplied by the applicant in connection with utilization of BATV's cablecasting and/or production equipment and/or channel time, including any disputes arising from unauthorized use of copyrighted material.

Signature of Applicant _____

Name (print) _____

Date _____

Address _____

Phone _____

Parental Consent

I hereby assume all liability for the activities of _____ at BATV's facilities and or for his/her use of BATV equipment. In addition, I assume all liability for any programming he/she may cablecast over BATV.

I understand that my written notice to BATV, 1201 Main Street, Batavia, Illinois, shall only revoke this consent and representation made herein.

Signature of Parent or Legal Guardian _____

Name (print) _____

Date _____

Address _____

Phone _____