

# Access Framingham

P.O. Box 2884, Framingham, MA 01703 | Tel. 508-875-5434 | info@accessfram.tv

## Complaint Form

If you see program content that violates Framingham Public Access Corporation's Member Policies and Procedures, please be specific and clarify what the violation is and when and where it occurred. If possible, include a snapshot of any violating image. Be sure to sign your name and include your contact information. All complaints will be carefully reviewed and measured against applicable law, policies and standards. For more about the complaint or grievance process, please see the Member Policies and Procedures, available online on the Documents page of the Access Framingham website at <http://accessfram.tv>. Some relevant policies are also listed on page 2 of this form. You may also email complaints to info@accessfram.tv.

I hereby lodge a complaint against (name) \_\_\_\_\_ . This person is the (check applicable)

producer     sponsor of (program title) \_\_\_\_\_

which was cablecast by Access Framingham at (time) \_\_\_\_\_ on (date) \_\_\_\_\_ .

This program contained (description of violating images and/or **exact quote** of violating words)

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at (point of time in show) \_\_\_\_\_ , which violates Access Framingham Member Policies and Procedures Section (section number and name) \_\_\_\_\_ .

Other comments: \_\_\_\_\_

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May Access Framingham disclose this complaint to the alleged violator with your name included?     Yes     No

May Access Framingham disclose this complaint to the alleged violator with your name removed?     Yes     No

May Access Framingham contact you for more information, if needed for processing your complaint?     Yes     No

Submitted by:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email Address \_\_\_\_\_ Telephone number \_\_\_\_\_

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**OFFICE USE ONLY** Received by: \_\_\_\_\_ Date \_\_\_\_\_

Notification to \_\_\_\_\_ by: \_\_\_\_\_ Date \_\_\_\_\_

Notification to \_\_\_\_\_ by: \_\_\_\_\_ Date \_\_\_\_\_

Notification to \_\_\_\_\_ by: \_\_\_\_\_ Date \_\_\_\_\_

## Access Framingham Program Content Policies

ACCESS FRAMINGHAM's response to controversial content in programming is to encourage more speech, as opposed to enforcing silence. Furthermore, ACCESS FRAMINGHAM is restricted from censorship or content control, outside of the limited instances referenced in the "prohibited content" section below. ACCESS FRAMINGHAM encourages anyone who disagrees with a program to produce counter-programming presenting an opposing point of view, or otherwise respond to the program in question, subject to the applicable ACCESS FRAMINGHAM membership and/or sponsorship requirements. However, if you see programming that violates ACCESS FRAMINGHAM Member Policies and Procedures, please notify ACCESS FRAMINGHAM, as described on page one of this form. Below are guidelines drawn from the ACCESS FRAMINGHAM Member Policies and Procedures. The full document may be found online on the Documents page of the ACCESS FRAMINGHAM website at <http://accessfram.tv>.

### ACCESS FRAMINGHAM Member Policies and Procedures

#### Section 2: Program Content

ACCESS FRAMINGHAM's response to controversial content in programming is to encourage more speech, as opposed to enforcing silence. Furthermore, ACCESS FRAMINGHAM is restricted from censorship or content control, except with respect to recognized categories of Prohibited Content addressed in Section 2.1. ACCESS FRAMINGHAM encourages anyone who disagrees with a program to produce counter-programming presenting an opposing point of view, or otherwise respond to the program in question, subject to the applicable ACCESS FRAMINGHAM membership and/or sponsorship requirements.

##### 2.1. Prohibited Content

Subject to and in accordance with applicable law, presentation of the following material on the public access channel is prohibited:

1. Any commercial advertising or programming including:
  - promotion of the sale of any commercial service or product
  - price information in connection with commercial content
  - commercial calls to action or inducements to buy
  - paid political announcements
2. Unlawful use of any material that is copyrighted or trademarked.
3. Any material which is intended to defraud the viewer or is designed to obtain money by false or fraudulent pretenses, representations or promises.
4. Programming that does not have the necessary licenses, consents, releases or other required authorizations for its use as presented to ACCESS FRAMINGHAM. The foregoing applies to but is not limited, to programming that, according to a reasonable determination by ACCESS FRAMINGHAM, does not have required licenses, consents, releases or authorizations from copyright holders and owners of other intellectual property rights; parents or guardians of children; persons from whom image, performance, location or other consents, releases or authorizations are required; consents as needed to prevent unlawful invasion of the privacy of members and other persons; or consents as needed to otherwise prevent the unlawful or wrongful misappropriation of the image, likeness or other legally protected interest of any person.
5. Programming that is prohibited by law and/or FCC regulations and creates in the final judgment of ACCESS FRAMINGHAM a reasonable basis for concern about risk of liability against ACCESS FRAMINGHAM, its members, Board of Directors or employees. Such content may include, but is not limited to:
  - libel
  - slander
  - obscenity
  - unlawful invasion of privacy
6. All advertisement of (or information concerning) any lottery, gift enterprise or similar operation offering prizes dependent, in whole or in part, upon lot or chance; or any list of the prizes drawn or awarded by means of such a lottery, gift enterprise or scheme, whether said list contains any part or all of such prizes.
7. Solicitation of funds, with the exception that nonprofit member organizations may produce one fundraising program, approved in advance by the Executive Director, per calendar year.

##### 2.2. Indecent, Profane or Patently Offensive Content

When content is not prohibited by law, but is found by ACCESS FRAMINGHAM to be indecent, profane, or otherwise patently offensive to community standards, and not appropriate for cablecasting during times of day when children are mostly likely to be viewing, ACCESS FRAMINGHAM will respond by presenting such programming on an appropriate schedule. ACCESS FRAMINGHAM reserves the right to implement lawful access center Safe Harbor scheduling and related practices including, but not limited to, requirements for advisory warning disclosures as set forth in Section 2.7 below, in order to reduce the risk of exposure of children to indecent, profane, or patently offensive and vulgar programming.

Patently Offensive Content may include, but is not limited to:

- Patently offensive, intense or graphic physical violence against people or animals
- Mutilation or degradation of people or animals
- Abusive behavior against groups and/or individuals
- Patently offensive depiction of medical or surgical procedures
- Patently offensive sexual situations or explicit sexual activity
- Most forms of nudity
- Abusive language against groups and/or individuals
- Profane or vulgar language or colloquial expressions which refer, in context, to explicit sexual activity, sexual contact, sexual organs, excretory functions or matter, or private bodily functions in an indecent, profane, or patently offensive manner.

In addition to the above enumerated examples, the Executive Director may classify program content as indecent, profane, or patently offensive and inappropriate for children using criteria not listed above but which are, reasonably and lawfully within the scope of those examples.

### **2.3. Safe Harbor Scheduling**

Programming that contains, in the reasonable judgment of the ACCESS FRAMINGHAM Executive Director, indecent, profane, vulgar, or other Patently Offensive Content is permitted on the public access channel only during Safe Harbor hours, from 11 pm to 5 am, subject to the procedures set forth below. Each producer or sponsor submitting a program must certify on the ACCESS FRAMINGHAM Cablecast Agreement form whether the programming being submitted contains any indecent, profane, vulgar or other Patently Offensive Content according to these policies. Each producer or sponsor of such programming must place a viewer advisory warning in the program as described in Section 2.7 below.

The Executive Director, subject to the approval of the Board of Directors, is authorized to implement Safe Harbor scheduling for such programming. The approval of the Board of Directors may be given through the application of general written guidelines or in a specific instance upon request of the Executive Director.

The Executive Director may make preliminary Safe Harbor scheduling decisions when the Executive Director becomes aware that programming has been submitted that includes lewd and indecent, profane, or other Patently Offensive Content. Promptly upon exercising the foregoing authority, the Executive Director shall give the program producer or sponsor the opportunity to be heard regarding the appropriateness of such scheduling decisions. If such programming has been scheduled for cablecast before the Executive Director becomes aware that it contains such indecent, profane, or other Patently Offensive Content, the Executive Director may implement schedule changes and shall promptly notify the producer or sponsor of that change and of the opportunity to be heard on the appropriateness of such change.

The Board of Directors, at a meeting duly called for the purpose, shall review a schedule change decision if requested in writing by the affected program producer or sponsor. The Board of Directors may on its own initiative review any such schedule change by the Executive Director. Such review of a schedule change shall provide the Complainant and Respondent a reasonable opportunity to be heard at a meeting of the Board of Directors and they and ACCESS FRAMINGHAM may present relevant evidence, testimony, documents and arguments.

The authority to impose Safe Harbor scheduling does not create or imply any duty or corporate purpose to pre-screen programs. ACCESS FRAMINGHAM will pre-screen program content only if it possesses or is presented with credible evidence of specific Prohibited Content, or Patently Offensive Content that is scheduled outside of Safe Harbor hours.

### **2.7. Disclaimers, Warnings, Titles, and Credits**

Public Access Disclaimer: All programming presented by producers other than ACCESS FRAMINGHAM for cablecast by ACCESS FRAMINGHAM must begin and end with the following disclaimer:

"This program is a Public Access production. It is not produced, sponsored, or endorsed by this access station, the local government, or the cable service provider. The program producer is solely responsible for the content of this program."

The beginning of all locally produced cablecast programs must have the following format:

- Minimum 15 seconds of Public Access Disclaimer
- Program title
- Segment name
- Producer's name

The end of all locally produced cablecast programs must have the following format:

- Any applicable credits and acknowledgements
- Production date
- Producer's name
- Minimum 15 seconds Public Access Disclaimer

Viewer Advisory for Patently Offensive Content: In addition, if a program contains indecent, profane, or other Patently Offensive Content, the following viewer warning must be included for a minimum of 15 seconds before the program begins.

"This program may contain generally offensive material which may be disturbing to some viewers. Viewer and parental discretion is advised. The program content is the sole responsibility of the local resident producer or sponsor. Program content does not reflect the views or policies of this station's staff or Board of Directors, any government body, or the cable operator."

Programs not meeting these guidelines: ACCESS FRAMINGHAM has the right not to show or to stop a program that fails to follow the required format and/or fails to include the required production information, disclaimers and/or warnings. ACCESS FRAMINGHAM reserves the right to insert a disclaimer or warning before, during or after any program.