

Nevada County

Television

POLICY MANUAL

Approved July 25, 2009
by the Board of Directors of the
Public Education Enrichment Fund, Inc.

Nevada County Television (NCTV)
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SECTION 1 – MISSION STATEMENT

The Mission of Nevada County Television is to strengthen and enrich the spirit of community in Nevada County by fostering communication through public, educational and governmental access television and other electronic media. Nevada County Television is committed to supporting freedom of speech and expression, encouraging diverse points of view while building common ground in the community.

SECTION 2 – GENERAL INFORMATION

2.1 NCTV Definition

Nevada County Television (NCTV) is an organization operated by Public Education Enrichment Fund, Inc. (PEEF), a 501(c) (3) non-profit corporation (FEIN: 68-0430267) also doing business as Partners in Education (PIE). PEEF has agreed to administer NCTV under an agreement with the Nevada County Superintendent of Schools Office (NCSOS). NCSOS currently holds contracts with Nevada County and the cities of Grass Valley and Nevada City for the provision of community access facilities and services, also referred to as PEG (Public, Education and Government) access.

NCTV's primary goal is to provide access to community television so that local individuals and organizations can have a venue for public expression and exercise of free speech. NCTV provides training in video production and other digital arts as well as providing the facilities needed to produce local community programming. NCTV helps people become effective communicators and users of traditional and emerging communication technology. NCTV operates public, education and governmental access in accordance with the cable franchise ordinances.

2.2 NCTV Governance

NCTV operations, facilities and channel space are governed by policies and procedures developed by the staff & the Executive Director of NCTV and guided by and approved by PEEF. Day-to-day and ongoing activities and functions of NCTV operations are carried out by a professional staff under the direction of the Executive Director of NCTV. The Executive Director is contracted by the PEEF Board of Directors and reports to the Executive Director of PEEF.

2.3 NCTV Staff

NCTV staff trains and assists individuals and organizations in learning how to create programs and operate equipment. Generally, staff assistance will be minimal after they learn to produce, shoot and edit their own programs. Staff is also responsible for the maintenance of all equipment and facilities, scheduling the cable casting and playback of programs on NCTV Channel 11 and NCTV Government Channel 17. The administrative staff manages the day-to-day business operations of NCTV. Staff is responsible for the maintenance of the facility and all equipment.

SECTION 3 – ACCESS TO PROGRAMMING; MEMBERSHIP

3.1 Access to Programming

Consistent with the general principles of community access television, any individual or organization may be a user and submit programming for broadcasting on PEG channels, subject only to the program content guidelines and policies spelled out elsewhere in this Policy Manual.

3.2 Membership

Membership in NCTV is not required to submit programming. Membership in NCTV *is* required before any individual or organization may receive membership benefits (e.g., access to and use of the equipment and facility, including studios, editing bays, office area and training room).

3.2.1 Definition of Membership

Membership is defined as a category of financial support for NCTV. Per PEEF corporate by-laws, membership does not convey voting rights in the PEEF organization.

Membership types and/or financial levels are defined by the Executive Director of NCTV in consultation with the PEEF Executive Director, and are subject to approval by the PEEF Board of Directors.

3.2.2 Eligibility for Membership

Individuals and organizations are eligible for membership in NCTV subject to the following guidelines.

Members under the age of 18 years must have a Parent/Guardian Consent and Financial Liability Form on file. Programs submitted by individuals under the age of 18 must have their Program Submission Form signed by a parent or guardian.

Those under the age of 16 will not be permitted to check out equipment or use the production facility unless accompanied by an adult. Users of all ages must complete all appropriate certification requirements as set forth in these rules and procedures.

SECTION 4 – EQUIPMENT AND FACILITY USE

4.1 Availability, Prerequisites and Limitations

NCTV facilities are available free of charge to NCTV Members for the purpose of producing non-commercial community access programs.

Having successfully received the appropriate certification (see Section 4), members may reserve NCTV facility and equipment for the production of access programming. NCTV may establish limits for the use of the studio and other resources.

4.2 Check Out

Portable video equipment is only made available to NCTV Members for use in the production of access programming intended for cablecast on NCTV.

Equipment may be reserved, checked out and used free of charge. Equipment is intended to be used for specific projects only (up to a week at a time) and not to be checked out indefinitely. Before equipment can be checked out to a Member they must submit a Project Proposal form to indicate for what production project the equipment will be used.

Portable equipment will be checked out and in by NCTV staff. Equipment will be thoroughly examined both at check out and return to determine the condition of the equipment at that time. Members should allow time in their production planning for this procedure.

4.3 Rehearsal

New workshop graduates may reserve the production facility and equipment for the purpose of rehearsal. It is understood, however, that access productions in progress will take precedence and the member may be required to relinquish their practice time to facilitate the production's completion.

4.4 Meeting Space

NCTV will provide meeting space for any member for program planning during regular station operating hours. Based upon availability, space is scheduled on a first-come, first-serve basis. Set-up and cleanup are the responsibility of the member scheduling the meeting space.

4.5 Damage or Loss

Members will sign the NCTV Equipment/Facility Request Form agreeing to be financially responsible for damage or loss of equipment during the period it is in their possession. Lost or damaged equipment must be repaired or replaced with identical equipment within thirty days. Failure to comply within this time period may result in suspension from use of all NCTV facility and all equipment until the lost or damaged item has been replaced or repaired, or may result in legal action. The member will not be responsible for normal wear and tear of equipment as determined by NCTV.

SECTION 5 – TRAINING AND CERTIFICATION

5.1 Studio Training and Classes

Potential NCTV Members are encouraged to visit the station for a tour and explanation of the facilities and uses.

NCTV will offer a periodic Studio Training, which shall be provided to Members for a minimal fee. Other free or fee-based workshops and classes may also be offered. The class schedule and fees shall be available at NCTV's offices, and published on the NCTV Website. The NCTV Executive Director may, on a case-by-case request basis, waive the Studio Training fee for reasons of financial hardship.

5.2 Certification

Members who attend required Studio Training classes and/or demonstrate proficiency to staff will certify for use on the studio equipment. Records of certification will be filed at NCTV. To keep certification active, a member must maintain a current membership and must use the equipment or facility at least

once a year. After a period of one year without use of equipment or facility, the member must demonstrate proficiency to staff in order to use the facility or equipment. Failure to do so will result in the member being required to attend a repeat of the Studio Training.

SECTION 6 – MEDIA REQUIREMENTS

To ensure consistent transmission quality and protect its equipment, NCTV shall establish technical requirements and recommendations for production and playback of programming. Producers should consult the Users' Guidebook for technical specifications.

SECTION 7 – PROGRAMMING

7.1 Program Submission Process

All submitters must sign and complete a Program Submission Agreement Form which shall include their name, address, phone number, program description, requested day, date and time, as well as a Statement of Compliance with the rules and procedures set forth in this document. Series submitters need only submit one form for each series unless there are major changes in content or rating.

The Agreement Form must be submitted in person, by mail, fax or by using forms downloaded through the NCTV website. Email submissions are not accepted.

A small, voluntary gift of support for NCTV will be requested of non-member submitters. Non-local submitters are requested to seek a local "sponsor" to submit their program. In the event that one is not available, NCTV may accept non-local programming if programming space allows and the program content is within program content guidelines.

7.2 Program Content

NCTV is a free speech venue and encourages a diverse range of programming. Producers are free to produce programming on any topic of their choosing. NCTV does not editorialize or select programming based on content.

It is not the policy of NCTV to preview or censor submitted programs in any way. Producers assume liability and indemnify NCTV and PEEF for legal action caused by violations to local, state or federal law when they sign the Statement of Compliance included on the Program Submission Agreement Form

In the course of ingesting programs for playback, NCTV staff may discover policy violations prior to the program being cablecast. NCTV may take action on discovered violations before a program has been cablecast and may refuse to cablecast or may delay scheduling of a program with discovered violations

7.3 Programming Content Restrictions

To assure compliance with the agreement between NCTV and applicable PEG agreements; ordinances, regulations, laws, statutes; and nationally accepted

standard practice in community cable access television, presentation of the following material on a community use or public access channel managed by NCTV is prohibited:

- (a) Commercial Programming containing commercial language as defined by but not limited to Section 10.3 below.
- (b) Advertising which endorses or opposes candidates for public office, which is also intended to be presented as a paid political advertisement on other media.
- (c) Programming which constitutes or promotes any lottery or gambling enterprise in a manner that violates any applicable local, state, or federal law.
- (d) Material that is obscene as defined by applicable law.
- (e) Material that constitutes libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright, or which might violate any local, state or federal law.
- (f) Material that represents itself as being produced by Nevada County Television (NCTV), Public Education Enrichment Fund (PEEF) aka Partners in Education (PIE) when it is not so produced.
- (g) Material which has a reasonable probability of creating an immediate danger of damage to property or injury to persons.

7.4 Potentially Objectionable Material

Submitters are responsible for indicating on the Program Submission Agreement Form the appropriate category of the TV Parental Guidelines published by the TV Parental Monitoring Board (see www.tvguidelines.org). Programs in the following two categories must begin with a message advising viewer discretion:

- (a) TV14 includes one or more of the following: intense violence, intense sexual situations, strong coarse language, or intensely suggestive dialogue.
- (b) TVMA includes graphic violence, explicit sexual activity, or crude indecent language.

Further details may be developed by NCTV and, if published in the Users' Guidebook, have the effect of serving as Policy even if not specified in this Policy Manual.

7.5 Viewer Complaints

Viewers wishing to file a formal complaint may do so in writing on the form provided by NCTV for this purpose. Viewer Complaint Forms and a description of the complaint process are available at NCTV upon request. All formal, written complaints will be presented to the Executive Director for review unless resolution of the complaint can be accomplished to the satisfaction of all parties at an earlier stage in the process.

NCTV staff will notify submitters of the nature of all viewer complaints. The identity of the person filing the complaint will be kept confidential unless the complainant specifically authorizes NCTV to share his or her name.

7.6 Program Scheduling

Programs submitted to NCTV will be cablecast at least two times. One play will be during prime time hours (3:00pm – 10:00pm) and one play will be during non-prime time hours. Programs appropriate for NCTV-G Nevada County Television's Government channel may be scheduled for cablecast on that channel. Programs may be repeated several times unless specifically requested by the producer. Programs submitted for cablecast will also be webcast on nevadacountytv.org as a live stream. Producers of local programming may request their programs be archived for video on demand. NCTV reserves the right to manage the archives in a manner that preserves technical capability and staff resources.

7.6.1 Times

Requests for channel time will be processed on a first-come, first-served basis. Submitters may request specific cablecast times, and staff will match channel space with requested times whenever possible according to availability of scheduling and staff time. For information on series scheduling see Section 8.

7.6.2 Priority

In scheduling programs on the NCTV channel, first priority is given to programs produced by Nevada County residents. Any program with a substantial amount of local production work by a local resident is considered locally-produced. Satellite or imported videotaped programs will have second priority. The person submitting the program is solely responsible for authorized distribution of the program. Repeated cablecasts of any program may be scheduled as time permit at the discretion of NCTV staff.

7.6.3 Community Bulletin Board

It shall be understood that the Community Bulletin Board is a service provided both to and for the community. Bulletin Board items should be notices of interest to a general audience that inform the public of events or other timely information. Notices may not use commercial language as defined by but not limited to Section 10.3 below.

7.6.4 Public Access Programming for Political Candidates

Candidates and advocates for ballot issues are welcome to utilize NCTV services on the same terms as any other access users. NCTV will not schedule any programming endorsing particular issues or candidates within 72 hours of any election.

7.6.5 Special Programming

NCTV reserves the right to pre-empt any program for the presentation of a "Special" production or other non-scheduled programming. In such cases, NCTV will reschedule the pre-empted program. All live programming must be simultaneously recorded and a copy submitted to at NCTV following the production.

SECTION 8 – SERIES PROGRAMS

A series is a group of programs with a similar theme or idea. Series Producers may request a slot or a reserved time for cablecast. Slots are reserved for programs that are produced on a regular basis, whether it is daily, weekly, bi-weekly or monthly. Slots are only reserved for programs that are submitted in a consistent and timely fashion. Series producers who seek to utilize the NCTV facility are encouraged to complete the Studio Training and to volunteer on two other shows prior to beginning production on their own series.

8.1 Series Agreements

All series submitters must sign a Program Submission Agreement Form with NCTV agreeing to submit a specific number of programs for cablecast on specific dates. Failure to submit timely episodes as per agreement without good cause may result in the cancellation of the series (i.e. loss of a reserved time slot).

8.2 Program Delivery

New episodes must be delivered to NCTV in a consistent and timely fashion. Failure to provide new programs for two weeks in a row with no good cause may result in the loss of the regularly scheduled time slot.

SECTION 9 – DUPLICATION AND PLAYBACK RIGHTS

9.1 Procedure for Requesting Dubs

With permission of the copyright holder, NCTV staff will make duplicates (dubs) for a fee. Members may not make dubs using NCTV equipment.

9.2 NCTV Playback Rights

Upon signing the Program Submitters Agreement Form, NCTV may play back any program at any time, to “bicycle” the program to other cable systems for non-commercial use, to post on the program for free viewing on the Internet and to use excerpts of programs in promotional events.

SECTION 10 – FUNDING NCTV and ACCESS PROGRAMS.

As a non-profit, non-commercial television station, NCTV may seek funding to cover its operational and production costs through grants, donations from foundations, organizations or individuals and underwriting (see 10.1). Fund raising is primarily for the purpose of supporting and sustaining NCTV. Other funding activities may be considered.

10.1 NCTV Station Underwriting

NCTV may enter into agreements with financial contributors to acknowledge their generosity. NCTV may give credit to the person or organization underwriting the station in the form of on-air underwriting announcements. The underwriter may choose to specify that these announcements are aired adjacent to specific programs.

10.2 Individual Program Underwriting

Producers may give on-air credit to the person or organization underwriting their program in the form of on-air announcements, subject to the guidelines in Section 10.3 below.

10.2.1 Underwriting Coordination and Disclosure to Funders

It is important that potential underwriters or donors in the local community not be confused as to the beneficiary of underwriting funds. Therefore, local producers planning to seek underwriting funding for their programs are asked to contact the Executive Director before doing so. The Executive Director will schedule a meeting with the producer to discuss the plan to seek funding, discuss the criteria for underwriting announcements and discuss submitting the Program Underwriting Disclosure Form.

If in the course of ingesting programs for playback, NCTV staff happens to notice underwriting announcements and a meeting such as described above has not taken place, scheduling of the program(s) will be delayed until such meeting has taken place.

10.2.2 Program Underwriting Disclosure Form

NCTV requires that producers who seek underwriting to complete, and update semiannually, the Program Underwriting Disclosure Form. The producer is required to submit one original, signed copy to NCTV prior to submission of programming. The purpose of this mandatory disclosure is to ensure that each program funder has been notified of the following information;

- (a) Program underwriters are not providing support to NCTV, they are providing support to the program producer.
- (b) Program underwriters may also be approached for underwriting by NCTV, which reserves the right to solicit underwriting from all businesses and organizations whether or not they also underwrite specific programs.
- (c) Programs and on-air underwriting announcements cablecast on NCTV may not be commercial in nature, nor use commercial language to promote the sale or exchange of goods or services. Underwriting announcements are intended to identify and thank the source of underwriting donations. They should not be construed as advertisements.

By submitting a program, the producer agrees that he or she has not represented underwriting announcements as a form of advertising.

10.3 Underwriting announcements, criteria

NCTV evaluates underwriting announcements (credits) following guidelines which are used nationwide as the accepted public standard in community cable access TV programming for regulating such credits.

The purpose of an underwriting announcement is to 1) identify a business, individual or organization supporting the program, and 2) acknowledge, recognize and/or thank them for supporting the program.

Underwriter announcements **MAY** include:

- (a) A logo or slogan that identifies the underwriting source as long as that logo or slogan does not use commercial speech.

- (b) Photos or video depicting the contributing individual, organization or business.
- (c) Location, phone number, email address, and/or Website.
- (d) Value-neutral statements of fact about the individual underwriter, the underwriter's business or services and/ or value-neutral descriptions of a product line or service.

Underwriter announcements **MAY NOT** include commercial language to promote the sale or exchange of goods or services as defined by but not limited to the following:

- (a) Comparative Descriptions – language comparing the underwriter's products or services with those of competitors or others.
- (b) Qualitative Language – words that describe the features, benefits, advantages or other qualities offered by the underwriter's products or services
- (c) Pricing Information – actual prices of products or services and/or language indicating savings or value associated with a product or service
- (d) Calls to Action – statements aimed directly at the viewer telling the viewer to take action
- (e) Inducements to Buy, Sell, Rent or Lease – language that gives reasons for doing business with the underwriter that serves a promotional rather than identification purpose.

See the NCTV Users' Guidebook for specific examples of the types of language that may not be used in an underwriting announcement.

10.3.1 Exceptions to Language Restrictions for Non-Profit Fundraising

For the purposes of this section, "Non-profit Organizations" are defined as tax-exempt non-profit corporations serving residents in Nevada County, and/or local government and educational agencies.

Non-profit organizations may solicit funds for purposes consistent with their charter and/or Articles of Incorporation a maximum of two times in a calendar year.

The Day of Giving Telethon, organized by NCTV, is not considered to constitute a solicitation-of-funds event by local non-profits because it is produced by NCTV.

10.4 Underwriting announcements: placement & length

Announcements may only be placed at the opening, logical mid-breaks and/or ending of the program with a maximum of two announcement sequences per half-hour.

Announcements shall not exceed 30 seconds in length. Total time for all underwriting announcements shall not exceed 3 minutes per 30 minutes of program time.

10.5 Other Sources of Funding

10.5.1 NCTV facility rental

NCTV may make its production facilities and equipment available for commercial use upon payment of an hourly or daily rental fee. NCTV staff will not reserve equipment for rental if, in the judgment of the on-duty staff, such use would negatively impact community access use. Rental rates shall include personnel, equipment and overhead charges.

10.5.2 In-Kind donations

NCTV may consider accepting "in-kind" donations of equipment, services or materials, or the use of equipment. Such credit will be authorized by the Executive Director or his designee. Donations must include their fair-market value and may be used as credit toward "fees for use" of NCTV facilities or equipment.

10.5. 3 NCTV Production Services

NCTV reserves the right to raise station operating funds by providing video production services for individuals, organizations or businesses. Contract terms will be negotiated, including finances and program ownership, on a case-by-case basis.

SECTION 11 – PERSONAL CONDUCT AT NCTV

11.1 Smoking: Smoking is prohibited in all areas of the NCTV facility.

11.2 Alcohol and Drug-Free Zone

NCTV is a drug and alcohol-free facility. Use of alcohol or drugs is prohibited at the NCTV facility. No one will be permitted to use the facility or equipment while under the influence of alcohol or drugs. Membership and all related benefits will be revoked without notice if alcohol or drugs are brought into or on the grounds of NCTV.

11.3 Food and Drink

Consumption of food is restricted to the classroom and table areas only. Station users are responsible for cleaning up after themselves and those associated with their production.

11.4 Spirit of Cooperation

NCTV users are expected to exhibit a spirit of cooperation at all times. The facility belongs to everyone. Courtesy, understanding and flexibility will result in a more productive facility for everyone.

11.5 Harassment

It is the policy of NCTV to promote and maintain a workplace free of tensions involving matters which are not related to NCTV business. It is the policy of NCTV that an environment of tension created by ethnic or religious remarks, offensive jokes or language, animosity, unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature does not belong in the community's television facility. Sexual considerations or favors shall not be used as a condition of employment, volunteer status, use of the facility, scheduling, or affect any personnel decisions, such as hiring, promotion, or compensation. If

any such verbal or physical conduct interferes with an individual's work performance or volunteer status, or creates an intimidating, hostile, or offensive work/volunteer/member environment, the offended individual shall notify management. The claim will promptly be reviewed and investigated.

SECTION 12 – DISCIPLINARY ACTIONS

12.1 General Statement

To ensure that Nevada County Television equipment and facilities remain in good working order, are available to the broadest range of producers, and that equipment and facilities are used in such a manner as to fulfill Nevada County Television's contractual obligations with the County of Nevada, The City of Grass Valley, The City of Nevada City and The Nevada County Superintendent of Schools Office, and the cable providers Comcast Cable and Suddenlink Cable, and PEEF, NCTV reserves the right to refuse user privileges and services, and/or Membership, on a temporary or permanent basis or otherwise initiate suspensions of user privileges and/or Membership, services, disciplinary actions, probationary sanctions, or other legal action against individuals or organizations interfering with, disrupting or jeopardizing NCTV's operations or otherwise violating the NCTV policies under which NCTV provides training, equipment, facilities, channel space and other services.

12.2 Requests to Leave NCTV Facilities

NCTV staff may request that an individual leave the NCTV facilities immediately in the following situations:

- (a) If an individual consumes, sells or dispenses alcohol or illegal substances in the NCTV facilities; or
- (b) If an individual behaves in a threatening, harassing or disruptive manner; interferes with the orderly conduct of NCTV facilities or programs; behaves in a manner that disrupts the work of, or otherwise disturbs staff, volunteers or members.

If the individual fails to comply with the request, NCTV staff is authorized to call the appropriate legal authorities on grounds of trespassing.

12.3 Major Offenses Resulting in Permanent Suspension

The following Major Offenses against NCTV policies will result in the immediate Permanent Suspension of user privileges and services and/or Membership with NCTV:

12.3.1 Theft, vandalism, or willful damage of the NCTV facilities or equipment; or willful injury to or theft of the personal property of any NCTV staff person, user or visitor.

12.3.2 False representation by user of himself or herself as an NCTV or PEEF staff member, representative, agent, or as a producer working for NCTV..

12.3.3 Chronic and willful disregard for NCTV's procedures as outlined in the Users' Guidebook or policies outlined in this Policy Manual.

12.3.4 Harassment as defined in Section 11.5 or other harassing behavior that threatens, harms, disrupts or interferes with the ongoing operation of NCTV; PEEF aka PIE; staff, volunteers or Board members.

12.4 Major Offenses Resulting in Other Sanctions

The following Major Offenses against the NCTV policies will result in the sanctions specified in Section 12.5:

12.4.1 Misuse, abuse or negligent use of NCTV facilities or equipment.

12.4.2 Failure to return checked-out equipment through intent, negligence, loss or theft, or failure to comply with the check-in procedures.

12.4.4 Removal of equipment from an NCTV facility without proper checkout and supervision by an NCTV staff person.

12.4.5 Persistent and knowledgeable submission of programming for playback which violates the content guidelines of Section 7.3 or Section 10.3 above and as described in further detail in the NCTV Users' Guidebook.

12.4.6 Other activities determined to be Major Offenses by the NCTV Executive Director in consultation with the PEEF Executive Director.

12.5 Sanctions for Major Offenses

The first sanction will be a 90-day suspension of user privileges and/ or Membership with NCTV.

The second sanction will be a 1-year suspension of user privileges and/ or Membership with NCTV.

The third sanction will be a permanent suspension of user privileges and/ or Membership with NCTV.

Other sanctions may include the following:

- Requirement of re-attendance of Studio Training or orientation.
- Requirement of demonstrated proficiencies or understanding.
- Short-term probationary periods.

The NCTV Executive Director shall notify in writing a user who commits a Major Offense of the nature of the offense and any suspension or Probationary Sanction resulting from the offense within ten (10) days of being informed of the occurrence. Notification shall also indicate the conditions, if any, for reinstatement of user privileges.

12.6 Minor Offenses: Definition

Potential users of the NCTV facilities and equipment are completely dependent upon the timely and proper operation of those items by previous users. Therefore, NCTV is concerned that minor violations by users should not occur. Accordingly, the following Minor Offenses against the NCTV policy or procedures will result in Disciplinary Actions as indicated below in Subsection 12.7:

12.6.1 Late return of equipment without an authorized extension.

12.6.2 Return of functional but dirty equipment.

12.6.3 Unsafe or improper use of NCTV equipment.

12.6.4 Attempted disassembly or repair of any NCTV equipment.

12.6.5 Smoking, drinking or eating while in NCTV production facilities or while operating NCTV equipment.

12.6.6 Any other violation of the NCTV Policies Manual.

12.7 Disciplinary Actions for Minor Offenses

12.7.1 For a first Minor Offense violation, the user committing the offense will be given a verbal warning by the NCTV staff person.

12.7.2 For the second Minor Offense violation, the user committing the offense will receive a written warning. One copy of this warning will be placed in the user's file, and another will be given to the NCTV Executive Director.

12.7.3 For the third Minor Offense violation, the user committing the offense will receive immediate suspension of user privileges and/or Membership with NCTV and Probationary Sanctions as indicated above in Subsection 12.5.

12.8 NCTV Disciplinary Discretion

12.8.1 The sanctions and penalties outlined above may, in individual cases and at their discretion, be adjusted by the PEEF Board of Directors ("Board"). The Board may impose greater or lesser sanctions and penalties than those specified above if the Board determines that there is good cause to do so.

12.8.2 A decision by the Board to impose a greater or lesser sanction or penalty than those prescribed above shall be made at a public hearing in which the user shall have an opportunity to fully participate.

An Appeal Hearing may be instigated by either the NCTV Executive Director or by the user against whom sanctions have been imposed (see Section 12.9).

12.9 Appeals Procedures

12.9.1 Membership or Usage Appeal: Any user against whom the NCTV Executive Director has imposed a Permanent Suspension or Probationary Sanction may appeal the decision to the PEEF Board of Directors within ten (10) working days of notification of the Permanent Suspension or Probationary Sanction by filing a written notice of appeal at the NCTV office.

12.9.1.1 Upon timely receipt of a written notice of appeal, the PEEF Board President shall appoint an ad hoc Investigation Committee consisting of not fewer than two (2) Board members within five (5) working days. The Investigating Committee will review the actions taken by the Executive Director and investigate the justification, supporting evidence and/or documentation, and review existing policy. The Investigating Committee will submit a written recommendation to the Board President within twenty (20) working days of their appointment. The full Board will conduct an Appeal Hearing at the next regular Board meeting for which Brown Act public notice requirements can be met. In public hearing the NCTV Executive Director shall make a presentation on the circumstances of the violation(s) and the Permanent Suspension or Probationary Sanction imposed, and the user will make a presentation of the appeal.

The Board may decide:

- (a) To sustain the sanctions imposed by the NCTV Executive Director;

(b) To make alternative determinations.

12.9.1.2 Determinations of the NCTV Board of Directors in matters of Permanent Suspensions or other Sanctions or other actions are final.

12.9.2 Public Access Appeal: should the NCTV Executive Director decline to cablecast programming submitted to NCTV for cablecast, the party submitting the material may appeal the decision to the PEEF Board within 10 (ten) working days of notification of the NCTV Executive Director's declination by filing a written notice of appeal at the NCTV office. The procedure for the Board's review of the matter shall be identical to the procedure set forth in Section 12.9.1.1 relating to appeals of a suspension or other Sanction. Determinations of the PEEF Board of in matters of programming shall be final.

APPENDIX: DEFINITION OF TERMS

Cablecast: Transmission of programming from NCTV's control room into the public cable television system(s).

Commercial Program/Announcement: A program or announcement whose content is designed to promote the sale or exchange of goods or services.

Educational Access: Category of programming submitted by area educational institutions, which takes responsibility for its content, on designated public or educational access channels.

Facility / Facilities: When referring to NCTV, includes all studio, control and cable casting equipment as well as NCTV's designated bandwidth (e.g., channel(s) on the cable television systems.

Government Access: Category of programming submitted by area government agencies, which take responsibility for its content, on designated public or government access channels.

Member: A person or organization who has applied for and been admitted to membership in NCTV and has paid the required dues.

Non-commercial Program/Announcement: A program or announcement whose content does not contain commercial language as defined in the NCTV Policy Manual.

PEG Access: Acronym for "Public, Education and Government Access." See each term, defined separately.

Producer: The person or organization that is responsible for creating programming. The producer may or may not be a submitter.

Program: Audio/video content provided to NCTV for cablecast by a community producer.

Program Underwriting: Monetary or other consideration provided to a producer or to NCTV in order to support the creation and/or distribution of the program in return for on-air credit.

Public Access: Category of programming submitted by any submitter for cablecast on designated public access channels.

Series: A regularly-scheduled string of programs provided by the same submitter and under a common series title.

Station Underwriting: Monetary or other consideration provided to NCTV, whether through a member, a producer, a submitter, any other third party, or directly to NCTV, in order to support the operation of the public access station; in return for on-air credit.

Submitter: The individual or organizational member that submits a program to NCTV. That person or organization takes full responsibility for the content of the program as well as for abiding by these Policies.

Underwriting: see "Individual Program Underwriting" Section 10.2 and "NCTV Station Underwriting" Section 10.1.

User: A person or organization that uses NCTV's public access to the cable system and Internet by submitting programming; and/or a person or organization that becomes a Member of NCTV and receives access to membership benefits.