



CAPS
CHANNEL SIX

community access partners of san buenaventura

**Community
Access Partners
of San Buenaventura**

Operating

Policies

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Community Access Partners of San Buenaventura, Inc. Operating Policies

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CAPS Forms:

Bulletin Board Request Form
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Membership Form
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Personal Release
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Community Access Partners of San Buenaventura Operating Policies

Community Access Partners of San Buenaventura, Inc. (CAPS) is a tax exempt nonprofit corporation under IRS Code 501(c)3 operating from facilities located at 71 Day Road, Ventura, CA 93003.

Purpose

CAPS Community Media Center is operated as a public service for the people of the city of Ventura, California. CAPS will provide the necessary equipment, resources, and training to enable individuals, institutions, and community organizations, the capability to create and distribute noncommercial community programming. *(see Section 10 for full list of Corporation Purposes)*

Administration

These policies have been established to provide the most effective and efficient delivery of CAPS services and to assure compliance with local, state, and federal laws governing the use of community access facilities.

The executive director of CAPS is responsible for ensuring that these policies are complied with, uniformly applied, and for resolving any questions or interpretations. The executive director is also responsible for issuing statements of procedure consistent with these policies to cover all aspects of CAPS operations. An appeal of any ruling by the executive director may be made to the CAPS Board of Directors as specified in section 9.

All public, educational, and governmental access (PEG) programming will share one community access channel until additional cable channels are made available. In general, the following Operating Policies apply to all producers. However, due to the unique institutional nature of Educational and Governmental programming, different procedures may apply in specific cases.

Definitions

Membership

CAPS is a membership based organization. Annual Membership is available to all Ventura residents, and nonprofit community groups without discrimination at a rate established by the CAPS Board of Directors. *(See Membership Form)*

Qualifications for membership

Any person, age 18 or older who resides, works, or is affiliated with a nonprofit organization in Ventura may become a member of CAPS. Parental permission is required for youths under 18 years of age.

Affiliate Producer

An Affiliate Producer is a CAPS member, who does not want to produce at CAPS facility and instead desires to submit programs for cablecast that were produced elsewhere.

Certified Producer

A Certified Producer is a CAPS member who has been certified proficient with CAPS equipment to produce at CAPS facility after attending, and completing, CAPS BTV and Edit101 classes. They may also submit programming produced elsewhere for cablecast.

Certified Volunteer

A Certified Volunteer is a CAPS member who has been certified proficient with CAPS equipment and who has been accepted into the CAPS volunteer program. A Certified Volunteer may check out or use any equipment for which they have been certified.

Public, Educational, Governmental (PEG) programming

Public Access Programming

Public access programming may include productions created locally, or imported, by Producers for cablecast. The producer of each program, or designated representative of community groups, is responsible for content and technical quality.

Educational Access Programming

Educational access programming is produced by and for educators and students to serve the needs of Ventura educational institutions. Programming may include telecourses and imported programming selected for its contribution to the educational and cultural interests of our community. The producer, or designated instructor, of each individual program is responsible for content and technical quality.

Government Access Programming

Government access programming is produced under the direction of representatives of the City of Ventura who are responsible for its content. Government access programming includes informational programs about local, regional, state and federal government issues and coverage of city council and other public meetings.

Section 1. General Rules and Conditions

1.1 The community access channel has been dedicated as a public forum to provide freedom of expression under the First Amendment. It is operated on a first-come, first-served, content-neutral, non-discriminatory basis for use by Certified and Affiliate Producers.

1.2 Community access resources are available to any CAPS Member, on a non-discriminatory basis, subject to availability of resources and upon filing of an appropriate request, on the forms provided, for the sole purpose and intent of producing programming for the access channel.

1.3 All Certified Producers must meet with CAPS staff prior to the production of their program. The Operations Manager may request additional pre-production meetings as needed.

1.4 All Members who want to use the CAPS production facility to produce a series or an individual program must complete, sign and submit a Program Proposal form to the Operations Manager at least one (1) week prior to the date the member wishes to begin production.

1.5 CAPS Mentor Program - All new Members will be assigned to a CAPS staff Mentor for the initial thirty (30) days. The Mentor staff person assigned will be responsible to that new member to answer any questions, monitor their progress and to act as an ongoing resource and guide. Once the initial thirty (30) days are over, all members will be available with the Mentor On Duty (M.O.D. will be posted at the front desk) any time they have a technical or operational question. The M.O.D. will change daily. The Mentor will guide the member through the following steps:

A. The Assessment: In the first, and very important meeting, the member's goals will be discussed and assessed. What does the member wish to accomplish? What CAPS resources would be the most appropriate for that member? Also, what skills does the member currently have?

B. The Production Proposal: Following certification from both the CAPS BTV and Edit101 classes, the Mentor will review the member's production proposal form, offer advice, make equipment recommendations and process the form through all normal CAPS channels. Processing includes allocation of CAPS resources by the Operations Manager, this process can take up to a week to complete.

C. Ongoing Support: There is a staff member on duty (Mentor On Duty) daily to answer any questions and offer assistance. The Mentors will periodically 'check in' with members.

D. Completed Programs: Once production has been completed, Mentors are available to assist members with CAPS submission procedures so that productions can be scheduled to air.

1.6 CAPS equipment may be taken out of Ventura County only with the prior written permission from the Executive Director or Operations Manager.

1.7 To request a time slot for cablecast, a Request for Cablecast form must be submitted with each completed program (tape). The form must specifically identify the Producer, the name of the program and contain the producer's signature acknowledging acceptance of the waiver of liability and indemnification and the hold harmless clause on the back of the Cablecast Request form.

1.8 Channel time will be available to any producer subject to availability or prior commitment of staff and facilities. CAPS will offer at least one cablecast of any public access program. The producer shall be fully responsible for any and all licensing or talent fees, copyrights, and royalties that may be due as a result of any cablecast.

1.9 CAPS reserves the right to preempt scheduled programming by notifying the producer of the preempted programming and by making alternative times available. In case of emergency, as determined

by CAPS in its sole discretion, CAPS may preempt any and all programming without prior notice.

1.10 Subsequent or encore showings of an access program shall be scheduled at the discretion of the Program Manager based on availability of channel space and prior programming commitments.

1.11 CAPS resources are made available as a community service. Use of these resources solely for personal profit or gain is prohibited.

1.12 In the event CAPS incurs costs in pursuing any remedy necessary to enforce these Operating Policies, CAPS shall be entitled to recover the same from the producer or any other party liable as a result of the use of the access channels, facilities, equipment, or staff.

1.13 Members are not allowed to use any CAPS office equipment or other materials without the express written permission from the Executive Director.

1.14 Members are only allowed to work on one (1) project at a time. Once that project is completed and submitted for cablecast, then members can begin a new project.

Section 2. Producer Rights and Responsibilities

2.1 All Producers accept responsibility for all consequences and liabilities resulting from the cablecast of the program. *Producers are not an agent or an employee of CAPS, neither is CAPS a joint producer on the program.*

2.2 Pursuant to the Copyright Act of 1976, as amended, and limited only by intellectual property rights that may be asserted by other authors for materials included in the programming, persons producing programming for PEG access channel cablecasts will own the copyright and all other rights thereto.

2.3 Producers must make every effort to identify themselves to persons being videotaped to clearly disclose the content and purpose of the program being produced. *The producer shall not identify themselves as an employee or representative of CAPS.*

2.4 Upon request, CAPS will furnish sufficient media for the master copy of each program. In such case, that videotape, independent of the content, shall remain the property of CAPS.

2.5 Thirty days after the first scheduled cablecast of a program on any access channel, the raw footage and any preparatory materials may be erased at the sole discretion of the Operations Manager.

2.6 Sixty days after the most recent taping or editing of any uncompleted program, all materials relating to the uncompleted program, at the CAPS facility, may be erased at the sole discretion of the Operations Manager, unless prior arrangements for longer retention of the materials have been made with the Operations Manager.

2.7 All certified producers may make one duplication of an aired program at the CAPS facility. CAPS members must supply their own tapes to make the duplication.

2.8 Producers may seek underwriting to support the production costs of their programs from private and/or public sources. Credit to the funding sources may only be given at the beginning and/or end of the program and may only indicate that assistance or support was provided by the funding source. For example: a character generated name, logo, telephone number, web site, address or picture of the business or location may be used. *No information regarding commercial services provided by the funding agent is permitted.*

2.9 The producer of each program is responsible to see that all equipment, props, crew and other necessities are obtained and available at the time of production.

2.10 Producers seeking to have programming cablecast on a PEG access channel will grant CAPS an irrevocable worldwide license to utilize that programming in any noncommercial manner whatsoever for educational and information purposes.

2.11 CAPS will not edit, or alter in any way, the content of programming without the expressed written permission of the producer.

2.12 CAPS Volunteer program - Volunteers will work with CAPS Staff and Members with:

- A. Field and Studio Productions (camera work, lighting, sound, etc.)
- B. City Meetings
- C. Assistance / Training
- D. CAPS Mentorship Program

Section 3. Use of Facilities and Equipment

3.1 In order to use CAPS equipment and facilities, CAPS members must demonstrate their proficiency by completing the appropriate level of instruction and become certified, prior to scheduling equipment use.

3.2 Any member of CAPS may schedule use of equipment, facilities, and studio, subject to availability, and in full compliance with these Operating Policies, ***no more than two weeks prior to the date needed.***

3.3 CAPS Executive Director may develop and distribute procedures to insure equitable access by certified producers and volunteers to equipment, facilities, and studio time due to limited resources.

3.4 It is the responsibility of the certified producers and volunteers to examine the equipment at the time of checkout to verify the equipment is operational and in working order prior to leaving the building

3.5 All equipment checked out will be due on or before a specified date and time. A late charge, will be assessed, if any equipment is returned after the time or date specified.

3.6 The certified producer or volunteer is fully responsible for the equipment checked out. They will be charged the actual repair or replacement cost if the equipment is returned damaged due to any cause beyond normal wear and tear or if the equipment is lost, stolen, or otherwise not returned. *(See Sanctions Section 8)*

3.7 There is no smoking allowed anywhere within the CAPS facility. Eating and/or drinking is only allowed in designated areas.

3.8 It is expected that every transaction with CAPS will take place in an atmosphere of mutual respect for persons and property. In any transaction in which respect for staff or property is absent, staff may terminate the transaction and may, at the direction of CAPS Executive Director, impose upon the offending person sanctions up to and including revocation of facility and equipment use privileges, in addition to any criminal or civil penalties which may apply.

3.9 CAPS facilities are open to our members for editing on Tuesday, Wednesday and Thursday from 10:00am to 8:30pm and Fridays from 10:00am to 2:00pm. All editing reservations are for four (4) hours at a time and must be made at least twenty four (24) hours in advance. Reservations may be made no more than two weeks prior to the date needed. Special editing times may be reserved, in advance, at the discretion of the Executive Director.

3.10 All CAPS equipment is available for check out between 10:00am and 4:30pm Monday thru Friday.

3.11 All new CAPS members will receive one (1) free DV tape, all other tapes will need to be supplied by the member. Tapes may be purchased from CAPS for a discounted fee.

- A. 30 min DV tapes \$8.00 each
- B. 60 min VHS tapes \$5.00 each
- C. 30 min SVHS tapes \$14.00 each

Other sizes are available – ask at the front counter for more information.

Section 4. Scheduling for Cablecast

4.1 CAPS will attempt to satisfy member requests for the cablecast of their programs at specific times on specific dates, depending upon the availability of equipment and channel time. CAPS reserves the right, however, to schedule some programs at its discretion based on time, place and manner limitations.

4.2 In allocating channel time for both individual programs and series time slots, the following hierarchy of priority levels will be used:

- A. Live programs and/or live public meetings.
- B. Premiere showings by a certified producer.
- C. Local programs produced by affiliate producers in Ventura.
- D. Non-locally produced programs.

4.3 Regularly scheduled series time slots may be allocated at the discretion of CAPS Program Manager. If a series producer fails to submit new programs for more than two consecutive scheduling cycles, the remaining portion of the series time may be reassigned at the discretion of the Program Manager.

4.4 With the exception of live and series productions, no program will be scheduled until it has been completed. A request for waiver of this requirement should be made to the Program Manager at least one week in advance.

4.5 Programming identified as containing adult content or adult themes will only be shown between the programming hours of 12 midnight and 5:00am. (*See Cablecast Request form*) CAPS will display a content advisory notice before each program with adult content or adult themes.

4.6 Neither CAPS, the City of Ventura, Adelpia or Avenue TV Cable assume liability for loss of facility use or transmission due to equipment failure, emergency preemption, or any reason beyond the control of the parties.

Section 5. Community Bulletin Board

5.1 The bulletin board is a service to promote local nonprofit events. (*See Bulletin Board Request form*)

5.2 Messages promoting a time sensitive event may be received up to 45 days preceding the date of the event and will begin airing no more than 30 days prior to the event. Minimum deadline for submission is ten days prior to the event date of your message.

5.3 Priority is given to representatives of Ventura nonprofit groups. Public agencies and educational institutions may submit public service text messages, using the form supplied by CAPS, for cablecast on the community bulletin board. Producers may also submit messages to promote cablecasting of their programs on channel 6.

Section 6. Limitations and Liabilities

6.1 CAPS, the City of Ventura, Adelpia and Avenue TV Cable do not exercise any control over, or assume any liability for, the content of any program presented on any access channel, except those programs they produce themselves, singly or jointly. CAPS will display a disclaimer on the access channel stating "Views and opinions expressed in public access programs are the sole responsibility of the program producers and do not necessarily reflect those of CAPS or any of its supporting groups."

6.2 The producer of each program is solely responsible for the content and presentation thereof and assumes all liability for any consequences of the production or cablecast of the program. All producers shall adhere to all applicable federal, state, and local regulations concerning limits of public speech and television programming content.

6.3 The producer of an access program must agree to indemnify and hold CAPS, the City of Ventura, Adelpia and Avenue TV Cable harmless from all liability for damages, costs, and losses resulting from, arising out of, or in any way connected with the use of the cable channel by the producer.

6.4 The producer of each program is solely responsible for obtaining all necessary talent releases, copyright authorizations, and other licenses and approvals. (*See Personal Release Form*)

6.5 Commercial advertising and programming designed to promote the sale of products or services may not be created using CAPS access facilities and equipment nor cablecast on any access channel.

6.6 No program which contains a lottery or which involves directly or indirectly the elements of prize, chance, and consideration of money or a thing of value, will be cablecast on any access channel.

6.7 No program which contains any material previously found by a court of law to contain obscene material, or to constitute libel, slander, invasion of privacy, or copyright or trademark infringement, or other speech not protected by the First Amendment, will be cablecast over any access channel. Note that "obscenity", slander, and other forms of unprotected speech can only be determined through due process of law. The management of CAPS does not have the authority to determine the legality of program content.

6.8 Materials that consists of a direct solicitation of funds, will not be cablecast on the access channel, except for public agencies and state or federal certified non-profit organizations.

6.9 Completed Program Proposal and Request to Cablecast forms are a public record, available for viewing at the CAPS business office during regular business hours. Any person who wishes to view the program proposal file must provide positive identification, including home address, a record of which shall be recorded on a sign-in log kept with the program proposal file. Program Proposal and Request to Cablecast forms will be kept on file for one year following the initial cablecast of the program.

Section 7. Program Copying Guidelines

7.1 Certified producers of a completed program produced using CAPS facilities are permitted one (1) copy on the media of their choice for their personal use. The Producer must supply the blank media needed for their copy.

7.2 Additional copies will be available at a rate established by CAPS Executive Director. Blank media must be provided with the copy request.

7.3 Only programs produced using CAPS facilities may be copied.

Section 8. Sanctions and Penalties

8.1 CAPS reserves the right to refuse facility use or time on any channel to anyone reasonably suspected of being under the influence of alcohol or any other drug, or who otherwise appears to not be legally responsible for their own actions.

8.2 Producers who violate production or equipment policies, such as habitually returning equipment late, may be subject to suspension of the privilege of using CAPS equipment and facilities. *These infractions may also result in financial liabilities as specified in Section 3.6.*

These infractions include, but are not limited to:

- A. Late return of equipment.
- B. Failure to cancel or appear for a reservation.
- C. Return of dirty or improperly packed equipment.
- D. Reserving or checking out equipment for other certified producers, unless special arrangements have been made with the Operations Manager.
- E. Eating or drinking in the studio, control room and edit rooms.
- F. Rewiring edit suites without senior staff permission.

8.3 The following actions may result in an **IMMEDIATE SUSPENSION** of privileges:

- A. Rude or abusive behavior toward other community members or staff.
- B. Loss or damage to equipment until compensation is made.
- C. Use of equipment for commercial or exclusively private production.
- D. Check-out of equipment for use by non-certified individuals.
- E. Attempting equipment maintenance or repair.
- F. Using the equipment or the facilities while under the influence of alcohol or other drugs.
- G. Violating no smoking or eating rules.

Section 9. Appeals Process

9.1 CAPS members are encouraged to attempt resolution of any difficulties at the staff level.

9.2 Members may, however, appeal rulings, sanctions and penalties using the following procedure:

- A. Submit a written appeal to the Executive Director within 15 business days of the action.
- B. The Executive Director will investigate the circumstances surrounding the action and provide a written response within 15 business days of receipt of the appeal.
 - C. If not satisfied, the member may continue the appeal within the next 15 business days by providing a written statement to the executive committee of CAPS Board of Directors.
- C. Following investigation, the committee will recommend any action they deem appropriate to the full Board of Directors.
- D. The Board will then, at the next scheduled meeting, vote to accept, modify, continue or reject the Executive Committee recommendation. The decision of the board will be final and binding upon the user.

Section 10. Appendix

APPENDIX 1. Community Access Partners of San Buenaventura purposes as stated in our Bylaws:

1. To support, manage, promote, produce, and distribute noncommercial community based media programs.
2. To provide institutions, agencies, organizations, and individuals with a Community Media Center and other necessary equipment, resources, and training to create and distribute noncommercial community programming and information.
3. To develop and promote the use of community media access resources in a non-discriminatory manner and to ensure that no individual is discriminated against with regard to membership, services, access to information or any activity because of race, national origin, sex, age, sexual orientation, religion, disability, political affiliation, or economic status.
4. To encourage coordination with other Community Media Access Centers and organizations.
5. To encourage the use of community media resources among a wide range of individuals, organizations and institutions within the City of San Buenaventura.
6. To facilitate the use of access channels (bandwidth) as a public forum which promotes a free exchange of ideas and information.
7. To serve access viewers with programming and information reflecting the activities, concerns, and interests of the residents of San Buenaventura in a manner that promotes a free exchange of ideas and information.
8. To assure that no censorship over program content on the access channel(s) exists, except as necessary to comply with the Cable Communications Policy Act of 1984, as amended, (or the corresponding provision of any future federal cable television or applicable telecommunications law) and other applicable Federal, state, or local law.
9. To perform such duties and functions relative to community based noncommercial uses of the cable communication systems as may be appropriate to maximize the benefit to individuals, institutions and other organizations within the City of San Buenaventura.
10. To determine and conduct or support any and all other lawful activities in furtherance of the foregoing charitable and educational purposes either manifest or latent.