



TELEMEDIA DEPARTMENT

TOWN OF TEWKSBURY

TOWN HALL

1009 MAIN ST

TEWKSBURY, MASSACHUSETTS 01876

FOREWORD

The Tewksbury Telemedia Department operates as a Municipal Department for the Town of Tewksbury, providing PEG services for the Town. The Telemedia Department offers a public forum for free expression, providing its services on a non-discriminatory basis. These services include training in television production (and related technologies), providing the equipment necessary for producing cable television and web-based programming, and administering the programming of three subscriber channels and on associated websites. The Telemedia Department provides additional services that reflect community needs including coverage of local government meetings, community events, local election coverage, forums, and more. The following Operating Rules and Procedures were generated to provide guidelines for those wishing to utilize the services of the Telemedia Department.

POLICIES & PROCEDURES

STAFF FUNCTION: Telemedia Department staff works to enable Tewksbury residents and qualifying Tewksbury based individuals or entities with the tools and knowledge to produce independent media. Telemedia Department staff offers residents air time, training and access to equipment. Members who have completed their training are allowed to borrow and utilize Telemedia Department equipment on a first come first serve basis. The Telemedia Department is not a videotaping/editing service. This policy does not preclude Telemedia Department staff from producing (or assist in producing) programming of community importance at the discretion of the Telemedia Department staff and/or the Town Manager. The decision to provide assistance, or not, relies upon staff availability, resource availability, program content, project complexity, community importance (etc).

RULES:

- In order to use Telemedia Department resources, residents must have proper training provided by Telemedia Department staff and agree to comply with Telemedia Department policies and procedures.
- Residents under the age of 18 must have a signed Parental or Legal Guardian Consent Form on file with the Telemedia Department.
- In order to use Telemedia Department equipment, residents must be trained and demonstrate adequate knowledge of equipment and its use to operate that category of

equipment, either by attending a training session offered or by demonstrating proficiency and being approved by a staff member.

- Programs produced with Telemedia Department equipment and/or facilities must be intended for broadcast on the Town of Tewksbury's PEG channel(s) and may not be used for any commercial purposes.
- Copyrights to all materials produced using Telemedia Department facilities and equipment remain the property of the resident creator, to the fullest extent allowed by law.
- The Telemedia Department reserves the right to broadcast and re-broadcast any program that is created using Telemedia Department resources or programs submitted to the Telemedia Department, at its own discretion. This includes online broadcasting and re-broadcasting.
- The Telemedia Department reserves the right to share any program created using Telemedia Department resources with other PEG stations.
- The Telemedia Department reserves the right use any program created using Telemedia Department resources or programs submitted to the Telemedia Department for promotional purposes including submissions for awards, contests, highlight reels (etc.)
- Presentation of the following materials is strictly prohibited:
 - a. Any material which is libelous or slanderous;
 - b. Any material that is obscene or incites violence;
 - c. Any material that is commercial in nature;
 - d. Any material which is intended to defraud the viewer, or is designed to obtain money by false or fraudulent pretenses;
 - e. Any material which provides any advertising of (or information concerning) any lottery, gift enterprise, or similar game or enterprise offering prizes dependent, in whole or in part, upon lot or chance; or any list of prizes drawn or awarded by means of such a lottery, gift enterprise, or scheme, weather said list contains any part or all of such prizes;
 - f. Any unauthorized use of copyrighted material or publicity rights, and invasion of privacy;
 - g. Any material in violation of FCC regulations or which violates local, state, or federal law;
 - h. Programming that falls below minimum technical standards for cablecasting.

STANDARDS OF PERFORMANCE:

- a. Proper respect, care, and consideration of Tewksbury Town and School equipment and facilities must be maintained at all times.
- b. No person exhibiting unacceptable behavior will be allowed to operate equipment or remain on the premises. Unacceptable behavior includes, but is not limited to:
 - a. Using or being under the influence of alcohol or drugs.
 - b. Harassment or intimidation of staff, residents, guests, interns, or any other persons.
 - c. Abusive language or actions, as reasonably determined by Town or School Department staff.
 - d. Any act of discrimination on the basis of nationality, race, religion, gender, sexuality, or disability.

- c. Children 14 years or younger must be accompanied by their parent(s) or legal guardian.
- d. Violation of these rules could result in restricted use of Town and School premises and equipment.

SAFE HARBOR: Unlike obscene material, potentially objectionable material may be shown on the Town of Tewksbury's channels, but Telemedia Department staff may schedule this material between the hours of 12am and 3am. It is the responsibility of the program provider who signs the User Agreement to indicate whether or not a program or a program series includes potentially objectionable material which may include, but is not limited to:

- a. strong coarse language, suggestive dialogue, or coarse indecent language;
- b. graphic or prevalence of violence or degradation;
- c. most forms of nudity;
- d. graphic depiction of the human body.

If a program contains indecent, profane, or other patently offensive content, scheduling of replays within Safe Harbor hours will take effect immediately. Safe Harbor air times can be avoided by editing out such content. If, however, indecent, profane, or patently offensive content cannot be deleted or edited out, the Telemedia Department reserves the right to require a disclaimer and viewer advisory to the program and said program is subject to air during designated Safe Harbor Hours 12am-3am, Sundays through Saturdays.

ELECTION/CAMPAIGN PROGRAMMING: Any certified candidate for public office or ballot issue campaign for which Tewksbury residents may vote shall be afforded the same rights as a resident of Tewksbury with regard to access to Telemedia Department facilities and channel time. If the Telemedia Department produces a program which includes a candidate for office, the Telemedia Department will attempt to contact every other candidate for public office for whom Tewksbury residents may vote and whose candidacy has been certified to appear on a Tewksbury ballot. By law, political programming involving candidates for office must cease to broadcast 48 hours before an election.

EQUIPMENT: Users may be held liable for the costs of repair, or replacement for any equipment or other materials resulting from: (i) damage beyond reasonable wear and tear through normal use; (ii) misuse; and/or (iii) theft while in my possession or control. Users shall indemnify the Town of Tewksbury against any damage or liability that may occur while using the equipment. Users must return equipment on time as agreed to by the user and Telemedia Department staff.

USE OF COMMUNITY BULLETIN BOARD (CBB): The Telemedia Department operates an electronic Community Bulletin Board ("CBB") which cycles community announcements on the access channels when no video programming is scheduled. Messages of a non-personal, non-commercial nature, of interest to Tewksbury residents, may be submitted by Tewksbury residents, Tewksbury based organizations, or Town Departments. No commercial announcements, advertising, or direct appeals for funds for commercial purposes will be accepted. However, non-profit fund-raising events or projects may be posted at the discretion of Telemedia Department staff and/or the Town Manager. The Telemedia Department is not

responsible for mistakes by the submitting party made on the CBB. Telemedia Department staff and/or the Town Manager reserve the right, as producer of the CBB, to reject or edit any message. All other programming restrictions apply to the CBB.

AGREEMENT: I understand that violation of the terms of this statement is grounds for forfeiture of the right to use the Town of Tewksbury's equipment, facilities or channel time.