# KNOXVILLE COMMUNITY MEDIA PRODUCER HANDBOOK

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# KNOXVILLE COMMUNITY MEDIA PRODUCER HANDBOOK

## PREFACE

This document presents the policies and procedures that govern the operation of Knoxville Community Media (KCM), all of which are intended to encourage maximum participation by community residents and groups in the City of Knoxville and Knox Co. in a fair and equitable manner. The KCM Board of Directors may revise policies and procedures in the future in response to the needs of the community and available resources. Policies and procedures described in this document supersede all previously issued policies issued by KCM, as well as any expressed or implied representations previously made by the staff or Board of Directors of KCM. The most current version of these policies is also published on the KCM web site.

KCM policies are guided by: The Constitution of the United States of America; The Cable Communications Policy Act of 1984, as amended; the Cable Consumer Protection Act of 1992, as amended; the Telecommunications Act of 1996; other applicable federal and state laws and court decisions; KCM's Bylaws; KCM's Service Contracts with the City of Knoxville and Knox Co.; and Cable Franchise documents for the City of Knoxville and Knox County.

## WELCOME TO KCM

**1.01 MISSION/HISTORY** The mission of KCM is to serve the community by providing a **public forum** for local residents, non-profit organizations, and government. With a distinguished history of service to the community since **1975**, KCM is the largest provider of public access in East Tennessee. In **1986**, it became chartered as a nonprofit **501(c)(3) corporation**.

Accessible to more than 100,000 cable subscribers 24 hours a day, KCM serves a wide constituency, including **community residents, neighborhood groups, nonprofit organizations,** and **local government agencies**. KCM provides informative, educational, and cultural programming not available anywhere else on television. Programs and services include **technical training** and access to the **facilities and equipment** necessary to produce **cable television programming** of interest and concern to our constituents.

Cable Channels on which KCM may be viewed in Knoxville and Knox Co. include Comcast 12, Charter 193 and WOW! 6. It is available to stream on our Roku and Amazon Fire channels as well as KUB TV 1019 and 24/7 live streaming at knoxcm.org.
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**Funding** for KCM is derived from contracts between KCM and the City of Knoxville and Knox County to provide Public and Government Access, and grants from participating cable service providers.

**1.02 NON-DISCRIMINATION** No individual will be denied access to **KCM equipment, facilities,** or **channel time** on the basis of race, sex, sexual orientation, age, physical disability, religious or political belief, ability to pay or due to the nature of the programming interest.

## USING THE ACCESS CENTER

**2.01 PRODUCER ROLES** KCM welcomes video programming produced by **community residents, local non-profit organizations, and local government agencies**. Volunteer community producers who assume the role of **Executive Producer** are responsible for coordinating the efforts of everyone involved in the programs associated with their project and legally responsible for the content of each program. Other volunteer community producers who assist in the production assume the role of **Crew**. They too, have a responsibility to adhere to all procedures and content guidelines. Producers may only produce one show. Producers are responsible for the actions of their crew and guest and to ensure they follow the guidelines established in this handbook. Producers and Crew are responsible for reviewing the Producer Handbook, completing the Producer Agreement, and paying the membership fee before they can participate.

**2.02 ELIGIBILITY** **Executive Producers** must: (a) be a **current resident** of **Knoxville or Knox County**, (b) be **at least 18 years of age**, (c) have a current Tennessee driver's license, or other acceptable **proof of identity**, (d) sign a **Producer Agreement Form**, and (e) pay a very small $25 per quarter media access fee. Quarterly payments are due on the 1st of January, April, July, and October. Fees paid via PayPal will be subject to a $5 processing fee. Payment of the fee includes any necessary training and use of all KCM studios, portable equipment and editing suites at no extra charge.

**Crew** must: (a) have a current Tennessee driver's license, or other acceptable **proof of identity**, (b) sign a **Producer Agreement Form**, and (c) pay a very small $25 per quarter media access fee. Quarterly payments are due on the 1st of January, April, July, and October. Fees paid via PayPal will be subject to a $5 processing fee. Crew members do not necessarily have to

be residents of Knoxville or Knox County. If they are under the age of 18, an adult must co-sign the Producer Agreement Form and Equipment Reservation Forms associated with portable equipment checkouts.

Producers living in surrounding counties (Union, Grainger, Jefferson, Sevier, Blount, Loudon, Roane, and Anderson) are non-residents of Knox County and must pay a $75 per quarter access fee to participate as a Producer. Quarterly Payments are due on the 1st of January, April, July, and October

**2.03 KCM/PRODUCER RELATIONSHIP** KCM is a private non-profit corporation. Community producers are not agents or employees of KCM. At **no time** may any individual or organization identify or represent himself or herself as an **employee** or **agent** of KCM unless they are hired by KCM. Community producers create programming for themselves or the organization they represent. Except as described in these policies and procedures, KCM exercises no control over their activities. Producers must **not** promote their programs as being produced **"for KCM."** Rather, they should indicate that their programs **"will be seen on KCM."**

**2.04 LOCATION/HOURS OF OPERATION** KCM is located on the ground floor of the First Horizon Plaza in downtown Knoxville, Tennessee.

**Mailing Address** and other **Contact Information** is as follows:

Knoxville Community Media
800 South Gay Street, Suite P-336
Knoxville, TN 37929

Phone: (865) 215-8848

E-mail: media@knoxcm.org

**Regular Operating Hours** are as follows:

| | | |
|---|---|---|
| Office Hours | 9 am – 5 pm | Mon – Fri |
| Media Drop Off (window slot) | 24 hours/day | Mon – Sun |
| Portable Equipment Checkout & Return | by reservation | Mon – Fri |
| Studio Facility Use | by reservation | Mon – Fri |
| Edit Facility Use | by reservation | Mon - Fri |

During severe weather, (snow, tornado, thunderstorms, etc.), hours may vary. Generally, when Knox Co. Schools are closed due to severe weather, KCM is also closed. Be sure to call ahead before coming.

## TRAINING

**3.01 GETTING STARTED** If it is necessary to operate any KCM owned equipment (cameras, studios, computers, etc.), to produce a program, community producers must first participate in appropriate **production training workshops** and/or be **certified** by KCM staff as trained to operate the equipment. Workshops are designed to ensure that producers understand their **rights and responsibilities** as producers and familiarize them with **policies, procedures** and **proper use** of the equipment. Any community producer who pays the annual video access fee is eligible to take any KCM workshop.

It may or may not be **necessary** to take a workshop to produce programming for KCM, depending on whether you want to use KCM equipment. For example, if you wish to record a video using your own cell phone or camera, you may do so without taking a workshop. Participation in a workshop is only necessary if you plan to use KCM equipment to shoot or edit the program.

Workshops are usually presented in **two or three 2-hour sessions** by appointment at times that are convenient for the producers **(Mon – Fri, between 10 am and 6 pm)**.

**3.02 STUDIO PRODUCTION WORKSHOPS** During **two or three 2-hour sessions**, participants are introduced to our studio production equipment, including how to operate the cameras, lighting techniques, graphics, directing, audio, and on-camera presentation. Rules and procedures related to studio use are also reviewed. To register for a studio production workshop, a crew of up to 4 volunteers must be assembled by the Executive Producer.

**3.03 PORTABLE EQUIPMENT WORKSHOPS** During **one or two 2-hour sessions**, participants are introduced to the use of Zoom recorders and portable video cameras and techniques for producing programs on location, including basic operation of cameras, external microphones, tripods, and the importance of lighting. Rules and procedures related to

portable equipment checkouts are also reviewed. To register for a portable equipment workshop, a crew of up to 4 volunteers must be assembled by the Executive Producer.

**3.04 DIGITAL EDITING WORKSHOPS** During **two or three 2-hour sessions**, participants learn how to trim and adjust video clips and add transitions, graphics, background music, voice-overs, and other effects. Digital editing workshops are usually taught one-on-one.

## USE OF PRODUCTION EQUIPMENT

**4.01 GENERAL GUIDELINES** The primary intent for the use of KCM facilities and equipment **must** be to create programming that **will be seen on the cable channel**. KCM equipment shall not be used in any way for **commercial promotion, personal profit, or remuneration**. Violation of this policy may result in suspension or revocation of access privileges.

Producers are encouraged to seek **technical assistance** from the KCM team during the pre-production planning of their programs. The team is discouraged from providing creative assistance related to the actual **content** and is not permitted to produce your program for you. We are permitted to provide suggestions related to specific equipment, techniques, and planning that could be used to help ensure a successful project.

KCM production equipment and facilities are made available at no additional cost on a **first-come, first-served basis** to producers who have paid their quarterly or annual video access fee and have been certified to operate KCM equipment. Under no circumstances may KCM equipment be transported **outside of Knox Co.**, Tennessee. Regional exceptions MAY be granted by the Executive + Creative Director.

**4.02 EQUIPMENT AVAILABILITY AND USE** All equipment and facilities must be reserved prior to use. Reservations may be made by phone or in person on a first-come, first-served basis. If a **reservation** must be **changed or canceled** for any reason, it is important to notify the KCM team as soon as possible. Producers who repeatedly make reservations but fail to fulfill their commitment to notify when exceptions arise may lose access privileges. Producers are also responsible for making sure facilities are left in good order and any equipment malfunctions are reported to the KCM staff. Persons under the age of 18 must be under **adult supervision** at all times while using KCM facilities or equipment.

Trained community producers who are at least 18 years of age may check out **portable equipment**. An **Equipment Reservation Form** must be signed**,** accepting financial responsibility for any equipment that is lost, stolen, or damaged while in their possession. If a producer under the age of 18 wishes to check out portable equipment, an adult must always sign the **Equipment Reservation Form** and provide **adult supervision** while equipment is being used. Under no circumstances may KCM equipment be transported **outside of Knox Co**. Regional exceptions MAY be granted by the Executive + Creative Director. KCM reserves the right to adjust equipment use policies based on user demand and the availability of production equipment.

**4.03 COMPUTER EQUIPMENT** KCM may authorize confidential logins and passwords on computer equipment, but producers should have no expectation of **privacy or security** of the material loaded or stored on such equipment. Producers are strictly prohibited from **loading (or off-loading) software** of any kind without approval from the management. Except for KCM-owned cameras, producers are prohibited from **attaching any other cameras** to KCM computer equipment without staff assistance. Absolutely no **other peripheral equipment** may be attached to KCM computers without approval from the Executive + Creative Director. KCM may monitor access to computer equipment to ensure the **security and operating performance** of its systems and networks and enforce KCM policies. While KCM does not routinely review the content of raw video footage or finished programs, viewing of video files may occur for the reasons specified above.

**4.04 MEDIA FILES AND DVDs** Due to the high volume of media files, (both, digital & physical), that pass through the facility, KCM cannot be responsible for the **security of media** owned by producers that is left at the facility. If media owned by a producer is left at the facility, it should **not** be the **only copy**. Media left at KCM for longer than 30 days may be deleted.

# PROGRAMMING AND CHANNEL USE

**5.01 LOCAL PROGRAMMING** KCM only accepts local programming produced by residents of Knoxville or Knox Co. Local programming is defined as programming that contains no more than 10% of material produced by non-residents of Knoxville or Knox Co.

**5.02 PROGRAM RIGHTS** Pursuant to the **Producer Agreement Form** signed by each producer, KCM is **licensed to broadcast** all submitted material. All content produced using KCM equipment must be for the purpose of airing on the access channel. KCM owns the **copyright** to all material produced using KCM equipment (studios, portable equipment, computers, etc.). Any **outside use** of material produced using KCM equipment, (other than personal home viewing or educational use), must first be approved by Executive + Creative Director. This can be accomplished by submitting a written request to the Executive + Creative Director.

**5.03 KCM PRODUCED PROGRAMS** As a general rule, KCM does not grant permission to make **copies** and/or publish **derivative works** (clips or otherwise edited versions) of programs for which KCM owns the copyright, including coverage of government meetings. With written approval from the Executive + Creative Director, unedited copies of KCM-produced programs may be allowed under certain conditions (including government meetings).

**5.04 PROGRAM LIABILITY** Executive Producers agree to **indemnify and save harmless** KCM, the City of Knoxville, Knox County, Comcast/Xfinity, WOW!, Charter, KUB TV, ROKU, Amazon Firetv, and any members of their staffs, Boards of Directors, officers, or stockholders, from any and all claims, demands, damages, or other liabilities which may be made against or arise out of the broadcast of the program submitted to them, whether or not the program has been reviewed by KCM prior to broadcast; and to pay KCM, the City of Knoxville, Knox County, Comcast/Xfinity, WOW!, Charter, KUB TV, ROKU, Amazon Firetv, any and all **legal fees and expenses** incurred by it in connection with any legal proceedings concerning broadcast of such programs, as such legal fees and expenses arise.

**5.05 PROGRAM CONTENT** KCM encourages community producers to exercise the **responsible expression** of their 1st Amendment rights. Executive Producers must be at least 18 years of age and are **solely responsible and legally accountable** for the **content** of their programs and as such may be subject to prosecution for the broadcast of illegal material. Executive Producers are required to complete a **Producer Agreement Form** in which the Executive Producer accepts responsibility for the content of the program and provides KCM with a **contact telephone number** through which the Executive Producer can be reached for **viewer comments**. This phone number will be made available to anyone who request it.

The following are absolutely prohibited for any and all programs or messages cablecast on the access channel administered by KCM:

1. **Contests** that involve directly or indirectly the elements of a **lottery, gift, enterprise, or similar scheme,** offering prizes dependent in whole or in part upon **lot or chance**. Reference section 76.213 of the rules of the Federal Communications Commission.
2. Material which would subject the producer or supplier to civil or criminal prosecution under any applicable local, state, or federal law for production or presentation of **obscene or erotic material, slander or libel, invasion of privacy**.
3. Material soliciting or promoting **unlawful conduct**.
4. Material that is copyrighted or subject to **ownership or royalty rights, union residuals, or other payment** (e.g. music, written works, photographs, film, video) unless the producer has obtained all necessary permission, releases, licenses and made all necessary payments to authorize broadcast of any such material. Original evidence of such payment or permission must be produced.
5. Promotion of any **business, product, service, private school or commercial event**.
6. Direct solicitation of **funds**.
7. More than 10% of **imported programming content**, including any copyrighted material for which permission for use has been obtained.
8. Promotions and endorsements on behalf of **political candidates**.
9. Promotion or mention of any **website** owned or managed by a **for-profit entity** (company or individual).

If a court order is issued against a program or series for any reason, the broadcast of that program or series will be suspended pending the legal decision.

**5.06 POTENTIALLY OFFENSIVE PROGRAMMING** The following guidelines are not intended to discourage free expression. They are intended to achieve a balance between the First Amendment right to free speech and the cable subscriber's right to be protected from unwanted viewing of offensive material.

**Content.** KCM policy is to refrain from the broadcast of programs that are obscene under federal or Tennessee State Law. KCM may, however, broadcast programs that are identified as "potentially offensive" based on the certain categories. KCM's Board expects that these guidelines will change in the future based upon actual experiences with specific programs.

A program that contains any of the following will be considered "potentially offensive to some audiences" and will only be broadcast with a viewer warning during a late nighttime slot.

- **Language:** slang, vulgar or colloquial expression which refers, in the context in which it is used, to sexual intercourse, masturbation, anal or oral sexual contact, to human genitals, or to human elimination; or abusive language against men or women, ethnic groups, religious groups, sexual orientation, or persons with disabilities.
- **Sexual Activities**: images or depictions of the Specified Sexual Activities defined in Article XII, Section 16-468 of the Code of Ordinances of the City of Knoxville.
- **Anatomical Areas:** depictions of the portions of the human body defined as Specified Anatomical Areas in Article XII, Section 16-468 of the Code of Ordinances of the City of Knoxville, and that appeal to the prurient interest.
- **Violence:** extreme acts of violence against actual people; or a depiction of extreme violent acts in dramatic and/or poetic manners.
- **Graphic Images:** images or depictions of human or animal elimination and/or mutilation; images or depictions of graphic medical surgical procedures; or images or depictions abusive against men or women, ethnic groups, religious groups, sexual orientation, or persons with disabilities.

**Program Agreement Form.** Each Executive Producer is responsible for certifying to KCM on the Program Agreement Form whether their programming contains any "potentially offensive" material according to the above guidelines. Should any Executive Producer fail to properly disclose the "potentially offensive" nature of a program, KCM has the right to suspend or terminate the producer's privileges. Any suspension or termination of privileges will include both the Executive Producer and all other persons associated with the program. In addition to the foregoing factors, KCM also has the authority to determine classification as potentially offensive based on items which may not be listed above.

**Mature Audience Rating.** All programs identified as Potentially Offensive Programming (POP) will bear the "TV-MA" (TV – Mature Audience) rating. No program identified as POP will air until such time as the cable interactive program guide has identified and marked the timeslot for that program as TV-MA.

**"Late Night" Time Slots.** Programming containing potentially offensive programming will be broadcast during "Late Night" Time Slots between midnight Friday until 4 am on Saturday.

**Viewer Advisory Message.** If a live program is intended for a general audience, and measures are taken to prevent indecent language to no avail, scheduling of replays as adult programs can be avoided by editing out vulgarities. If indecent language cannot be deleted, then the producer must add a Viewer Advisory Message to the program and any subsequent replays will occur in "Late Night" time slots. The Viewer Advisory Message (audio and video) shall be broadcast and/or edited on the video for 30 seconds to 60 seconds prior to the start time of the program. Viewer warnings may also be required in the body of long (60 minutes or greater) programs. KCM retains the right to place Viewer Advisory Messages before any program.

**5.07 PROGRAM SCHEDULING** KCM welcomes community producers who submit **single programs** for air on the channel and other community producers who provide **multiple episodes** of regular *series* programs. Time slots on the channel are randomly assigned to producers of regular series who have met the minimum requirements pertaining to the number of episodes that must be submitted in order to maintain a regular time slot.

**Master Schedule** Two different master schedules are created each year; one for the first half of the year (Jan – Jun) and one for the second half (Jul – Dec) for 2 important reasons: (1) to be fair to everyone, and (2) to help everyone reach a wider audience. Time slots are randomly assigned within each of these schedules around other fixed time frames *(regular government meetings, live programs, etc.)*. New regular series that begin after the program schedules have been created and other *non-series* programs are awarded time slots at the discretion of the Management based upon program length and availability.

**Regular Time Slots** Regular time slots are awarded to Community Producers who commit to providing new programming on a regular basis. For regular weekly shows, it is expected that a new program will be created for each week. Most producers create and submit 4 episodes at a time to stay ahead of scheduling deadlines. The *minimum* requirement to

maintain a regular weekly time slot is to submit an average of at least 2 new episodes per month. Programs must be submitted at least two business days before they air. Programs not delivered in accordance with this schedule may be delayed. Regular time slots may not be bartered or sold. Producers should not assume time slots traditionally associated with "prime time" on commercial television are equally desirable on community television. In fact, prime time on commercial television may be considered *less* desirable because of competition. All programs aired on KCM may also be viewed at any convenient time by visiting archive.org.

**Repeats** Executive Producers of a regular series of programs may repeat a previously aired episode twice during their regular time slot but airing of such programming is always at the discretion of KCM. The "repackaging" of previously aired program material (changing the program title, rearranging scene sequences, using clips from old programs, etc.) does NOT constitute "original" programming. Programs containing more than 10% of such material shall NOT count as original programming for the purpose of airing, reporting, or count toward the required number of new programs needed to maintain a regular time slot.

**5.08 ADVERTISING** Programming submitted by community producers shall not contain any advertising, promotion, or endorsements of any business, product, service, private school, or commercial event in any context that involves the producer's promotion, endorsement, approval or recognition of such. Except as expressly permitted below, this includes mentioning or displaying the names, logos, phone numbers and locations of such.

**5.09 UNDERWRITING** Producers may not require compensation or consideration of any kind from individuals or businesses in exchange for appearing on their programs or promotion of any kind. Credit for underwriting support, (limited to goods or services provided to make the production possible), may only appear at the conclusion of the program using graphics on a full or partial screen with a plain background, or using a voice-over for a maximum of 10 seconds. The underwriting support message shall be limited to the following: "Support for this program has been provided in part by . . . underwriter name(s)." Underwriters shall not be recognized during the body of the program.

**5.10 COMMERCIAL AFFILIATIONS** Producers and guests with a commercial affiliation who appear on KCM programs may be verbally identified once at the beginning of the program, and once at the end by name and qualifications only. Graphics displayed throughout the program may contain only the name of the individual, or individuals, not their affiliation. Under no circumstances should reference be made to any commercial entity that employs, or is owned in any way by, the producer or guest. Violation of these policies may result in suspension or revocation of access privileges.

**5.11 POLITICAL PROGRAMMING** Any program describing or endorsing declared political candidates or describing ballot issues that is directly related to a current campaign is considered "Political Programming." Programs which include appearances by incumbents acting in their current elected or professional capacity are not included in this definition. Each political program produced by KCM and for which KCM has direct editorial control (e.g., "Candidate Focus") will be nonpartisan and will provide an equal opportunity for all candidates or parties concerned to participate. If a candidate or issue representative declines to participate, KCM will not be obligated to provide other opportunities. KCM encourages local community producers to provide like opportunities when they produce programs about political candidates or ballot issues.

**5.12 LIVE PROGRAMMING** Live programming is available from the KCM live studio, using video conferencing such as Zoom, and from the Assembly Rooms at the City/County Building. Requests for live programming must be approved by the management at least 30 days in advance of the program date. The proposed live time slot must be available. If the proposed time would preempt a regularly scheduled program, the Executive Producer of the live program must have written approval from the Executive Producer of the program that would be preempted. It is up to the Executive Producer to negotiate this approval. A live video access fee of one dollar twenty five cents($1.25) per minute will be charged for all live programming. This fee must be paid to KCM prior to air. Events that KCM is contractually required to cover for instance, government meetings may never be preempted for other programming.

Executive Producers of LIVE programs may earn and maintain a reserved time slot for a regular weekly series under the following conditions:

- The regular series must be produced during normal operating hours.
- Four (4) pilot episodes must be produced during four (4) consecutive weeks to earn the time slot.
- Successive episodes must be produced every week thereafter, with no more than one exception per month.
- More than one exception in a month will result in loss of the "reserved" status of the weekly time slot for 6 months.
- KCM reserves the right to preempt live series programs when necessary.
- A Live Fee ($1.25/minute) must be paid for ALL live programming prior to air.
- Pre-recorded episodes may be aired in the time slot on occasion, but the Live Video Feed must still be paid.

**5.13 COMMUNITY ENGAGEMENT CALENDAR** KCM proudly hosts a graphics-based Community Engagement Calendar for local nonprofit organizations to promote programs, services, and upcoming events. Over the years, it has become the most comprehensive, regularly updated community calendar in our region, airing on our channel between scheduled programs and at other convenient times throughout the day and night, to reach the widest audience possible. There are only two (2) REQUIREMENTS a nonprofit organization must meet to post announcements on our calendar:

1. Official Proof of the organization's nonprofit status must be provided. The *preferred* proof is a copy of your federal or state nonprofit determination letter.

2. Payment of a small $30 quarterly Calendar Access Fee (16% discount available if paid annually), allowing the organization to post up to 4 different announcements per month.

**5.14 EDUCATIONAL ACCESS** KCM is responsible for the oversight of a second channel (Comcast 10) that exists to deliver arts and educational programming to the community. The programming on this channel is dedicated to arts and educational programming produced by groups, individuals, or by collaboration with KCM in the following categories:

1. Arts Organizations
2. Nonprofit Organizations
3. Cultural Organizations
4. International Organizations
5. Universities and Colleges
6. Knox County Schools
7. Museums
8. Historical Societies
9. Other Relevant Groups in our City, County, and Region

**5.15 Parking** Producers may park at a location of their choice. KCM provides parking vouchers to cover costs incurred while producers are physically in the studio producing their show. These vouchers are valid for use at the Dwight Kessel Garage, located at 900 State Street, 37902.

## SUSPENSION OF PRIVILEGES

**6.01 GENERAL STATEMENT** In order to ensure that KCM equipment and facilities remain in good working order and are used in such a manner as to fulfill KCM's contractual obligations to our funding jurisdictions, KCM reserves the right to refuse on a temporary or permanent basis or otherwise initiate disciplinary or legal actions against individuals or organizations that violate the Code of Conduct or otherwise interfere with or jeopardize KCM operations or otherwise violate these Operating Policies. Suspension/termination of privileges may be appealed to the KCM Board of Directors.

**6.02 CODE OF CONDUCT** Individuals and organizations using the KCM facilities and channel must agree to abide by all KCM policies regarding the use of equipment or channels for the production and presentation of their programming. In addition, they are expected to respect the rights and dignity of the staff and other individuals in the facility. Conduct that discriminates against or degrades any person will not be tolerated. A reasonable standard of courtesy and respect must be observed. KCM reserves the right to restrict any person from using KCM facilities for violation of this or other policies that result in the disruption of KCM activities and operations. Executive Producers are responsible for the actions of their crew and parents/guardians are responsible for supervising their children while in the facility. Violations of KCM policies by crewmembers may result in disciplinary action for the Executive Producer and the entire production crew.

In addition to the Code of Conduct, individuals who use the KCM facilities and/or channel must agree to abide by the following rules. Specific violations are set forth in writing in order to provide notice to all who use KCM facilities. They are not designed to define violations in exhaustive terms. Individuals may be accountable to both civil/criminal authorities and KCM for acts which constitute violations of law on or off the premises. Individuals shall be subject to disciplinary action for violation of any provision of the KCM policies.

The following acts are prohibited:

1. **False information:** Intentionally providing false information to KCM for the purpose of obtaining services, access to channel time, or to avoid determination of facts in accordance with any KCM investigation or hearing.
2. **Misrepresentation:** Intentional misrepresentation by a producer as a KCM employee, representative, or agent.

3. **Use of KCM Name/Logo:** Unauthorized use of the KCM logo, name, motto, or symbols for any purpose without prior consent by the KCM management.
4. **Unauthorized Use:** Using facilities or equipment for private, commercial, or any purpose other than production of programming for broadcast.
5. **Destruction of Property:** Intentionally and/or recklessly destroying or damaging KCM property or the property of others on KCM premises or at KCM sponsored events or activities.
6. **Lewd Behavior:** Engaging in lewd, indecent, erotic, or obscene behavior on KCM premises or at KCM sponsored activities.
7. **Dangerous Behavior:** Engaging in any behavior which endangers the safety of persons or property at the access center.
8. **Harassment, Threats and/or Physical Harm:** Engaging in threats, intimidation, harassment (including sexual harassment), or physical harm toward others on KCM premises, during broadcasts, or at any KCM-sponsored events or activities is strictly prohibited. This includes ongoing disparagement of KCM employees.
9. **Disrupting KCM Functions:** Intentionally and/or recklessly interfering with the normal KCM operations or with KCM sponsored activities.
10. **Unlawful Acts:** Engaging in any unlawful act while on KCM premises.
11. **Illegal Drugs:** Use, possession or distribution of any controlled substance or illegal drug on KCM premises or at KCM sponsored events.
12. **Smoking:** Smoking is prohibited inside the KCM facilities.
13. **Theft or Conversion:** Deprivation of another person's property including KCM property or services without that individual's or KCM's authorization.
14. **Trespassing:** Unauthorized entry into restricted areas.
15. **Landlord Violations:** Violating the policies of the facility landlord or Public Building Authority.
16. **Weapons, Firearms, Explosives & Dangerous Chemicals:** Use or possession of any weapon, explosives, dangerous chemicals, substances or instruments or other weapons, as defined by state law, which may be used to inflict bodily harm on another individual or damage upon KCM premises or KCM sponsored events is prohibited, except when being displayed or demonstrated in conjunction with a bona fide production, for which permission has been granted by the KCM Executive + Creative Director.

Community producers are encouraged to remember that continuous negativity toward the organization will not lead to positive change. While some individuals may have concerns about our facility, equipment, or management style, we take pride in our 50-year history of serving the community. While everyone is welcome to voice their concerns directly to our management or board (as outlined in Sec. 7.01), it's important to note that ongoing disruptive behavior may be considered a violation of our prohibited acts policy (Sec. 6.02).

**6.03 DISCIPLINARY ACTIONS** Engaging in any of the acts described in THE PREVIOUS SECTION may result in immediate and permanent revocation of access privileges. KCM Executive + Creative Director and Board of Directors will determine the termination or length of any suspension based on circumstances surrounding and the severity of the incident(s) that resulted in the suspension. Services may also be suspended or prohibited to individuals for criminal activities off-site that may pose a danger to KCM or its operations. Suspension or termination of privileges may be appealed to the KCM Review Board.

The following will certainly result in immediate and permanent revocation of access privileges:

1. **Physical assault** of a KCM employee or other individuals.
2. **Theft, Vandalism, or Willful Damage** of KCM facilities or equipment, or the property of other individuals while at KCM facilities or events.
3. Providing **False Information** to KCM regarding identity or other required information, including falsification of legal agreements required for use of the KCM facilities and channels.
4. Repeated verbal or physically **Abusive Behavior**.

## BOARD OF DIRECTORS

**7.01 BOARD COMPOSITION** Controlled by a Board of Directors, KCM is a private, **501(c)(3) non-profit organization** serving as the public, educational and government access channel for the City of Knoxville and Knox County. All Board Member nominees must be approved and appointed by Resolution of City Council as follows:

- 1 director shall be appointed by the City Mayor from the Mayor's staff
- 1 director shall be appointed by City Council to represent the Council on the Board

- 1 director shall be the Chairman of the Cable Television Committee of the Knox County Commission, or the Chairman's designee
- 3 directors shall be nominated by the Executive Director from the community volunteers involved in the production of television programs through the public access channel
- the remaining directors shall be nominated by the Board of Directors based upon expertise and specific needs

The appointed directors enumerated above may nominate additional directors. When the board is composed of 6, 7, or 8 members, two of those members shall be appointed among the active producers of KCM. When the Board is composed of 9, 10, or 11 members, three of those members shall be appointed among the active producers of KCM.

**7.02 ADDRESSING THE BOARD OF DIRECTORS** Persons wishing to address the Board must notify the Board in writing in advance of their intention to be heard. They will be heard at the end of the scheduled board meeting, unless they are speaking to a specific agenda item.

## DISPUTE RESOLUTION & THE REVIEW BOARD

**8.01 DISPUTE RESOLUTION AND THE APPEALS PROCESS** All disputes should first be directed to the Executive Director in writing. It is hoped that disputes can be resolved by a good faith effort to reasonably discuss the problem to arrive at an acceptable solution for everyone involved. When this is not acceptable or practical, a user may file a formal written request with the Executive Director to call a meeting of the KCM Review Board. If an individual wishes to file an appeal to a staff decision, they should file a written formal request and return it to the Executive Director within 30 days of the staff decision. The Executive Director will notify the Review Board and set a meeting date within 30 days of the receipt of the request. The appellant will be given the opportunity to address the Review Board during the meeting. Decisions of the Review Board may be appealed by requesting a review by the KCM Board of Directors using the same process described above. Decisions of the KCM Board of Directors are considered final.

**8.02 REVIEW BOARD** The Review Board deals with dispute resolution relating to member status, production guidelines, and channel use. The Review Board is a committee comprised of 3 KCM Board members.

The responsibilities of the Review Board include, but are not limited to:

- Appeals for producers whose privileges have been suspended
- Review of programs for adherence to KCM policies
- Appeals for programming denied for broadcast
- Response to viewer complaints not otherwise resolved by KCM staff
- Review of procedures for compliance with operating policies
- Advise staff on policy interpretation for specific cases

Review Board meetings require a quorum of three. Decisions of the Review Board are made by majority vote. Minutes of all Review Board meetings will be sent to the Board of Directors. Vacancies will be filled by the KCM Board of Directors for the duration of the unexpired term.

## DEFINITIONS

**"First Amendment of the Constitution of the United States of America" –** Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

**"Channel"** refers to the channel(s) administrated by KCM on any video service provider's system operating in Knoxville or Knox Co., including on cable TV and streaming on the Internet.

**"Video"** refers to any pre-recorded program submitted to KCM for air, regardless of format or media upon which it is recorded.

**"Equipment"** refers to any and all equipment available for the production of community access programming.

**"Facilities"** refers to the property not directly related to the production of community access programming currently under control of KCM.

**“Broadcast”** refers to the transmission of a project, program, and/or other material through any medium including, but not limited to, cable TV, Internet streaming, and/or transmission of any other type.

**"Resident"** is defined as an individual whose principal abode (e.g. home, house, apartment, facility, structure, etc.) within which the individual lives the majority of the time located in the City of Knoxville or Knox Co.

**"Producer"** refers to a person who has paid their access fee for the current year and “certified” having successfully completed applicable KCM training or having demonstrated sufficient knowledge of the facilities and equipment available to them, and having signed a Producer Agreement Form.

**"Executive Producer”** refers to a community resident who has paid their access fee for the current year as a KCM producer, acknowledged their specific role in the production of a project, and signed a KCM Producer Agreement Form, accepting full responsibility for the content of all programs associated with that project.

**"501(c)(3) Nonprofit Organization"** refers to any organization that is recognized by the IRS as a 501(c)(3) tax-exempt organization and is also registered with the State of Tennessee as a non-profit corporation.

**"Imported Programming"** refers to programming produced by someone other than a resident of City of Knoxville or Knox Co.

**“Advertising"** refers to any material designed to promote any commercial service, business, or product.

**"Indecent Material"** is defined by the courts as the repetitive and deliberate use of language or material that depicts or describes, whether directly or by innuendo, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs. For example, extreme physical violence or degradation, nudity, graphic depiction of medical procedures, and repetitive use of profanity would be considered "indecent." Profanity includes, but is not limited to, words such as those identified in FCC vs. Pacifica.

**"Obscene"** is defined by applying the “Miller Test”: (a) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

**“Single Program**” refers to an individual program that is not part of a series.

**“Program Series”** refers to a project with multiple episodes with at least two new, never-before-aired episodes each month**.**

**"Late Nighttime Slot"** shall refer to timeslots between midnight Friday until 4 am on Saturday.