



Public Access Northern Dutchess Area Inc.

PUBLIC ACCESS POLICY

PANDA is contracted by the towns and Villages of Rhinebeck, Red Hook and Tivoli (the “service area”) to provide programming on their shared Public, Educational and Government (PEG) access channel on Spectrum Cable. It is available at no charge for non-commercial use by all residents of the service area.

Priority for accepting and scheduling programs will be given to individuals and groups from within the service area.

PANDA may accept programs from individuals, community groups, government organizations, and not-for-profit organizations located outside the service area.

Those submitting programs must agree to and sign the PANDA Public Access User Agreement. The number of multiple shows originating from a single individual or group may be limited based on time slot availability and staffing.

A show producer or sponsor must:

- Be the original producer and copyright holder for a submitted video, or
- Be able to demonstrate that the video is in the public domain, or
- Provide written confirmation that the original producer has given permission for the video to be publicly distributed on Public Access Television.

PANDA has video production equipment and a studio facility that any responsible, certified person may use, subject to availability, for the express purpose of originating a television presentation that is to be cablecast over the public access channel. PANDA will not restrict the content or message of any program presented over the access channel. There are, however, federal laws pertaining to the subject matter of local access programs, and there may be state and local regulations concerning such matters as advertising material, lottery information, use of copyrighted material, and obscene or indecent material.

Every user of the access channel should be cognizant of their ethical and legal responsibilities and liabilities before using the public access channel.

Scheduling of public access programs is at the discretion of PANDA’s Program Director, in consultation with the board, and subject to available time slots.

The communications act of 1984 specifically prohibits cable operators from exercising editorial control over access programming. In the spirit of full compliance with the act, PANDA will endeavor to permit and will encourage the widest applications of the access channel as possible. PANDA will not unreasonably restrict program formats, topics, language, or material that is controversial in nature. However, in order to fulfill its responsibilities to its subscribers, PANDA reserves the right to preview all pre-recorded programs. PANDA reserves the right to determine that a program is not suitable for cablecasting within the system’s service

area or to limit scheduling to hours where children are not likely to be viewing, or to add disclaimers or warnings concerning the content of a program.

PANDA also operates a streaming service for on-demand viewing on mobile devices and televisions and a YouTube channel. At its discretion, and with permission of program originators, PANDA may offer programs of general interest for viewing on these media. Programs shown on the PANDA cable channel will also appear on the linear program feed available on the streaming app and PANDA web site.

Responsibilities for Program Content

Responsibility for the content of programs rests with the individuals and organizations submitting the programs. PANDA requires users submitting programs to complete and sign a program agreement prior to the cablecast of any program. Users agree to indemnify PANDA for any violations of PANDA policies or the law and that submitted programming in fact does comply. All program agreements must include the name and address of the channel user. If the individual submitting a program is not the program's producer, the individual must also submit the name and address of the program's producer.

Address Verification

Channel Users may be required to provide satisfactory evidence of their residence address.

Organizations Submitting Programs

Individuals submitting programs on behalf of organizations must submit a letter or email from an officer of the organization indicating who within the organization will take responsibility for submitting programs.

Disclosure of Information Regarding Individuals Submitting Programs

PANDA shall maintain a record of the use of the public access channel, which shall include the names and addresses of all persons using or requesting time on the channel. These records shall be available for public inspection for a minimum of two years.

Program Content Restrictions

The following restrictions apply to all public access programming. Programs may not contain:

- a) Solicitation, advertising, bartering or promotion of commercial products, services or transactions;
- b) Material that slanderous, libelous, an invasion of privacy or made unlawful;
- c) Material that is obscene;
- d) Material concerning lottery information, prizes or similar schemes;
- e) Unlawful use of materials requiring union residual, or to ownership or royalty rights, right to publicity, or other payment.

Political and Campaign Programming Guidelines

The PANDA channel and equipment are available for use of candidates for political offices on service area ballots on the same basis as any citizen.

If competing candidates submit programs, every attempt will be made to schedule these programs equitably.

Candidate messages may not include solicitation of contributions. PANDA will broadcast campaign and candidate programming commencing eight weeks prior to the scheduled election date. Programs will be scheduled to run up to four times per day, as schedule allows. PANDA recommends candidate programs be 3-5 minutes long, but not longer than 15 minutes. No political or campaign-related programming will be aired on the day of or day immediately preceding any election, special election, or public referendum.

Programs advocating for non-candidate ballot measures are subject to the same guidelines.

Representation of Authorizations

Channel Users must represent that they have obtained all necessary permission for material and individuals appearing in their programs. Channel Users are required to provide satisfactory evidence of such permission upon request by PANDA.

Sensitive Content

PANDA wants to provide a means of notifying parents or guardians when programming appears on the access channels that may be inappropriate for children. PANDA also wants to assist people in making informed viewing decisions while providing an opportunity for all forms of expression without censorship and in accord with existing laws.

Programs containing vulgar language, nudity, violence, degradation, or graphic depiction of medical procedures will be preceded by a message advising viewer discretion and may be scheduled during late night programming hours.

Channel Users shall be responsible for notifying PANDA if their program contains material requiring an advisory message. It is a violation of PANDA policy to submit for cablecast, programming that is obscene or otherwise made unlawful.

Charging for Time on the Access Channel

Time on the public access channel is available free of charge. Channel Users may not require compensation from individuals in exchange for appearing on a public access channel. Furthermore, channel time may not be bartered or sold.

Minors Submitting Programs

Minors submitting programs will be required to have a parent or guardian sign the user agreement.

Program Credits for Contribution of Goods and Services and Financial Support

Programs may contain credit for individuals, businesses or other organizations that have contributed goods or services used in the program production or provided financial underwriting for productions. Individual credits for such contributions are limited to fifteen seconds. Total credits for all contributions are limited to sixty seconds.

- a) Credit must only appear at the beginning and/or end of the program;
- b) Credit may be oral, visual or both;
- c) Credit may include a logo;
- d) Credit may include a phrase describing the business of the contributor and the nature of the contribution
- e) Credit may not contain any qualitative or promotional information or calls to action.

Solicitation of Funds

Solicitation of funds during public access programs is limited to non-profit organizations providing an IRS letter of determination indicating 501(c)(3) status.

Limits of Liability

PANDA is not liable for any mistakes, omissions or interruptions in the cablecast of programs. PANDA is also not liable if the program or material submitted is, lost or stolen while in its custody.

Program Scheduling

PANDA will, to the best of its ability, provide channel time as requested on a first-come, first-served basis subject to the policies and guidelines herein. PANDA will schedule programs within the parameters of overall programs composition and flow, taking into consideration audience building and the representative

diversity of programming on the access channel. PANDA will also exercise scheduling discretion to ensure access for new channel users, single programs, series of limited duration, special events and community emergencies.

PANDA will be guided in its scheduling decisions to ensure residents and organizations within the service area will have the highest priority in using the public access channel set aside for their benefit.

Series programs will run at regularly scheduled times and days, subject to schedule availability.

Government Programming

All timely Government programming from the service area shall take precedence over all other scheduled programs. Any canceled scheduled programs shall be rescheduled at the discretion of the Program Director.

Technical Specifications for Program Submissions

MP4 or MOV are the acceptable formats for program submissions. As technology changes frequently, contact the Program Director regarding acceptability of alternative or new formats and to arrange transfer to PANDA.

Use of PANDA Equipment and Facilities

Channel users are responsible for the care of any PANDA equipment they use. PANDA may require reimbursement for replacement or repair of property and equipment damaged by users. Persons who fail to pay for such reimbursements may be suspended or banned from use of the facilities and channel.

The PANDA channel and equipment may be used for production of non-commercial Public Access programming only. Commercial programming is strictly prohibited, and the equipment may only be used for Public Access programs intended to air on the PANDA channel.

Producers retain copyright to programs created with PANDA equipment and may use them elsewhere without restriction.

PANDA will make every reasonable effort to inform individuals about programming policies and prohibitions when a violation has occurred and to correct those violations. PANDA reserves the right to take any action with regard to our program scheduling and transmission to comply with applicable law and to ensure compliance with these policies, including but not limited to immediately suspending access rights.

Submitting false information in connection with scheduling a program will result in program cancellation and restrictions in scheduling future programs. Failure to provide programs as scheduled will lead to program cancellation and restrictions in scheduling future programs.