

# **OPERATING RULES AND PROCEDURES**

**Catamount Access Television Corporation**

625 Main Street  
PO Box 4747  
Bennington, VT 05201  
802-442-8868

*Approved by its Directors January 4, 1995*

*Amended December 17, 1997*

*Amended December 14, 2010*

***The policies of CAT-TV have been written to the benefit of its users in order to promote our mission. The staff welcomes your comments and is eager to provide any assistance you may require to understand and follow them, including reading support to those who may require it due to disability.***

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## I. **MISSION STATEMENT:**

Catamount Access Television Corporation (CAT-TV) is a non-profit corporation organized for the following purposes:

- To enable, support and promote the production and distribution of PEG access television programs by and for educational, charitable, social service, religious, governmental, electoral or other non-profit organizations; residents of, or members of a group which operate primarily within Bennington County and contiguous areas.
- To distribute these programs on its PEG access cable television channels and other publicly accessible telecommunication networks or facilities, as it deems appropriate. These other distribution pathways may include, but are not limited to, closed circuit, common carrier, multichannel microwave, satellite, telephone, videocassette, audiocassette, broadcast television, radio, digital distribution networks, or the Internet.
- To provide for the care and custody of equipment, facilities and programs owned or used by CAT-TV.
- To seek and receive grants from public and private sources in order to meet the expenses of the aforesaid purposes.
- To exercise any other rights or responsibilities incidental to or associated with applicable law.

## II. **INTRODUCTION:**

Catamount Access Television Corporation (CAT-TV) provides public, educational, and governmental access services to the towns and villages of Bennington, North Bennington, Woodford, Pownal and Shaftsbury, Vermont on Comcast Cable channels 15, 16 and 17. CAT-TV is primarily funded by Comcast based on regulations created by the Vermont Department of Public Service and the Vermont Public Service Board.

Cable Access was formed from the idea that cable companies could act as monopolies in local communities and they should give something back to the communities in which they provide service. Local governments are permitted to require resources for Cable Access under both the 1984 and 1992 Cable Acts as well as the 1996 Telecommunications Act. It is important to note that this provision is implemented at the discretion of local or state government and its citizens. Although some state or local governments choose not to enforce the provision, access to services that foster free speech and public dialog are vital.

The Cable Act defined Access in this way:

*“Public Access channels are often the video equivalent of the speaker’s soap box or the electronic parallel to the printed leaflet. They provide groups and individuals who generally have not had access to the electronic media with the opportunity to become sources of information in the electronic marketplace of ideas.”*

As it is known now, CAT-TV was officially created in 1991 and serves to provide a venue for community dialogue of citizen's interests and concerns, an opportunity to present educational programming and related policy issues, and the chance to engage citizens in local government with a discussion of government operations and public issues.

Individuals who produce or submit programs to CAT-TV determine the content of the access channel programming. Under the First Amendment, CAT-TV supports the Free Speech rights of its members and does not restrict the content or message of any program presented over the access channels. Program Producers or Presenters are responsible for all program content and CAT-TV remains "content neutral" with regards to programming except when taking into consideration pertaining federal, state and local laws. Such laws include the restriction of advertising, lottery, copyrighted, obscene or indecent material. All Access users should be aware of their responsibilities as a program producer or presenter as laid forth in this document.

### III. **CONTACT INFORMATION:**

CAT-TV is located at 625 Main Street, Bennington, Vermont. This facility houses our administrative offices, production studio, post-production stations, training and meeting spaces and equipment lending inventory. For further information contact:

#### CAT-TV

Lisa Byer, Executive Director  
Catamount Access Television Corp  
625 Main Street, PO Box 4747  
Bennington, VT 05201  
802-442-8868  
[lisa@catamountaccess.com](mailto:lisa@catamountaccess.com)

#### Comcast

Vermont Government Regulatory Affairs Manager  
43 Comcast Way  
South Burlington, VT  
802-419-6601

#### Vermont Public Service Board

112 State Street, Drawer 20  
Montpelier, VT 05620-2701  
802-828-2358

### IV. **GOVERNANCE:**

1. **AVAILABLE DOCUMENTS:** The following documents are available for inspection at the CAT-TV office and other locations as indicated:
  - A. Articles of Association (Vermont Secretary of State)
  - B. Corporate Bylaws (Vermont Secretary of State)
  - C. Operating Rules and Procedures (Comcast Cable)

- D. Annual PEG Access Plan (Comcast Cable, Vermont Department of Public Service, Vermont Public Service Board)
- E. Annual Report (Comcast Cable, Vermont Department of Public Service, Vermont Public Service Board)
- F. IRS 501(c)(3) not-for-profit determination letter

**2. VOTING AND LEADERSHIP: CAT-TV is led by a nine-member volunteer board of directors with 3-year staggered terms and a two term limit. These Directors are nominated by a committee and then elected by CAT-TV members and registered cable subscribers according to the following guidelines:**

- A. ELIGIBILITY TO VOTE: Any cable subscriber or member age 18 or older may register to vote to elect members to the CAT-TV board of directors.
- B. ELIGIBILITY TO HOLD OFFICE: Any cable subscriber or member over the age of 21 is eligible to hold office as a member of the Board of Directors. Employees of Comcast Cable and its subsidiaries are ineligible to serve on the Board of Directors.
- C. ELECTION REGISTRATION: A registration form will be mailed to all Comcast Cable subscribers in May. To become registered, the form must be completed and returned to CAT-TV prior to the elections (in July). Members may also register at any time by visiting the Access Center and completing a registration form.
- D. NOMINATIONS: The Board of Directors will appoint a nominating committee to seek eligible candidates for all open seats on the Board.

No later than June 1<sup>st</sup>, a request for nominees will be published (warned) in local newspaper(s), the local radio stations and on the CAT-TV Community Bulletin Board. Any member of CAT-TV may self-nominate to be placed on the ballot.

The nominating committee will submit names for proposed candidates to the Board of Directors no later than June 30<sup>th</sup>.

- E. VOTING: No later than July 15<sup>th</sup>, ballots, listing all nominated candidates, will be mailed to all registered members.

Completed ballots must be returned no later than August 15<sup>th</sup>

An area professional firm will be contracted to receive and record the ballots. The winning candidates will be announced at the regularly scheduled August CAT-TV Board meeting. Newly elected Directors will be formally seated at the September meeting of the Board.

**3. CORPORATE STRUCTURE: A current listing of officers, board members, staff and volunteers is available to the public. Persons with concerns or questions about CAT-TV and/or its policies are encouraged to communicate directly with any of these representatives through the CAT-TV office. The authority of Catamount Access Television Corporation is structured so as to serve the Greater Bennington Community as well as the membership of CAT-TV, and it may be addressed through the following entities:**

- A. CAT-TV BOARD OF DIRECTORS: Elected by the corporate membership to fulfill the mission of CAT-TV.
  - B. OFFICERS OF THE BOARD: Elected by the Board membership to assume the duties of president, vice president, secretary and treasurer.
  - C. COMMITTEES OF THE CAT-TV BOARD: Whose members are appointed by the Board to assure responsibilities of the organization are being met.
  - D. CAT-TV EXECUTIVE DIRECTOR: An employee of the corporation, who is charged by the Board with oversight of the daily operation of the channels and facilities in accordance with the CAT-TV Operating Rules and Procedures and other Board approved policies.
  - E. CAT-TV STAFF & VOLUNTEERS: Who assist and report to the Executive Director in carrying out the mission of CAT-TV.
4. **COMPLAINT & DISPUTE RESOLUTION PROCEDURES: CAT-TV, its staff and Directors are interested in hearing feedback from community members.**
- A. FIRST ACTION: We encourage citizens to contact the Executive Director at any time with questions, issues or concerns.
  - B. ADDITIONAL ACTION: After such efforts are made, citizens who wish to have their concerns heard by the board are required to provide a signed, written document outlining the issues.
  - C. REVIEW PROCESS: Upon receiving and reviewing the document, the Board will determine the proper course of action based on the corporation's operating rules and procedures and any applicable federal, state or local laws. If necessary or requested, the Board will schedule the citizen to appear on the agenda for the next planned board meeting.
  - D. RESOLUTION: Any concerned citizen can expect a response in a timely manner.
5. **CONFLICT OF INTEREST POLICY: The directors of Catamount Access Television Corporation will ensure that the corporation is operated in the interest of the public and to the benefit of its members. In implementing the mission of CAT-TV, the Directors will establish and follow policies which work to prevent any real or apparent conflicts of interest arising from action taken by the Directors or Employees of the Corporation. Such policies will be appropriately referenced or included in the By-laws and operating documents of the Corporation.**
- A. COMPENSATION: Directors will serve the Corporation without compensation. However, any Director and/or member of their immediate family may offer other professional services or materials to the Corporation and be fairly compensated for such provisions, when no real or apparent conflict exists. Members of a staff's immediate family may also provide compensated services only when approved by the Board of Directors and when no apparent conflict exists.

- B. BIDDING PROCESS: Directors will assure that an open, competitive and duly warned bidding process for materials and services is utilized when the board deems it necessary and to avoid real or apparent conflicts of interest.
- C. VOTING: Directors will abstain from reviewing and voting to award contracts for bid services whenever any real or apparent conflict of interest exists.
- D. AWARD OF BID: Awarding of bid contracts will occur only with the approval of a majority of Directors, who give such assent at a duly warned Board Meeting.

## V. MEMBERSHIP:

1. **TYPES OF MEMBERSHIP: CAT-TV offers three levels of membership to its organization based on geography and age. All levels of members are required to attend an orientation session and sign a Statement of Compliance in accordance with receiving and reviewing these Operating Rules and Procedures. Members are eligible to utilize CAT-TV's facilities, equipment, training resources, and channel space.**

- A. MEMBER: An individual who meets geographic and age requirements, has attended an orientation session and has signed a Statement of Compliance (See Appendix A).

- Geographic Requirement: Based on the service territory of CAT-TV, individuals must meet at least one of the following requirements in order to be eligible as a member of CAT-TV:
  - ~ Resident: Any person who has a residential address within the service territory of CAT-TV.
  - ~ Employee or Volunteer: An employee of a for-profit company located within the service territory or an employee or registered volunteer of a non-profit organization that does business in that service territory.
  - ~ Diploma or degree student: A person who is enrolled as a certificate, diploma, or degree student (or its equivalent) at an educational institution located within the service territory.
  - ~ Elected or Appointed Public Official: Any elected or appointed official whose area of responsibility specifically includes the service territory.
- Age Requirement: Any individual having attained the age of 18, and who otherwise meets the eligibility requirements stated above, may join CAT-TV as a member.
- Proof of Eligibility: The Executive Director may require proof of eligibility in the form of a valid Driver's License, a current student ID, a phone listed in own name, voter registration or a letter from an employer in the service territory confirming employment. This verification will be kept on file at CAT-TV and may be subject to re-verification as deemed necessary.
- To remain active, a member must have completed one of the following in the last two years: attended an Orientation; taken a Certification Course or Workshop; submitted a program to play on CAT-TV; or volunteered services to staff the

office, assist in the planning or execution of a CAT-TV function or be a crewperson on a program produced for cablecast on a CAT-TV channel.

- Members whose membership's lapse become Friends of CAT-TV.

**B. ASSOCIATE MEMBER:** A person who has attained the age of 18 (eighteen) but does not meet the geographic eligibility requirement may join as an Associate Member upon attending orientation and signing a Statement of Compliance (See Appendix A).

- Eligibility Requirements: Associate Membership is available to individuals only and those individuals must live within a 25-mile radius of CAT-TV. (Any exceptions must be approved by the Executive Director.)
- Associate Membership Fee: Individuals must attend an Orientation and pay an annual membership fee of \$25. Members joining during the year will have their first year's membership fee prorated on the following schedule, all subsequent memberships will renew in October:

The Executive Director may agree to waive the fee in lieu of volunteer time.

Failure to pay a renewal membership by February 1 will result in loss of membership.

<u>Membership Begins</u>	<u>Fee</u>
October/November	\$25
December	\$22
January	\$20
February	\$18
March	\$16
April	\$14
May	\$12
June	\$10
July/August/September	\$25 (Carried into following year)

- Associate Members whose membership's lapse become Friends of CAT-TV.

**C. JUNIOR MEMBER:** A person who has not yet attained the age of 18 (eighteen) is a legal minor, but may join CAT-TV as a Junior Member upon attending an orientation and signing a Statement of Compliance (See Appendix A) along with their parent or guardian.

- Eligibility Requirements: A Junior Member may use CAT-TV training facilities, equipment and channel space if an adult certified member makes all necessary applications on behalf of the minor and assumes all legal responsibility, including program content and the costs of repair or replacement of any equipment and/or materials misused, damaged or stolen, while in the possession of the minor.
- Community Bulletin Board Usage: A Junior Member may submit messages to the Community Bulletin Board so long as the messages meet all the requirements.
- Restrictions: Minors under age 11 may use CAT-TV facilities only under the continuous supervision of an adult certified CAT-TV member, or a CAT-TV staff person who accepts full responsibility.

- Junior Members not meeting the geographic requirements are subject to the Associate Membership fee.
  - In order to remain active, Junior Members must have completed one of the following in the last two years: attended an Orientation; taken a Certification Course or Workshop; submitted a program to play on CAT-TV; or volunteered services to staff the office, assist in the planning or execution of a CAT-TV function or be a crewperson on a program produced for cablecast on a CAT-TV channel.
  - Junior Members whose memberships lapse, become Friends of CAT-TV.
- D. **FRIEND:** An individual who does not meet the eligibility requirements of Member, Associate Member or Junior Member. Members, Associate Members or Junior Members whose membership lapse also become Friends of CAT-TV. Friends of CAT-TV are excluded from the Rights and Privileges listed below, but are including in general mailings and promotions of the organization.
2. **RIGHTS AND PRIVILEGES OF MEMBERS:** Use of the services, facilities and channel space is limited to members of CAT-TV. Age, level of certification, and type of membership determines the extent to which the facility may be used and other benefits. Age also determines voting eligibility. The following is a list of the privileges of a CAT-TV member:
- A. **CLASSES:** Certification Courses are offered to members.
  - B. **EQUIPMENT:** Members may use any equipment and facilities for which they are certified in order to produce programs for the channels.
  - C. **PROGRAMMING:** Members may submit programming for cablecast on the channels.
  - D. **VOTE:** Members are automatically registered to vote in the annual election of the Directors of the Catamount Access Television Corporation Board.
  - E. **MAILINGS:** Members will receive newsletters and other associated mailings.
  - F. **FUNCTIONS:** Members will be invited to attend functions that the organization may sponsor.

## VI. USE OF CAT-TV FACILITIES

1. **ORIENTATION, COMPLIANCE & TRAINING REQUIREMENTS:** In order to use the facilities of CAT-TV, an individual must be a member in good standing, attend an Orientation session, sign a Statement of Compliance upon receiving and reviewing the Operating Rules and Procedures, and complete training through a Certification Course or its equivalent. Under these conditions, members are able to reserve equipment to create programming for CAT-TV's Channels.
- A. **ORIENTATION:** Attending Orientation is required of all levels of membership prior to taking courses or using any CAT-TV equipment. Sessions are regularly scheduled and cover the history and philosophy of PEG Access, the rules, procedures and operations of CAT-TV, and the rights and responsibilities of its members.

- Participants may be asked to demonstrate a thorough understanding of the operating rules and operating procedures and their rights and responsibilities at the end of the orientation session.
  - Applicants and members may re-take the orientation session as many times as desired.
- B. STATEMENT OF COMPLIANCE:** After attending orientation, members must sign a “Statement of Compliance” or its equivalent, upon receiving and reviewing the Operating Rules and Procedures of CAT-TV. These forms will also serve as your membership form and will be kept on file with CAT-TV (See Appendix A).
- C. TRAINING REQUIREMENTS:** CAT-TV will provide courses appropriate to gaining an understanding of video communication and learning safe and functional operation of its equipment and facilities. CAT-TV requires the successful completion of each Certification Course in order to be certified to use the respective equipment or facilities
- 2. CERTIFICATION COURSES AND SUBSTITUTION OPTIONS:** Each individual wishing to use CAT-TV’s facilities or equipment must be properly trained on its equipment prior to authorization for use. CAT-TV offers specific training courses which will certify members in using equipment. If a member has previous experience, they may be able to “test-out” of courses as described below. Courses will be offered at a nominal fee.
- A. COURSES OFFERED:** CAT-TV will offer courses to members who have attended Orientation to provide training in the following areas of video production:
- Studio Production
  - Digital Field Camera Production
  - Digital Video Editing
  - Multiple Camera Event Production
  - Multimedia Bulletin Board
  - Workshops (New/Updated Equipment and Specialized Areas)
- B. ENROLLMENT:** Individuals will be admitted into classes on a first-come, first-served, on a space available basis. If a pre-organized group plans to take a course, every effort will be made to schedule a special session for the group.
- C. CERTIFICATION:** After completing a course, the member has Provisional Certification; in order to obtain Full Certification the member must:
- Attend all sessions of any particular course
  - Pass the certification test
  - Submit and discuss a fully completed Program Proposal with a qualified staff member
  - Complete a program which is cablecast on CAT-TV

Upon Full Certification, the member may continue to the next level of courses.

If Full Certification isn't achieved within one (1) year, the member must re-take the course to restore Provisional Certification status.

Full Certification is lost if the member hasn't used the specified equipment for more than one (1) year. Status is returned to Provisional Certification and the necessary steps must be followed to have Full Certification reinstated.

At the discretion of the Executive Director, a Fully Certified member may be required to re-take the original Certification Course to reinstate their Full Certification if they have allowed more than two (2) years to elapse since using any equipment.

- D. SUBSTITUTION FOR CERTIFICATION COURSES:** CAT-TV recognizes that there may be members of the community who have production experience on equipment similar to that of CAT-TV's. After Orientation, these members may qualify to "test out" of taking all or part of a particular course.

The testing-out candidate should make an appointment with CAT-TV staff and bring examples of his/her production or other materials that will help determine the level of knowledge or experience necessary for certification. These materials will be considered with regard to the content of the course for which the member is seeking certification.

At their discretion, the CAT-TV staff will determine whether a candidate should take the full course, or take part of a course, or may test-out.

Requirements for testing-out and receiving Full Certification after approval by CAT-TV may include:

- Attending at least one session of the appropriate course to assure proper care and handling of CAT-TV's equipment (at the discretion of the Production Manager)
- Passing the certification test
- Submitting a Program Proposal and having it reviewed by CAT-TV staff
- Completing a program which is cablecast on CAT-TV
- Meeting other requirements determined by CAT-TV staff.

- 3. EQUIPMENT USE, RESPONSIBILITIES AND RESERVATIONS: Approval for use of any of CAT-TV's equipment, facilities or resources will be based on CAT-TV's responsibility for its equipment, facilities and resources to be used at its maximum potential, with the broadest diversity, with safety and responsibility and under orderly, timely and manageable supervision.**

- A. REQUIREMENTS:** Prior to using CAT-TV equipment or facilities, on or off CAT-TV premises, a person must:

- Fulfill Membership Requirements: Attend Orientation, meet eligibility requirements, and sign a statement of compliance (See Appendix A).

- Achieve Full Certification: Attend all the sessions of a course and demonstrate proficiency in the use of the equipment for which the course taken and the member is expecting to use.
- Complete and submit Program Proposal: Develop an idea and discuss a plan for completing a program for cablecast on CAT-TV with the Production Manager.
- Adhere to policies and procedures: Read, understand and comply with all policies within this document and those posted in the Access facility and treat the equipment and facilities with care and responsibility.

**B. GENERAL CONDITIONS:** CAT-TV equipment and facilities may only be used by a Certified User, who has a Statement of Compliance (See Appendix A) on file at CAT-TV and who assumes responsibility for the equipment and its care during usage. A non-certified person may accompany the user to work with her or him, but that person may not operate the equipment.

- CAT-TV equipment must be used for the sole purpose of producing programming for cablecast on CAT-TV.
- The producer who signs the Program Proposal/Contract is responsible for maintaining continued progress toward the completion of that program for cablecast.
- Although Producers arrange for and execute productions with and through the facilities of CAT-TV; they do not represent the Catamount Access Television Corporation, Officers or staff. Any such misrepresentation is considered a Major Offense as outlined in SECTION VIII RULE VIOLATIONS (SEE PAGES 26 - 30).
- All loaned out equipment must be accompanied by an Equipment Check-Out Form; the certified user who signs the Equipment Check-Out Form accepts:
  - ~ Responsibility for the safety, proper use and care of the equipment while it is signed out.
  - ~ Full financial responsibility for the equipment including damage to or theft of the equipment while it is signed out.
- CAT-TV's equipment may not, under any circumstances, be used in any dangerous situation or manner, or in any situation that may become dangerous or violent.
- CAT-TV's equipment should be safely and securely stored while on loan with the Access Producer. Equipment should never be exposed to excessive heat, cold, dust, smoke or other damaging elements. The equipment may never get wet.
- All equipment should be returned and packed in the same condition as it was loaned.
- While using in-house facilities, Producers must not eat or drink in non-designated areas or anywhere near production equipment. No smoking is allowed in CAT-TV unless outside in the designated areas. Access Users are prohibited from using CAT-TV's office equipment, including phones, copy machines, printers and faxes.

- The consumption, use, sale or dispensing of alcohol or illegal substances in the CAT-TV facilities is strictly prohibited. At the discretion and approval of its Board of Directors, CAT-TV may allow alcohol to be served at official CAT-TV events.
  - Use of CAT-TV's facilities is limited to staff hours. No individuals are permitted in the Access Center without CAT-TV personnel present. Exceptions to this rule must be approved by the Board of Directors.
- C. RESERVATIONS: Equipment and facilities are available to users on a first-come, first-served basis. In order to provide fair and equal service to its members, CAT-TV will follow specific guidelines for equipment reservation:

- **Program Proposal:** A Certified Producer may reserve equipment after completing and submitting a Program Proposal which has been reviewed by CAT-TV staff. CAT-TV staff will meet with the submitter to review the Proposal and to assess the production requirements of the program.

No more than one Program Proposal from a single member may be active at any one time. Reservations may be made only in conjunction with an active Program proposal.

- **Scheduling Conflicts:** When scheduling conflicts arise, a determination will be made based on the following circumstances. The CAT-TV Staff will base decisions with as much consideration to continued users as possible.

- (1) CAT-TV Productions & Certification Classes: *Equipment and facilities used for CAT-TV Productions or training new members will take precedence, but CAT-TV will do its best to reserve such equipment 30 days in advance.*
- (2) Time-Sensitive Dates: *Equipment needed for a specific date or a one-time event will be considered a second priority. Producers are encouraged to reserve equipment well in advance of the events they wish to cover.*
- (3) First-Time Users: *New members will receive third priority if a conflict arises in order to fulfill CAT-TV's mission of reaching a large and diverse segment of the community.*
- (4) Series Producers: *Producers of a series on CAT-TV will receive fourth priority given that they have episode deadlines to meet.*
- (5) Frequent Users: *Finally, frequent users will be considered based on the availability of equipment in a given situation.*

- **Cancellations:** Cancellations or changes in reservations must be made at least 24 hours in advance in order to allow CAT-TV to make the reserved equipment available to other users.

In cases of circumstances beyond the user's control which requires cancellation of any equipment reservation, the user should notify CAT-TV as soon as possible.

Failure to give sufficient notice of cancellation may result in disciplinary action. Refer to SECTION VII RULE VIOLATIONS (SEE PAGES 26 - 30).

- D. **EXCEPTIONS:** Exceptions to these guidelines must be approved by the Executive Director. Consideration of exceptions will be given to written proposals stating overall project goals, special circumstances and explanation of the exceptions requested.

## VII. **PROGRAMMING AND PROGRAM CONTENT:**

1. **PROGRAMMING RESTRICTIONS:** Although CAT-TV's channels are a forum for free speech, it is important to remember that there are legal restrictions on the use of channel space. The content outlined below is considered restricted and/or unlawful and the resulting action for a producer/presenter who submits programming of this nature may include a loss of all privileges as a CAT-TV member.

CAT-TV does not exercise editorial control on the programs submitted by Access Users and has created non-discriminatory rules to allow for programs of certain material to be shown. Because CAT-TV does not preview programs, it is the responsibility of the producer to indicate and provide appropriate viewer warnings if a program contains nudity, profanity, violence, adult language, adult content, or illegal activity. Producers should be aware of the following restrictions and the associated ramifications.

- A. **UNLAWFUL PROGRAMMING:** It is unlawful for producers/presenters to cablecast material that is obscene, that constitutes libel, slander, invasion of privacy rights, violation of copyright or trademark or which violates any local, state, or federal laws.
- **Obscene Programming:** Obscene material is not protected by the First Amendment to the Constitution and cannot be played on CAT-TV at any time. The U.S. Supreme Court has established that, to be obscene, material must meet a three-pronged test:
    - ~ An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest (*a shameful and morbid interest in nudity, sex, or excretion*);
    - ~ The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and
    - ~ The material, taken as a whole, must lack serious literary, artistic, political, or scientific value.
  - **Copyrighted Material:** Any programs containing copyrighted material must be accompanied by written permission granted by the copyright holder.
  - **Resulting Action:** In the event that it is legally determined that any producer/presenter has cablecast any unlawful material, that producer/presenter immediately and permanently loses all privileges to use CAT-TV equipment, facilities and services, including playing programs on CAT-TV's channels, playing messages on the Community Bulletin Board and enrollment in training courses or workshops.
  - Refer to SECTION VIII RULE VIOLATIONS (SEE PAGES 26 - 30) for specific sanctions.

- B. PROHIBITED CONTENT:** The following material shall not be played on any channel designated as a public, education or government access channel:
- Advertising: Material designed to promote the sale of commercial products or services, or identifying a product, service, trademark, or brand name in a manner which is not reasonably related to its non-commercial use on the program.
  - Commercial Programming: Programming which in whole or part depicts, demonstrates, or discusses products, services or businesses with the intent of benefiting or enhancing a profit-making enterprise, or whose income does not inure back to a *bona fide* non-profit organization.
  - Fundraising: CAT-TV does not allow any direct appeal for funds or other things of value. The following is allowed:
    - ~ A non-profit organization may briefly describe its history, funding base, purpose, etc. and may include information on where and how viewers may contact this organization.
    - ~ A non-profit organization may use the access channel(s) to notify the viewers that an upcoming fundraising event is being held, with such notification including location, date, time, suggested donation or fee to enter and other specific information.
    - ~ Telethons for IRS 501(c)(3) non-profit corporations.
    - ~ Announcements of bingo and/or other games of chance from those organizations listed by the Bennington Area Chamber of Commerce or any other *bona fide* service and volunteer group(s) in the CAT-TV service area.
  - Lotteries: The direct or indirect presentation of lottery information, gift enterprises, or similar schemes is prohibited on CAT-TV. Lotteries are defined as games of chance for money or prizes or similar money making presentations.
  - Resulting Action: CAT-TV will strictly monitor these rules. Violation is considered a Major Offense and will result in immediate suspension of all user privileges.
  - Refer to SECTION VIII RULE VIOLATIONS (SEE PAGES 26 - 30) for specific sanctions.

- C. RESTRICTED CONTENT:** The following programming content must be properly tagged with associated Content Warnings and played in specified programming hours:

- Indecency: The FCC has defined indecency as “language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities.” Indecent programming contains patently offensive sexual or excretory material that does not rise to the level of obscenity.

The courts have held that indecent material is protected by the First Amendment and cannot be banned entirely. It may, however, be restricted in order to avoid its playing it during times of the day when there is a reasonable risk that children may be in the audience. Therefore the FCC prohibits such programming between the hours of 6 a.m. and 10 p.m.

- Profanity: The FCC has defined profanity as “including language so grossly offensive to members of the public who actually hear it as to amount to a nuisance.”

Like indecency, profane speech is prohibited to play on radio and television between the hours of 6 a.m. and 10 p.m.

- Programs containing restricted content, or images or sound that might be considered offensive, shocking or of an adult nature must have Viewer Content Warnings. The following warning should be separately placed on a video page at the beginning and end of any program which includes material of a sensitive, violent, or adult nature.

*The following program contains material which some viewers may find objectionable or inappropriate for viewing, particularly by children, viewer discretion is advised.*

- Refer to SECTION VIII RULE VIOLATIONS (SEE PAGES 26 - 30) and SECTION VII.5.D. VIDEO TAGS & CONTENT WARNINGS (SEE PAGES 23 - 24)

D. **EXCEPTIONS:** Any exceptions to these rules must be approved by the CAT-TV Board of Directors.

2. **USER PRODUCED AND SUBMITTED PROGRAMMING:** CAT-TV accepts program content from qualified members who have produced programming or are presenting programming from another source. Those members assume responsibility for the content of those programs. Below is a basic outline of a producer or presenter’s responsibilities as a programmer of CAT-TV.

A. **PROGRAM CONTENT:** CAT-TV has designed its policies, training, outreach and facilities in an effort to encourage the broadest possible diversity of creative community programming on a non-discriminatory basis. The access users, however, are the channel producers and programmers; CAT-TV does not and will not prior-censor any programs produced or presented by its members.

B. **HOLD HARMLESS STATEMENT:** A Member, of any level, who submits a program to be cablecast on a CAT-TV channel must agree, by signature, to the following statement: (SEE APPENDIX B.)

*“I understand and agree, in accordance with CAT-TV Rules and Procedures, that by requesting this program to be cablecast, I am an Access Channel Programmer, and therefore I am fully responsible for the content of the program when cablecast, whether or not I actually produced the program myself. I am (or the member organization I represent is) fully liable for all claims arising from unauthorized use of copyrighted material or from any other charges or improper or unlawful conduct, and I will hold harmless the Catamount Access Television Corporation (CAT-TV), its Directors, Officers and staff from any such claims.”*

- C. FIRST AMENDMENT: Each access user is a full First Amendment speaker. This means his/her freedom to communicate is unfettered by censorship or prior restraint. It also means that he/she alone is responsible for that he/she communicates. Therefore, it is advisable for an access user to become familiar with local, state and federal laws and any other guidelines that may apply to program content or its transmission over cable.

CAT-TV provides an Orientation that every user is required to take. A primary and well-emphasized section of the session consists of First Amendment rights and laws that may apply to producers and programmers. This discussion is continued in various other CAT-TV courses.

CAT-TV may keep some additional information on file about laws that may affect choices you make about your program. This information is neither intended to be nor should it be construed to be all encompassing, and in no manner relieves the individual user from all responsibility for programs he/she chooses to be cablecast.

Users should review SECTION VII. 1. PROGRAMMING RESTRICTIONS (SEE PAGES 14 – 16)

- D. UNDERWRITING POLICY: Users must give oral and/or visual underwriting credit to a person or organization that has paid for, in whole or in part, the production, distribution or promotion of a program cablecast on CAT-TV's access channel(s).

Acknowledgement of such support shall not include the "sponsor" during the program or in the titles or credits.

If recognition is given to the underwriter outside of the standard production credits, such recognition shall be limited to the following, read and shown at the beginning and/or the end of a program, without musical or other studio background other than a person's voice reading the copy:

*This program is made possible in part by: "a grant from..." or "support from..." or "contributions from..." and the Name of Contributor*

The phone number, address, name and logo of the underwriter may be used.

- E. ELECTION PROGRAMMING POLICIES: It is CAT-TV's intention to provide a fair, impartial forum for candidates and the discussion of election issues. CAT-TV will not endorse any candidate, issue or measure on a ballot.

During election season specific regulations will apply to programs concerning or featuring ballot items or candidates running for elected office.

- Election season will begin on the date of the final petition deadline for elections and will end at the closing of the polls on Election Day.
- Outside of candidate forums, individuals appearing on CAT-TV during election season may not advertise or comment on behalf of or opposing a particular political candidate.

- During election season, Candidates may only appear on CAT-TV under the following conditions:
  - ~ They are participating in a sanctioned election forum
  - ~ They are appearing as part of a town or school board meeting routinely covered by CAT-TV
  - ~ They are producing a program for CAT-TV that does not contain any advertisement on behalf of or opposing a particular candidate or ballot item.
  - ~ They are attending an event as an official duty of their office (local, state, federal)
- CAT-TV will not accept programs (locally produced or pre-produced) submitted on behalf of one candidate during election season.

**F. PRESENTED PROGRAMMING:** Users presenting programming which they did not produce, are considered to be the program presenter of the assigned time slot(s) on the channel(s). Thus, they are responsible for the time slot(s) and the program content. Any necessary clearances should be obtained by the access user before requesting channel space for the program.

**G. SERIES PRODUCTIONS:** To allow for regularly scheduled programming cablecast at a consistent time on a given day of the week, CAT-TV will enter into contracts with program producers/presenters for series programming within the constraints of the following guidelines:

- To be eligible to enter into a contract with CAT-TV for a series, a producer/presenter of programming must have demonstrated the ability to provide programming of a consistent technical quality in a timely manner.
- Determinations regarding eligibility will be made by the Executive Director.
- CAT-TV will permit a maximum of 13 installments of a series per contract. Each installment must be substantially different.
- A series contract will be examined for renewal, extension, and day/time play position with regard to the number of requests for channel space and play times by other producers/presenter, the ability of the producer/presenter to deliver the programs on schedule and the producer/presenter's desire to continue the series.
- Failure to provide any installment of a series in a timely manner will void the entire series contract. The Executive Director may waive this provision due to extenuating circumstances, but that waiver must be in writing.
- Additional terms and conditions may be cited on the Series Contract Form which each series producer/presenter is required to sign.

**H. LIVE PRODUCTIONS:** To be eligible to schedule live programming, the program producer must have demonstrated the ability to coordinate and produce programs consistently

and on time. Determinations of eligibility will be made by CAT-TV staff and serious consideration will be given to the necessity of having the program live.

- Live programming privileges (and associated playback reservations) may be restricted if there is inadequate crew, if the producer is late and unprepared or if the program content violates any programming restrictions. SECTION VII. 1 PROGRAMMING RESTRICTIONS (SEE PAGES 14 – 16)

- I. **TALENT RELEASE FORMS:** Producers are responsible for obtaining written release forms from any person(s) appearing in an access program. Forms are available for use upon request. Generally speaking, release forms should be obtained from individuals who speak on camera, who are pictured for more than a few seconds, who perform or demonstrate a talent, or who are depicted in a potentially compromising or embarrassing situation.
- J. **COMMUNITY BULLETIN BOARD (CBB):** The Community Bulletin Board is designed to provide local event and informational listings. Members of CAT-TV may submit messages for cablecast on CAT-TV and the staff of CAT-TV will compose them for the member so long as they conform to the Guidelines printed on the reverse of the Message Request Form. (SEE APPENDIX C)

Because CAT-TV manages and supports this service, and is thus responsible for the content of the Community Bulletin Board (as producers are for their programs), the staff reserves the right to decide if messages conform to the Guidelines, and may reject or edit messages.

Certified members creating their own messages on the system assume responsibility for that message content.

- K. **VERMONT MEDIA EXCHANGE:** CAT-TV is part of a digital media sharing network with other access centers in the state of Vermont. Programs may be uploaded and/or downloaded from the network digitally without the need for mailing programs in the traditional sense.

The use of CAT-TV's Vermont Media Exchange (VMX) computers and peripheral equipment is limited solely to CAT-TV staff.

Producers must request that their program be uploaded to the VMX network on their Play Request form at the time of program submission. Producers must be aware that other access centers may have differing policies and that uploading programs on VMX does not guarantee that the program will be played elsewhere.

Programs may be downloaded from VMX at the request of members. Under such circumstances, those programs would be treated as Non-local programs and producer/presenters would assume responsibility for the content of the program. Required Play Request forms and Hold Harmless statements still apply.

CAT-TV may from time to time download and play content from VMX that it feels provides local or statewide interest.

**3. COPYRIGHTS & PRODUCTION GRANTS: Ownership of programs produced through CAT-TV belongs to the Program Producer. CAT-TV is making available a Production Grant through the use of its equipment and facilities. The Program Producer must repay CAT-TV the cost for the use of the equipment if the program is commercially distributed.**

**A. OWNERSHIP & COPYRIGHT: Copyright ownership of programs produced through CAT-TV facilities belongs to the program producer.**

In the case of Certification Course Productions, no individual or organization will hold copyright of the entire program, but each crewmember of the training exercise may claim the copyright for the portion or portions he/she was responsible for creating in the exercise. This claim should be listed in the credits.

**B. PRODUCTION GRANT: In producing a program with CAT-TV facilities and equipment, the producer is operating under a grant given by CAT-TV in the form of an equipment subsidy, and must agree in writing to the terms of the grant.**

The producer agrees not to sell the program or any program material commercially or to distribute the program for money, to recoup costs or a portion of costs, or to gain profit. That is, the producer may not accept any payment for program material, or services. (Underwriters may be obtained in advance of production, and must be acknowledged in the credits.)

A copy of the program will be archived into the CAT-TV video library. This copy will be the highest available generation copy. CAT-TV will supply media for the production either prior to videotaping, or prior to editing. CAT-TV will own whichever media contains the program that has been or will be cablecast. (Producers will have access to check-out for dubbing.) If the producer purchased the media on which the highest generation copy resides, then CAT-TV will provide media of equal or greater value onto which the producer may dub a personal copy.

CAT-TV may cablecast the program an unlimited number of times and archive the program as historical record.

If CAT-TV facilities were used in the production of the program, the credits, at the conclusion of each program, shall include an acknowledgement for CAT-TV stating:

*This program was produced through the facilities of Catamount Access Television Corporation, Bennington, VT.*

The program will be played first on CAT-TV, or for a CAT-TV related function (such as a sneak preview put on the channel(s) by the producer). Any exemption to this rule must be requested in writing and may be approved by the CAT-TV Executive Director.

**C. RIGHTS TO DISTRIBUTE: The producer may wish to distribute the program or material obtained by using CAT-TV owned facilities and equipment. In this case the producer shall forfeit the equipment subsidy and pay to CAT-TV full rental at current market rates for the use of equipment and facilities used in the production of the program.**

If the producer's intent is to sell, lease or commercially distribute a program or program material, CAT-TV requires that the producer:

- Immediately notify the Corporation in writing of this intent;
- Sign an agreement clarifying to the producer that CAT-TV has no liability for the program or any portion(s) of the program, and will be held harmless in any claims arising against the program or program producer(s), including those claims involving use of copyrighted or protected materials; and
- Repay the Corporation the entire equipment subsidy granted for the program or program material (i.e. pay difference between the CAT-TV fee and current market rate for each equipment or equipment system used).

CAT-TV must receive its payment before any other party. In the event that the user is determined to be liable to CAT-TV for compensatory or other damages and litigation becomes necessary, CAT-TV reserves the right to sue and seek recovery of all legal costs and expenses.

The program must still be able to be played on CAT-TV.

CAT-TV must be acknowledged in all program credits as the Catamount Access Television Corporation, Bennington, VT.

CAT-TV will seek the producer's permission for any other use of the program, including:

- Distributing it to any other public, educational, or governmental access systems;
- Entering it in contests; or
- Copying or releasing the program for any other screenings.

**4. PROGRAM DUPLICATION POLICIES: Programs produced using the equipment and resources of CAT-TV will be duplicated according to the following policies:**

- PRODUCER PERMISSION:** CAT-TV receives many requests to make copies of programs from members of the community. Producers of programs should indicate on their Play Request Form whether they grant CAT-TV permission to make such copies available to the general public. If such permission hasn't been granted, CAT-TV staff will contact the producer to seek permission. Many producers have given CAT-TV "blanket permission" to copy their programs; forms for this provision are available upon request.
- FEE STRUCTURE:** CAT-TV will make DVD or VHS/SVHS copies of programs based on the current fee structure as posted in the Access Center. Additional fees will be charged for shipping. Only media provided by CAT-TV will be used to make dubs.
- PRODUCER COPIES:** Producers are entitled to one (1) copy of their program based on the current rate of media. CAT-TV staff will make one (1) copy of a producer's program for the current cost of media for either DVD or VHS/SVHS. Additional copies will be made at the standard rate.

Producer copies will be made as Staff schedules allow.

Producers may reserve CAT-TV's equipment to make copies of their programs under the following conditions:

- Media must be the approved standard (printable media if labels are desired)
- Equipment is not intended for large runs and should be limited to 10 copies per program.

Producers wishing to have labels printed on their DVD's must use printable DVDs and will be assessed the current rate per DVD for printing.

**5. CONTENT & TECHNICAL REQUIREMENTS: CAT-TV requires that all programs being submitted have the proper video tags identifying the program producer or presenter and meet minimum standards for proper playback on the channels.**

- A. MEDIA FORMAT & STOCK:** To help maintain and preserve its equipment, CAT-TV prohibits the use of low-quality media stock in its equipment. CAT-TV reserves the right to refuse playing media if it is suspected that it may cause problems or damage to its equipment.

CAT-TV will stock broadcast media formats to sell to producers in limited quantities for CAT-TV programming related use only.

CAT-TV has playback equipment for standard play (SP) VHS and SVHS, DVD and MPEG 2. Media should be submitted for playback in these formats and speeds only.

Only one program may be submitted per piece of media.

- B. MEDIA PREPARATION:** CAT-TV strongly advises its members to observe the following technical guidelines in the preparation of their tapes. CAT-TV may refuse to play programs missing some or all of these because the quality of playback will be affected. Although optional, it is also recommended that producers include Titles, Credits and Copyright notices as well.

- Program Length: CAT-TV has no rule specifying length of programs. Producers are asked to keep in mind that viewers are accustomed to TV schedules that change on the hour and half hour and would recommend programs that fit into that format.
- Required Video Tag: Producers are required to include the following video tag at the beginning and end of their program for 10 seconds:

*The following (or preceding) program has been submitted by its  
Presenter (or Producer),*

*Submitter's Name  
Submitter's Town/Village*

*CAT-TV is not responsible for its content.*

- Titles: Any character-generated information at the beginning of the production, usually including, the title, names of featured individuals, the date and location and who produced the program.

- Credits: Any character-generated information at the conclusion of the production, usually including, the title of the program, names of those featured on camera, the date and location, the technical crew, names of underwriters and the producer, director and/or writer.
- Copyright Notice: A © followed by the name of the copyright holder and the year is sufficient. All other language is optional.
- The following is optional and is outlined as presented from the beginning of your media:
  - ~ At least 15 and no more than 30 seconds of black at the beginning of the tape, followed by:
  - ~ 30 seconds of color bars with 0-level tone, followed by:
  - ~ 2 seconds of black, followed by:
  - ~ 10 – 15 seconds of slate (program title, exact total running time, name of producer and date of completion), followed by:
  - ~ 10-second countdown where audio tone at 0-level modulates up in frequency at the first frame of each new number, and where the first 2-frame appearance of “2” is followed by two seconds of silent black; followed by:
  - ~ 10-second required video tag.

- C. MINIMUM VIDEO TECHNICAL STANDARDS: Programs played on CAT-TV must have an unbroken and stable video signal that the viewer can see and clearly audible sound except in those cases where the audio is intentionally below standards.
- A high degree of dropout is considered a broken video signal, and a copy many generations away from the camera original is generally not stable.
  - Technically speaking, the video signal should peak in the white areas at 95 to 100. The audio should peak –5 to 0 on a VU meter. Please clear exceptions to this with the Executive Director.
  - The preferred media format for programs are DVD –R or MPEG 2.
- D. VIDEO TAGS & CONTENT WARNINGS: CAT-TV requires that all media played on its channel(s) must bear identification of the program submitter, that CAT-TV is not responsible for the content and appropriate warnings for questionable content, see below.
- Video Tags: All programming cablecast on the channel(s) must clearly identify the producer/presenter by name via a “Video Tag” as described below. This ID must go immediately before and immediately following the first or last frame of picture.

This Video Tag should also serve as a disclaimer stating that the content of the program is the sole responsibility of the person submitting the program for playback, and not CAT-TV.

*The following (or preceding) program has been submitted by its  
Presenter (or Producer),*

*Submitter's Name*  
*Submitter's Town/Village*

*CAT-TV is not responsible for its content.*

In addition to the required Video Tag on each program played on the channel, CAT-TV will periodically run disclaimers of responsibility for programming produced in its facilities and cablecast on its channel(s).

- **Content Warnings:** If the program contains images or sound that might be considered offensive, shocking or of an adult nature, CAT-TV requires producers to include a warning for viewers. The following warning should be separately placed on a video page at the beginning and end of any program which includes material of a sensitive, violent, or adult nature.

*The following program contains material which some viewers may find objectionable or inappropriate for viewing, particularly by children, viewer discretion is advised.*

- Refer to SECTION VII. 1. PROGRAMMING RESTRICTIONS (SEE PAGES 14 – 16) for complete explanations.

**6. PROGRAM SCHEDULING: In order to present a diversity of programming while providing fair access to all users, CAT-TV schedules programs according to the following guidelines.**

**A. GENERAL POLICY:** Access channel(s) space is available free of charge to CAT-TV members generally on a first-come, first-served basis. Scheduling is a complex procedure involving many factors; therefore CAT-TV will consider requests in light of the following interests:

- Assuring fair access to facilities and channel space in the interests of promoting diversity of programs;
- Maximizing use of facilities and channel space while presenting an increasing number of first-run, original programs by CAT-TV members;
- Creating viable channel traffic within the constraints of schedule building around special events, live feeds, regular programming and equipment availability; and
- Building a wider audience and CAT-TV membership.

**B. SCHEDULING PRIORITIES:** In accordance with these interests, CAT-TV maintains the following general priorities for scheduling programming on the channel(s):

- (1) Locally produced live and taped programming;*
- (2) Programs produced by first-time users;*
- (3) Programs which present new or diverse viewpoints, ideas or subject matter;*
- (4) Non-locally produced programming; and*
- (5) Repeat programming.*

No individual or organization may present more than 7 hours of programming per week including no more than 3 hours in prime time. Exception is made for educational and governmental meetings.

CAT-TV staff may fill out the schedule with programs from the videotape library in accordance with this policy.

- C. REQUESTS FOR CHANNEL TIME:** All requests for time on the channel(s) for video playback or live programming must be submitted on “Play Request” forms (SEE APPENDIX B) with all relevant information completely filled out and signed by the producer/presenter who accepts full responsibility as a channel programming for the content that will be cablecast in the scheduled time slot.

Play Request forms include program and producer information as well as a signed acknowledgement of responsibility for program content and that all appropriate clearances have been obtained. (If the program provider is a minor, an adult must sign the Channel Time Request Form accepting responsibility on behalf of the minor.)

Requests for channel time slots may be made up to 13 weeks in advance of the requested date. The minimum time required to process a channel space request is 2 weeks, but it is suggested that members try to submit their requests at least 30 days in advance of the desired date.

After the completed Program Play Request form has been submitted, CAT-TV staff will contact the producer/presenter to confirm the dates and time slots.

- D. REPEAT PROGRAMMING:** Those members seeking a repeat playback of a program in the CAT-TV video library must submit a Program Play Request form.

The original provider of the program must be contacted and his/her permission obtained to present the program for replay. If the original provider does not want to be presenter for a replay, the program must be re-tagged to reflect the identification of a new presenter before it can be replayed. This new presenter must sign the Play Request Form and becomes responsible for the program content.

- E. NON-LOCALLY PRODUCED PROGRAMMING:** Members submitting pre-recorded programs, which they did not produce, must arrange for the necessary clearances.

CAT-TV staff will view these pre-produced programs, only if requested by the presenter, to determine if the tape is missing any technical information necessary for cablecast or to make sure it is in compliance with these operating rules and procedures.

These pre-produced programs must adhere to the video tag and content warning requirements as described in SECTION VII. 5. D. VIDEO TAGS & CONTENT WARNINGS (SEE PAGES 23 - 24)

- F. SERIES PRODUCTION AND LIVE PRODUCTIONS:**

- **Series Programs:** Upon approval of a Series Contract, the producer/presenter may schedule time slots for the duration of the contract. If a series producer/presenter fails to provide any installment of a series, all of the

remaining time slots may be cancelled. Specific rules and regulations are spelled out on the Series Contract Form. Exceptions to this rule must be approved by the CAT-TV staff.

- **Live Programs:** Upon the approval of the Program Proposal for a live program, the producer may schedule the time slot. This time slot is forfeited and associated playback reservations are cancelled if there is a failure to have adequate crew, lateness or a violation of SECTION VII. 1. PROGRAMMING RESTRICTIONS (SEE PAGES 14 – 16) or any violations listed in SECTION VIII. RULE VIOLATIONS (SEE PAGES 26 – 30).

- G. ADULT PROGRAMMING:** Producers whose programs contain material which may be inappropriate for children are encouraged to request scheduling slots during “Adult Prime Time,” the evening hours after 10pm.

Producers must adhere to the Video Tag and Content Warning requirements as described in the previous SECTION VII. 5. D. VIDEO TAGS & CONTENT WARNINGS (SEE PAGES 23 - 24)

For complete information regarding this subject, refer to SECTION VII. 1. PROGRAMMING RESTRICTIONS (SEE PAGES 14 – 16).

- H. NON-MEMBER PROGRAMMING:** Under special circumstances, CAT-TV will allow local citizens of its service area to submit programming once they have signed and submitted an “Access Channel Programmer Disclosure” Form. (SEE APPENDIX D) These signed forms must be kept on file with CAT-TV. Any Citizen signing the form agrees that the program(s) submitted adhere to CAT-TV’s policies and programming restrictions. Citizens are also required to submit a signed Play Request Form along with their program(s).
- I. TECHNICAL DIFFICULTIES:** CAT-TV is not responsible for any programs that are delayed, not shown, interrupted or interfered with as a result of circumstances beyond our control. Every effort will be made to reschedule such programs as permitted.

## VIII. **RULE VIOLATIONS:**

- 1. GENERAL VIOLATION OF CAT-TV POLICIES:** In order to create, promote and maintain an atmosphere of safety, support and cooperation, and to ensure that CAT-TV equipment and facilities remain in good working order, are available to the broadest possible range of producers, and are used in such a manner as to fulfill the goals and objectives of CAT-TV, the Executive Director or his/her designate reserves the right to refuse services on a temporary or permanent basis or otherwise initiate suspensions of services, disciplinary actions sanctions, or other legal actions, against individuals or organizations interfering with or otherwise jeopardizing CAT-TV’s operations, or otherwise violating the CAT-TV Rules and Procedures.

**A summary of the nature and extent of rule violations and their enforcement will be provided at Orientations, Certification Courses and Volunteer Training sessions. It will also be posted at a prominent place in the Access Center.**

**A. CATEGORY ONE MAJOR OFFENSES:** The following are considered Category One Major Offenses against the CAT-TV Operating Rules and Procedures.

- **Category One Major Offenses Defined:**
  - ~ Injury or threat of injury to any person.
  - ~ Sexual harassment of any person (SEE APPENDIX E – CAT-TV Sexual Harassment Policy)
  - ~ Theft, unauthorized removal, vandalism, or willful damage to CAT-TV equipment or facilities; or theft of the personal property of any CAT-TV staff person, user or visitor.
  - ~ False representation by a user of himself or herself as any employee or agent of CAT-TV, Comcast Cable or its successors.
- **Disciplinary Actions for Category One Major Offenses:**
  - ~ Immediate and permanent revocation of user privileges with CAT-TV.
  - ~ Payments to CAT-TV for its services or to replace or repair equipment.
  - ~ Prosecution under applicable state and federal law.
  - ~ Under extraordinary circumstances, the individual may be reinstated at the discretion of the Board.

**B. CATEGORY TWO MAJOR OFFENSES:** The following are considered Category Two Major Offenses against the CAT-TV Operating Rules and Procedures.

- **Category Two Major Offenses Defined:**
  - ~ Misuse, abuse, unsanctioned or negligent use of CAT-TV facilities or equipment.
  - ~ Use of equipment or facilities for a purpose not related to production of a program for use on CAT-TV's channels.
  - ~ Failure to return checked-out equipment on the appointed day through intent, negligence, loss or theft, or failure to comply with proper check-in procedures.
  - ~ Return of equipment in damaged or unworkable condition, beyond normal wear and tear.
  - ~ Removal of equipment from CAT-TV without using proper checkout procedures.
  - ~ Making false or misleading statements on any CAT-TV form.
  - ~ Violations of SECTION VII. 1. PROGRAMMING RESRICTIONS (SEE PAGES 14 – 16) In cases where the violation involves live programming, CAT-TV staff may stop transmission)
  - ~ Allowing use of equipment or facilities by a non-certified user, or such use by any person under suspension of CAT-TV privileges.
  - ~ Attempted disassembly or repair of CAT-TV equipment.
  - ~ Consistent willful disregard for, or repeated violation of, CAT-TV Operating Rules and Procedures.
  - ~ Interfering with the orderly conduct of CAT-TV activities, facilities or programs.

- ~ Demonstrating an inability or unwillingness to properly operate production equipment.
  - ~ Consumption, sale or dispensing of illegal substances or alcohol in the CAT-TV facilities. (Exception: Approval by CAT-TV Board of Directors to allow alcohol to be served at official CAT-TV event.)
  - ~ Willful misrepresentation of self as “on assignment from” or otherwise representing oneself as an officer or official representative of CAT-TV while planning or executing a production.
  - Disciplinary Actions for Category Two Major Offenses:
    - ~ The first offense will result in a minimum 90-day suspension of user privileges with CAT-TV.
    - ~ A second Category Two Major Offense will result in a minimum 1-year suspension of user privileges with CAT-TV and the user must re-certify.
    - ~ A third Category Two Major Offense will result in a permanent suspension of user privileges with CAT-TV.
    - ~ Conditions of suspension must be met prior to reinstatement.
- C. MINOR OFFENSES: All users of the CAT-TV facilities and equipment are dependent on the timely and proper operation of the items used by previous individuals. Therefore, CAT-TV would like to prevent even relatively minor violations from occurring.
- Minor Offenses defined:
    - ~ Failure to make or cancel a reservation with sufficient notice. This includes equipment, studio, editing room, etc.
    - ~ Late return of equipment without an authorized extension.
    - ~ Return of functional but dirty or disheveled equipment.
    - ~ Unsafe or improper packing of CAT-TV equipment for transport.
    - ~ Operation of equipment or use of facilities in an incorrect, unsafe or inappropriate manner which may result in damage.
    - ~ Eating or drinking in prohibited areas of CAT-TV or while operating CAT-TV equipment.
    - ~ Smoking in non-designated areas on CAT-TV premises.
    - ~ Failure to submit an access program for cablecasting after a determined number of equipment check-outs and/or editing sessions.
    - ~ Submitting a program with potentially objectionable content without viewer content warnings.
    - ~ Submitting a program without proper disclaimers.
    - ~ Any other violation of the CAT-TV Operating Rules and Procedures not considered a Major Offense (See Major Offenses).
  - Disciplinary Actions for Minor Offenses:
    - ~ Attending another orientation session

- ~ Demonstration of proficiency for equipment operation or understanding of proper procedures
- ~ Submission to a short-term probationary period
- ~ Service of volunteer time at the Access Center
- ~ Payment of a fine

**D. IMMEDIATE REQUEST TO LEAVE THE FACILITIES:** A person will be asked to immediately leave CAT-TV facilities by the Executive Director (or his/her designate) if the person:

- Consumes, sells or dispenses alcohol or illegal substances in the CAT-TV facilities (Exception: Approval by CAT-TV Board of Directors to allow alcohol to be served at official CAT-TV event.)
- Is disruptive or otherwise interferes with the orderly conduct of CAT-TV activities, facilities or programs
- Demonstrates an unwillingness to properly operate production equipment
- Has committed a Major Offense

**E. NOTIFICATION:**

- In cases of Major Offenses, the Executive Director or his/her designate will notify the violator in writing of the revocation or suspension of privileges to take effect immediately. Written notification will occur within 10 days of when the violation occurs or becomes apparent.
- In cases of Minor Offenses, the Executive Director or his/her designate may issue a verbal warning, or shall notify the violator in writing within 10 days of the offense, specifying sanctions and/or disciplinary actions to result from the violation.
- Written suspension or disciplinary notifications will indicate any conditions for reinstatement of privileges.

**F. APPEAL:** Any penalties, probationary sanctions or disciplinary actions imposed may be appealed by the member with a written request to the Board of Directors (through a Board officer) within 10 days of the action to be appealed.

- Please note that the time for appeal must be within ten (10) days from the action to be considered. For example, your appeal period begins on the date that your penalty, probationary sanction or disciplinary action is issued; therefore you have 10 days from that date to request an appeal in writing.
- The Board, in reviewing the appeal, will hear from appropriate CAT-TV staff and will give the appealing member the opportunity to appear, hear the charges and present his/her case. The Board will then:
  - ~ Overrule the Executive Director and revoke the penalty; or
  - ~ Sustain the penalties imposed by the Executive Director; or

~ Make an alternative determination and penalties.

- Determinations of the Board in matters of appeal are final.
- The Board shall act to resolve all appeals in a timely manner.
- In the event that a user is determined to be liable to CAT-TV for compensatory or other damages and litigation becomes necessary, CAT-TV reserves the right to sue and seek recovery of all legal costs and expenses.

## IX. DEFINITIONS:

1. **Service Territory:** The towns and villages of Bennington, North Bennington, Pownal, Shaftsbury and Woodford.
2. **Local Programming:** Any program produced by CAT-TV members who use CAT-TV facilities, support or equipment; or other facilities or equipment but is produced expressly for and distributed first to CAT-TV.
3. **Series Programming:** Any set of programming of which each installment has in common some element or theme; and all of the installments are grouped under a common title.
4. **Protected Speech:** Any speech or expression guaranteed to citizens under the U.S. Constitution and applicable local, state and federal laws and regulations.
5. **Unprotected Speech:** Speech or expression which may be deemed obscene; or which constitutes libel, slander, invasion of privacy rights; or which violates copyright, trademark; or which violates local, state or federal laws.
6. **Prime Time:** 5pm to 10pm, Sunday through Friday.
7. **Program (Body) Time:** The length, in hours, minutes and seconds, measured from the first frame of picture to the last frame of picture, excluding the CAT-TV video tags.
8. **Total Running Time:** The exact length, in hours, minutes and seconds, of a piece of media submitted to CAT-TV, measured from the first frame of the CAT-TV head tag to the last frame of the CAT-TV tail tag.
9. **CAT-TV Member:** A qualified person, who has attended orientation, signed a Statement of Compliance (See Appendix A) and meets eligibility requirements.
10. **Subscriber:** The person (or representative of a business or organization) within the CAT-TV service territory which receives Comcast Cable service.

## X. POLICY AMENDMENTS:

1. CAT-TV reserves the right to revise and amend these Operating Rules and Procedures as necessary for the benefit of its members and in accordance with its corporate goals and objectives.

**XI. APPENDIXES:**

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Office Use Only
Orientation Date:
Database:

APPENDIX A

# CAT-TV Membership Form

**Please PRINT the following confidential information:**

**NAME:**

First: \_\_\_\_\_ Last: \_\_\_\_\_

**Home Address:**

PO Box/Street: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

**Telephone:**

Home#: \_\_\_\_\_ Work#: \_\_\_\_\_

**Email Address:** \_\_\_\_\_

### Work or School Address

If you are an adult and **DO NOT LIVE** within the borders of Bennington, N. Bennington, Pownal, Shaftsbury, or Woodford, please enter your work or school address:

Employer/Organization/School: \_\_\_\_\_

Your Title/Position: \_\_\_\_\_

Address: \_\_\_\_\_ Town: \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_

Telephone#: \_\_\_\_\_ Email Address: \_\_\_\_\_

### Junior Member

If you are **UNDER 18 years of age**, you must provide your birth date and have your parent or guardian sign below:

Minor's Birth date: \_\_\_\_\_

Parent or Guardian Signature: \_\_\_\_\_

Parent or Guardian Name (please print): \_\_\_\_\_

Relationship to Minor: \_\_\_\_\_

### Associate Member

If you are an adult and do not reside within the specified geographical area but do reside within 25 miles of the Access Center, you qualify for an Associate Membership. The fee is \$25 per year payable within 1 month following orientation:

Associate Membership Fee Paid: \_\_\_\_\_ Valid Thru: \_\_\_\_\_ Staff Initials: \_\_\_\_\_

### STATEMENT OF COMPLIANCE

I have read, am thoroughly familiar with, and agree to comply with CAT-TV's Policies and Procedures. I acknowledge that the Policies and Procedures may be amended and that all amendments will be posted at the CAT-TV access center. I agree that my use of CAT-TV's facilities or resources shall constitute my acceptance and agreement to comply with all of the Policies and Procedures, including any officially adopted and posted amendments.

X \_\_\_\_\_  
**Your Signature**

\_\_\_\_\_  
**Today's Date**

APPENDIX B

<i>Office Use Only</i>
TRT: _____
_____ : _____ : _____

**MEDIA PLAY REQUEST FORM**

*Please fill out form clearly! Form must be completed fully for the media to be processed. Failure to properly complete form could result in program not being cablecast.*

**MEDIA INFORMATION:**

SERIES  SERIES TITLE: \_\_\_\_\_  
 EPISODE NAME: \_\_\_\_\_

SINGLE PLAY PROGRAM TITLE: \_\_\_\_\_

**MEDIA INFORMATION CONTINUED:**

MEDIA TYPE: DVD  VHS  SVHS  MPEG

HEAD/TAIL TAGS: YES  NO

PRE-ROLL: Seconds: \_\_\_\_\_

TRT: \_\_\_\_\_ hrs \_\_\_\_\_ mins \_\_\_\_\_ secs

CHANNEL: 15  16  17

EPISODE PREMIERE DATE: \_\_\_\_\_

LIVE PREMIERE: Y  N

**SINGLE PLAY SCHEDULING INFORMATION:**

Scheduling is done on a daily basis. Your program will be scheduled within 3 weeks from the day it was submitted. Please specify if you have special scheduling considerations: \_\_\_\_\_

**VMX INFORMATION:**

The Vermont Media Exchange (VMX) is an internet based, statewide media network and is a way for your program to reach a larger audience.

YES, I want my program uploaded to VMX and here is a brief description of my program: \_\_\_\_\_

NO, do not upload my program to VMX.

**PREMISSION TO COPY:**

YES, I will allow CAT-TV to make copies of my program upon request from the public.

NO, Please do not make copies of my program without notifying me first.

I allow all my programs to be copied upon request as permitted by the form on file with CAT-TV.

**PRODUCER/PRESENTER INFORMATION:**

NAME: *(please print)* \_\_\_\_\_

EMAIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

YOU ARE THE: PRODUCER  (you/your organization arranged the original production & hold copyright)

PRESENTER  (the tape was originally produced by others)

**HOLD HARMLESS STATEMENT - REQUIRED SIGNATURE:**

I understand and agree, in accordance with CAT-TV Rules & Procedures, that by requesting this program to be cablecast, I am **an Access Channel Programmer**, and therefore I am fully responsible for content of the program when cablecast, whether or not I actually produced the program myself. I am (or the member organization I represent is) fully liable for all claims arising from unauthorized use of copyrighted material or any other charges of unlawful conduct and will hold harmless the Catamount Access Television Corporation (CAT-TV), its Directors, Officers, and staff from any such claim.

\_\_\_\_\_

**Signature (Required)** **Today's Date**

# APPENDIX C

 DB

Tracking # \_\_\_\_\_

**Catamount Access Television Corporation**  
 P.O. Box 4747  
 Bennington, VT 05201  
 802-442-8868 FAX: 802-442-3122

OFFICE USE ONLY	
rec'd	entrd
voiced	scanned
run	pull

Messages may not appear until 3 Business days from date received!

## Community Bulletin Board Message Request

Clearly **TYPE** or **PRINT** your announcement in **30 words or less** as it will appear on the TV screen.  
 Use short phrases **NOT** complete sentences. Fewer words get the best results.  
 For more descriptive messages, schedule a voice-over.

OFFICE




- I want my Message to begin: \_\_\_\_\_ (Date) (Normal run: 6 days)
- I want my Message to end: \_\_\_\_\_ (At Midnight on this Date) (4 weeks maximum)
- I want to record my voice to play over this message. Please call me to schedule an appointment.

COMMENTS: \_\_\_\_\_

Your Name: _____
Your Street/Box: _____
Town, State & ZIP: _____
Your Phone(s): _____

Your Organization: _____
Org.'s Street/Box: _____
Town, State & ZIP: _____
Org.'s Phone(s): _____

**By signing below, I certify that:**

1. I live, work and/or attend school fulltime in at least one of the Towns of (or Villages within) Bennington, Pownal, Shaftsbury or Woodford. (Associate Memberships are available at \$25/year for Hoosick Falls, NY and areas in Vermont within 25 miles from Bennington.)
2. My message is not libelous.
3. I am an officially authorized representative or employee of the organization named above.
4. I've read, understand and will abide by the *Community Bulletin Board Guidelines*. (see other side)

\_\_\_\_\_  
**Signature (Required)**
\_\_\_\_\_  
**Date Signed**

## CAT-TV Community Bulletin Board Guidelines

The CAT-TV Community Bulletin Board on Adelpia's Better TV cable television system's channel 12 is a free, 24-hour a day public service provided primarily to the residents of southwestern Bennington County to announce non-commercial, non-profit events and services. To use the Bulletin Board you must qualify by residency or profession. (see #1, over) If you don't meet the qualifications listed, but live within Hoosick Falls, the Town of Hoosick, or 25 miles of Bennington within Vermont, you may join as an Associate Member at \$25 per year and enjoy CAT-TV benefits which include the use of the Bulletin Board. Call 802-442-8868 for more information.

You may submit a photocopy or fax of the front side of this form, if CAT-TV has an original with your signature on file.

### Please help us by reading and following these guidelines.

#### 1. Submit only messages whose content qualifies:

- Non-commercial Only

CAT-TV will only accept messages that promote an event or service rendered by a *bona fide* not-for-profit organization, an *ad hoc* nonprofit group, or individuals acting in behalf of a non-profit cause for community betterment. We'll also accept public service messages from these entities. Any message that clearly promotes a product, service or event from which one person or for-profit business stands to gain will not be accepted. A for-profit business, however, may publicize its fundraising efforts on behalf of a nonprofit organization.

- Non-Partisan Only

CAT-TV will not accept a message promoting the candidacy of one particular person or "ticket," nor will it accept a message which in and of itself promotes one particular side of a political or controversial issue. A Non-Partisan message that intends to promote the general health of a political debate will be accepted, as will an announcement of an event which will allow public debate.

- Program Promotion

CAT-TV encourages all its volunteer producers to promote their programs on the Community Bulletin Board. The limit of one-message-per-week limitation is waived for Program Promotions.

#### 2. Are you representing an organization or group, or yourself?

Messages submitted by *bona fide* not-for-profit organizations or *ad hoc* nonprofit groups will be given first priority. Occasionally, messages from individuals will be accepted only if they meet the above criteria and if time and resources permit. We ask you to attest that you officially represent the nonprofit.

#### 3. Frequency and Lifespan of Messages.

Only one message per week will be accepted per person and/or organization. If you have more than one thing to announce within a week, either pick one or combine them into the same message. The only exception is if you are publicizing a program you're presenting that week on CAT-TV.

Your message will be pulled after six (6) days of play, or sooner if you've requested it. You may repeat the message for an additional three (3) weeks, but the message must remain unchanged and the proper line must be filled in on the form. If you want the message to change during its run, you must submit a new Message Request Form.

In order to resubmit the exact same message for another run, the message will need to remain off the station for a time equal to the time it was on the station. Once that requirement has been met, you must submit a new request form.

#### 4. Scanning of Background Images and Recording of VoiceOvers

You may provide color or black-and-white flat artwork as a background to your message. The artwork must be in "landscape" format similar to the horizontal orientation of a television screen, and, to improve readability, should not contain its own lettering because that will be added later by a CAT-TV volunteer. Artwork should not be copyrighted and no smaller than 3"x 5" or bigger than 9"x 12".

In order to reach a larger audience, we encourage the "voicing-over" of messages. Either you may make an appointment to come in and record the message yourself, or we will do our best to find someone to read it for you. Please check the appropriate box, or write a note on the Comments line.

#### 5. Posting Speed.

The CAT-TV Community Bulletin Board is updated by volunteers at least every two working weekdays, and more frequently if and when possible. Therefore, please make sure this form is in our hands at least THREE (3) days before you would like the message to be posted, or TEN (10) days prior to the event. Late submissions can only be handled on an if-possible, case-by-case basis.

#### 6. Who's Responsible?

Although we will take all due care in transcribing your message from the Message Request Form to the CAT-TV Bulletin Board, we cannot be responsible for harm arising from inaccuracies in your message. If we are notified of an error and it is our fault, we will correct it immediately. If you notify us of an error on your original form, we will change it as soon as we can.

We reserve the right to shorten, re-word or, in some cases, delay in posting a message. CAT-TV will strive for perfection, but we cannot guarantee that all systems will work perfectly all the time. We rely on volunteers to type in the messages, and our Volunteers Coordinator will strive to oversee that process with attentiveness. We can guarantee, however, that any complaints you have with CAT-TV will be handled courteously and responsibly.

## APPENDIX D

### Catamount Access Television Corporation

PO Box 4747 Bennington Vermont 05201 802-442-8868

#### **ACCESS CHANNEL PROGRAMMER DISCLOSURE**

**An Individual who is not an active member, an associate member or a junior member with a signed Statement of Compliance on file with CAT-TV, must read and sign this disclosure form in order to submit programs to play on CAT-TV Channels 15, 16 or 17.**

CAT-TV provides an opportunity for qualified individuals to submit programs to be played on one of its three channels as an expression of free speech as protected under the First Amendment of the United States Constitution. Along with this right come legal restrictions on the use of our channel space. Below is a summary of the Federal regulations which govern access programming.

CAT-TV does not preview your work and is not responsible for the content of your program. It is your complete responsibility to understand the programming restrictions as outlined and to affirm by signing this document that your program can be played in accordance to CAT-TV's Rules and Procedures.

Please understand that this merely a summary of programming restrictions. Further information on the use of CAT-TV's equipment, resources and channel space is available in the Operating Rules and Procedures, available upon request. CAT-TV advises you to consult an attorney if you have questions regarding the content of your program.

**UNLAWFUL PROGRAMMING: It is unlawful for producers/presenters to cablecast material that is obscene, that constitutes libel, slander, invasion of privacy rights, violation of copyright or trademark or which violates any local, state, or federal laws.**

- 1. Obscene Programming Defined:** Obscene material is not protected by the First Amendment to the Constitution and cannot be played on CAT-TV at any time. The U.S. Supreme Court has established that, to be obscene, material must meet a three-pronged test:

An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest (*a shameful and morbid interest in nudity, sex, or excretion*);

The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and

The material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

- 2. Copyrighted Material:** Any programs containing copyrighted material must be accompanied by written permission granted by the copyright holder.
- 3. Resulting Action:** In the event that it is legally determined that any producer/presenter has cablecast any unlawful material, that producer/presenter immediately and permanently loses all privileges to use CAT-TV equipment, facilities and services, including playing programs on CAT-TV's channels, playing messages on the Community Bulletin Board and enrollment in training courses or workshops.

**PROHIBITED CONTENT: The following material shall not be played on any channel designated as a public, education or government access channel:**

- 1. Advertising:** Material designed to promote the sale of commercial products or services, or identifying a product, service, trademark, or brand name in a manner which is not reasonably related to its non-commercial use on the program.

2. **Commercial Programming:** Programming which in whole or part depicts, demonstrates, or discusses products, services or businesses with the intent of benefiting or enhancing a profit-making enterprise, or whose income does not inure back to a *bona fide* non-profit organization.
3. **Fundraising:** CAT-TV does not allow any direct appeal for funds or other things of value. The following is allowed:
 

A non-profit organization may briefly describe its history, funding base, purpose, etc. and may include information on where and how viewers may contact this organization.

A non-profit organization may use the access channel(s) to notify the viewers that an upcoming fundraising event is being held, with such notification including location, date, time, suggested donation or fee to enter and other specific information.

Telethons for IRS 501(c)(3) non-profit corporations.

Announcements of bingo and/or other games of chance from those organizations listed by the Bennington Area Chamber of Commerce or any other *bona fide* service and volunteer group(s) in the CAT-TV service area.
4. **Lotteries:** The direct or indirect presentation of lottery information, gift enterprises, or similar schemes is prohibited on CAT-TV. Lotteries are defined as games of chance for money or prizes or similar money making presentations.
5. **Resulting Action:** CAT-TV will strictly monitor these rules. Violation is considered a Major Offense and will result in immediate suspension of all user privileges.

**RESTRICTED CONTENT: The following programming content must be properly tagged with associated Content Warnings and played in specified programming hours:**

1. **Indecency:** The FCC has defined indecency as “language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities.” Indecent programming contains patently offensive sexual or excretory material that does not rise to the level of obscenity.
 

The courts have held that indecent material is protected by the First Amendment and cannot be banned entirely. It may, however, be restricted in order to avoid its playing it during times of the day when there is a reasonable risk that children may be in the audience. Therefore the FCC prohibits such programming between the hours of 6 a.m. and 10 p.m.
2. **Profanity:** The FCC has defined profanity as “including language so grossly offensive to members of the public who actually hear it as to amount to a nuisance.” Like indecency, profane speech is prohibited to play on radio and television between the hours of 6 a.m. and 10 p.m.
3. Programs containing restricted content, or images or sound that might be considered offensive, shocking or of an adult nature must have Viewer Content Warnings. The following warning should be separately placed on a video page at the beginning and end of any program which includes material of a sensitive, violent, or adult nature.
 

*The following program contains material which some viewers may find objectionable or inappropriate for viewing, particularly by children, viewer discretion is advised.*

**HOLD HARMLESS STATEMENT: I understand and agree, in accordance with CAT-TV Rules and Procedures, that by requesting this program to be cablecast, I am an Access Channel Programmer, and therefore I am fully responsible for the content of the program when cablecast, whether or not I actually produced the program myself. I am (or the member organization I represent is) fully liable for all claims arising from unauthorized use of copyrighted material or any other charges of unlawful conduct and will hold harmless the Catamount Access Television Corporation (CAT-TV), its Directors, Officers, and staff from any such claims.**

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_ TOWN/STATE/ZIP: \_\_\_\_\_

## APPENDIX E

### **CATAMOUNT ACCESS TELEVISION CORPORATION** **SEXUAL HARASSMENT POLICY**

It is against the policies of Catamount Access Television Corporation (CAT-TV), and illegal under state and federal law, for any employee or volunteer, male or female, to sexually harass another employee or volunteer. CAT-TV *is* committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee or volunteer to engage in sexual harassment.

#### **What is "sexual harassment"?**

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- (2) Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- (3) The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (4) Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;

Touching or grabbing a sexual part of an employee or volunteer's body;

Touching or grabbing any part of an employee or volunteer's body after that person has indicated, or it is known, that such physical contact was unwelcome;

Continuing to ask an employee or volunteer to socialize on or off-duty when that person has indicated s/he is not interested;

Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;

Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;

Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;

Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;

Retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);

Derogatory or provoking remarks about or relating to an employee or volunteer's sex or sexual orientation;

Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;

Off-duty conduct which falls within the above definition and affects the work environment.

### **What CAT-TV will do if it learns of possible sexual harassment**

In the event CAT-TV receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. CAT-TV is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee or volunteer does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors should report to the Executive Director (who has been designated to receive such complaints or reports), or to the Board President (the head of this organization). Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee or volunteer who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.

If the allegation of sexual harassment is found to be credible, CAT-TV will take appropriate corrective action. CAT-TV will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Any employee or volunteer, supervisor, or agent who has been found by CAT-TV to have harassed another employee or volunteer will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.

If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

### **What you should do if you believe you have been harassed**

Any employee or volunteer who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee or volunteer does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to the Executive Director of CAT-TV (who has been designated to receive such complaints or reports), or to the President of the CAT-TV Board of Directors (the head of this organization). It is helpful to an investigation if the employee or volunteer keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.

If the complainant is dissatisfied with CAT-TV's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:

**Vermont Attorney General's Office**, Civil Rights Unit, 109 State Street, Montpelier, VT 05609, tel: (802) 828-3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.

**Equal Employment Opportunity Commission**, 1 Congress Street, Boston, MA 02114, tel: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.

**Vermont Human Rights Commission**, 133 State Street, Montpelier, VT 05633-6301, tel: (802) 828-2480 (voice/TDD). (Only if you are employed by a Vermont state agency.) Complaints must be filed within 360 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although employees or volunteers are encouraged to file their complaint of sexual harassment through CAT-TV's complaint procedure, an employee or volunteer is not required to do so before filing a charge with these agencies.

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within 3 or 6 years, depending on the type of claims raised.

**Where can I get copies of this policy?**

A copy of this policy will be provided to every employee and to volunteers upon request. A copy will be posted in the Access Center.

Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.