

CITY OF DUBUQUE
Dubuque Cable Access Policy and Procedures Guideline

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I. PEG ACCESS PROGRAMMING

The City of Dubuque defines types of programming for Public, Educational, and Governmental (PEG) Access Channels as follows:

A. PUBLIC ACCESS:

1. Any member of the public may produce and/or submit a program for broadcast, by completion of a broadcast request form and provider agreement form.
 - a. Each program must identify the producer (an individual or organization) of the program being submitted for broadcast. The program's producer must reside within Dubuque city limits or be sponsored by an individual/organization within city limits.
2. Requires disclaimer and identification of producer or sponsor:
 - a. A DISCLAIMER (which is the DISCLAIMER referred to throughout this text) will be added by City staff:

"THE VIEWS EXPRESSED IN THE FOLLOWING VIDEO PRESENTATION ARE THE SOLE RESPONSIBILITY OF THE PRODUCER(S) AND THUS DO NOT NECESSARILY REPRESENT THE VIEWS OR OPINIONS OF THE CITY OF DUBUQUE, THE MAYOR, CITY COUNCIL, OR CITY STAFF".
 - b. City staff will add a graphic before or following the program to identify the producer or sponsor, if not already included in the program.
3. Public Access programs will be scheduled at the discretion of City staff based on the following ranking of priority, from highest to lowest:
 - a. Programs with timely subject matter
 - b. Series program
 - c. Programs of any subject matter
4. Each program submitted for local public access shall be shown a minimum of two times.

B. EDUCATIONAL ACCESS:

Dubuque has two educational access channels, neither are operated by the City of Dubuque.

1. Programming produced or supplied by a recognized representative of an educational institution, public or private, such as:

- a. Dubuque Community School District
 - b. Holy Family School District
 - c. Clarke University
 - d. Emmaus Bible College
 - e. Loras College
 - f. University of Dubuque
 - g. Northeast Iowa Community College
2. Programming should include identification of sponsorship and producer responsibility.
 3. Each program submitted for local educational access shall be shown a minimum of two times.

C. GOVERNMENT ACCESS:

1. Programming supplied or produced by local government agencies.
2. City of Dubuque's Communications Office (CO) staff shall ensure that the following public meetings are routinely broadcast live and/or recorded for showing on local PEG access channel. Priority in taping and scheduling shall be in this order, as department resources allow:
 - a. City of Dubuque City Council
 - b. City of Dubuque Zoning Advisory Commission
3. Programming should include identification of sponsorship and producer responsibility.
4. Each program submitted for local government access shall be shown a minimum of two times.

II. PROGRAM CONTENT AND RESTRICTIONS

All programs being broadcast live or played back on PEG access channels must be in accordance with federal, state and local law. A program being broadcast live or played back on the PEG channel may not discriminate or include gambling, advertising, copyrighted materials, and other restricted materials as defined by the [FCC](#). If CO staff believes herein that a program may violate the guidelines stated, staff will remove the program in question from broadcast pending further evaluation of the content.

PROGRAM RESTRICTIONS:

A. GAMBLING. No program may promote or conduct any commercial lottery, raffle, contest or game involving prizes awarded in whole or in part by lot or chance.

B. SOLICITATION. The program may not solicit funds or other property of value from viewers.

C. ADVERTISING. The program may not be designed to promote the sale of commercial products or services.

D. OBSCENITY. Channel operators may not control the content of programming on public access channels with the exception that the operators may refuse to transmit a public access program, or a portion of the program, which the channel operator reasonably believes contains obscenity.

E. PRODUCTS OR SERVICE. The program may not discuss or show products or services made available by persons, corporations or institutions which have a commercial interest in the subject of the programs. It may, however, identify underwriters providing grants or contributions to defray the cost of programs. An acceptable identification format could include the following:

THIS PROGRAM HAS BEEN MADE POSSIBLE (IN PART) BY A GRANT FROM/BY
SUPPORT FROM (THE SPONSOR'S FULL NAME).

F. COMMERCIAL IDENTIFICATION. The program may not promote, or make reference to any products, service, trademark or brand name in any manner which does not in some way correlate with the message being brought forth in the program on the access channel.

G. MISREPRESENTATION. The program may not contain any material intended to defraud the viewer or designed to obtain money by false or fraudulent pretenses, representation or promises.

H. ILLEGALITIES. The program may not contain any material which constitutes libel, slander, defamation, invasion of privacy or publicity rights, unfair competition or violation of trademark or copyright or which may otherwise violate any local, state or federal law.

I. PROGRAM DISCLAIMER. The DISCLAIMER will appear preceding every public program that is submitted for broadcast.

J. APPROVALS, CLEARANCES. Producers must obtain in writing, and be able to produce upon request, all necessary approvals, clearances, licenses, etc. for the use of any program material to be broadcast. This includes, but is not limited to, approvals by broadcasting stations, networks, sponsors, music licensing organizations, copyright owners, performers' representative, and all persons featured in the program material, and any other approvals that may be necessary to transmit the program via public access channel.

I. POLITICAL GUIDELINES. Legally qualified candidates for public office desiring to use the PEG access channel must adhere to the following:

1. For municipal, state, and county offices, material is broadcast after the last official deadline for filing candidacy papers has passed, and ending at 6:00 p.m. the Saturday before the election.
2. The total amount of time allotted to any one candidate from public office to appear on the PEG Access Channel is one hour per month, excluding panel discussions or candidate forums.

III. VIDEO LABELING

All programs submitted for broadcast must be accurately timed and labeled on media face and storage case with the following:

- A. Producer's name.
- B. Producer's telephone number
- C. Producer's email.
- D. Series or program title.
- E. Program submission date.
- F. Program total run time.

IV. FORMAL GRIEVANCE POLICY AND PROCEDURE

Any person may present a formal written grievance related to PEG programming to the CO, in person or by mail and email. Copies will be forwarded to the Cable TV Commission. All formal written grievances require the following information in order to be processed:

- A. Name of all persons participating in filing of the grievance, or identification of a single "contact" person to whom the response should be presented by an individual in the event that a person claims to represent a group or organization.
- B. The current address of all persons participating in the filing to the grievance or of the designated "contact" person.
- C. Current name and phone numbers of all persons participating in the filing of the grievance or of the designated "contact" person.
- D. An indication of the time of day and location at which persons filing the grievance and/or the designated "contact" person can most likely be reached.
- E. The nature of the grievance clearly stated with relevant details as follows:

If the grievance is based on a policy or procedure, or program content, it must be filed within 10 working days of the last program air date, and it should include:

- a. An explanation of which policy or procedure is in question.
- b. The nature of the grievance against the policy or procedure.
- c. The recommendation(s) for change in policy or procedure that is believed needed.
- d. The date and the time of day of the grievance incident.
- e. The location where the grievance incident occurred.
- f. Once the grievance is received, CO staff will attempt to make an initial contact with the person(s) filing the grievance, or with the designated "contact" person.
- g. If the party reporting the grievance is not satisfied with the CO's decision, the filing party can then appeal to the Cable TV Commission. Appeal must be made within 10 working days of notice of CO staff's decision. If not satisfied with the Cable TV Commission, an appeal may be made to the City Manager. The City Manager's decision will be final and conclusive.
- h. Failure to follow the grievance policies and procedures as stated above may result in a delayed response to any grievance. Successive failure to follow grievance policies and procedures will relieve the City from any responsibility to respond to the grievance.

V. DIGITAL BULLETIN BOARD

- A. Members of the public and representatives of local non-profit organizations may use the public access channel's digital bulletin board free of charge for the purpose of promoting any non-commercial service or event.
- B. Information to be posted on the digital bulletin board should be submitted to the CO by email.
- C. CO staff reserve the right to edit materials to be posted for length, formatting and content.
- D. Messages should be submitted no later than two weeks prior to any timely event or promotion. CO staff shall use their best efforts to post Digital Bulletin Board announcements within five business days of receipt.

E. Messages from the public will be displayed through the event or for 60 days, whichever comes first.

F. There will be a limit of 10 public items on the digital bulletin board at any given time. These will be allotted on a first-come, first-served basis.

VI. GUIDELINES FOR ENFORCEMENT PROCEDURE

A. When the CO staff determines that there has been an apparent violation of any of the guidelines that have been previously mentioned in this document, staff:

1. Shall notify the user of the alleged violation and advise the user of her/his right to meet with CO staff before a final determination, including possible sanctions, is made. This notification will also be sent to the Cable TV Commission. The user shall be advised that her/his request for a meeting must be made to CO staff orally or by mail/email within two weeks of the date of the letter of notification.
2. May immediately suspend broadcast of a program, provided that the program contains alleged violations of procedures previously stated in these guidelines, or provided that continued broadcast of the program would create clear and substantial risk of legal liability for the PEG Access Channel. In the event of suspension of broadcast, the user shall be sent written notification of the alleged violation within 48 hours of the suspension. Copies of that notice shall be sent at the same time to all members of the Cable TV Commission. All other procedures for processing alleged violations, indicated in the following section, shall also apply.

B. After meeting with the user, or, if no meeting is requested, after two weeks from the date the user was notified of the infraction, CO staff may take no action or may take one or more of the following actions:

1. Suspend for a period, or revoke, in whole or in part, the user's right to use the PEG Access Channel.
2. Take such other action as is fair and reasonable.

C. No person shall have user rights suspended or revoked unless CO staff determines that the user's conduct is an aggravated infraction of any PEG Access Channel rules and regulations. In determining whether an infraction is aggravated, CO staff shall consider whether:

1. The user has been involved in previous infractions.

2. The infraction reflects a serious disregard by the user of the personal or property rights of others.
 3. The infraction was intentional or demonstrated a willful disregard for these rules and procedures.
- D. CO staff shall notify the user of a decision to impose sanctions as soon as possible. If CO staff suspends or revokes user rights and if CO staff determines that the user's conduct seriously endangered the person or property of others, the notice shall so state, and the revocation or suspension shall take effect immediately. Otherwise, sanctions shall not take effect until 20 days after the user is notified of CO staff's decision. The Cable TV Commission and City Manager shall be sent a copy of any notice required by this section. If the party is not satisfied with CO staff's decision, they may appeal the decision in accordance with Section IV of this policy entitled, Formal Grievance Policy and Procedure.
- E. Upon receipt of an appeal from a user, the Cable TV Commission shall include the matter in its agenda, granting priority over all the other agenda matters except for the appeals made under this section. That portion of a Cable TV Commission meeting at which an appeal is heard shall be open to the public and shall be recorded. At the meeting, CO staff shall describe any sanctions imposed and the basis for alleging a violation of the PEG Access Channel's rules. The user shall then be entitled to respond regarding the alleged violation and any sanctions. Both user and CO staff may present witnesses or evidence related to the alleged violation. Public comment will be taken at the discretion of the commission.
- F. If the Cable TV Commission determines that there is sufficient basis to justify CO staff's determination of a violation of the Public Access Channel's rules, then that determination shall be affirmed. The Cable TV Commission may modify CO staff's determination, or any sanctions imposed or may make a new determination or impose new sanctions. If the Cable TV Commission determines there was no violation of the PEG Access Channel's rules, the Cable TV Commission shall remove any sanctions.

IX. CHARGES FOR COMMUNICATIONS DEPARTMENT SERVICES

- A. There will be no charge for playing videos over the channel.

X. OFFICIAL USE AND AVAILABILITY OF DUBUQUE PUBLIC ACCESS PROGRAMMING

- A. At the discretion of CO staff, public meetings, special events, and programs that may be deemed of significant importance maybe digitally archived by the City of Dubuque. CO staff will determine the length in which a program will be digitally retained on a program-by-program basis.