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PhillyCAM Programming Policies

“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.”

First Amendment to the United States Constitution

MISSION

The mission of PhillyCAM is to provide Philadelphia residents and organizations with the opportunity to communicate with each other through the creation and distribution of non-commercial media. PhillyCAM provides residents and community organizations access to media-making tools, training and opportunities for interaction between diverse communities.

The purpose and intent of PhillyCAM is to operate a vibrant community media center in Philadelphia which is accessible and welcoming to all residents and provides a valuable means for people to gain access to and training in the use of new digital media technologies, including computers, Internet, radio, video, and television, that enable people to address the diverse social and cultural needs of their communities. All Philadelphians, not just the influential, will have the opportunity to make and watch programs about themselves, their lives, and interests, as well as utilize other new technologies.

PUBLIC ACCESS CHANNELS

By agreement with the City of Philadelphia, Philadelphia Community Access Media (PhillyCAM) administers and operates the public access channels. These channels are designated for non-commercial programming and because of their unique status as a conduit for free speech they are not subject to content regulation by PhillyCAM, the cable operator, or the City of Philadelphia. PhillyCAM provides these channels as a service to the citizens of the City of Philadelphia on a nondiscriminatory basis for the distribution of constitutionally protected speech.

PRODUCER LIABILITY

The responsibility and liability for program content lies solely with the program provider. The Philadelphia resident or organization whose designated representative signs the Programming Agreement is responsible for all necessary releases or clearances. PhillyCAM may ask the producer or organization to furnish proof that proper releases and clearances have been obtained. PhillyCAM, the cable operator, and the City of Philadelphia are not responsible for the content of the programming shown on any public access channel or PhillyCAM's website.

NON CENSORSHIP POLICY

PhillyCAM does not review or censor programs before they are cablecast. However, obscenity is not constitutionally protected speech and is subject to strict programming restrictions. According to the U.S. Supreme Court, to be obscene, material must meet a three-prong test: (1) an average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest (i.e., material having a tendency to excite lustful thoughts); (2) the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and (3) the material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

PhillyCAM is obligated under its agreement with the City of Philadelphia to not knowingly permit the production or dissemination of any obscene programming that violates federal and state law and shall immediately suspend such programming, including while in progress, if and when PhillyCAM receives actual knowledge of obscene content.

PROGRAMMING AGREEMENT

The producer or organization understands that the program being submitted contains none of the following:

- Any advertising or material that promotes any commercial product or service including:
 - commercial calls to action or inducements to buy
 - price information
 - lottery information
- Obscene material defined by the courts as material which meets these 3 criteria:
 1. To the average person, applying contemporary community standards, taken as a whole, appeals to the prurient interest.
 2. Depicts or describes sexual content in a patently offensive way.
 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value.
- Any material that is defamatory, unlawfully disparaging any persons right to privacy.
- A solicitation or appeal for funds.
- Unlawful use of copyrighted material or any other proprietary property.

Unlike obscene material, which is not protected by the U.S. Constitution, potentially objectionable material may be scheduled at hours where there is less likely to be children in the audience. Potentially objectionable material may include, but is not limited to:

- strong coarse language, sexually suggestive dialogue, or indecent language
- expressions of excretory activity
- intense sexual situations or explicit sexual activity
- graphic physical violence or degradation
- most forms of nudity

- graphic depiction of medical procedures

SAFE HARBOR SCHEDULING

Programming that contains, in the reasonable judgment of the PhillyCAM Programming Director, potentially offensive content is permitted on the public access channel only during Safe Harbor hours, from 11 pm to 5 am. PhillyCAM will pre-screen program content for this purpose only if it possesses or is presented with credible evidence of specific prohibited content, or patently offensive Content.

DISCLAIMER

PhillyCAM reserves the right to place a disclaimer before, during, or after any program that, as indicated by the program provider or by the judgment of PhillyCAM staff, may be objectionable to viewers. The disclaimer will advise viewer discretion and indicate that responsibility for the content of the program lies with the program provider and not with PhillyCAM, the cable provider, or the City of Philadelphia.

DEFINITION OF TERMS

Obscenity - expressions that offend the prevalent sexual morality of the time.

Broadcast Indecency - language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities.

Profanity - including language so grossly offensive to members of the public who actually hear it as to amount to a nuisance.

Defamation - the communication of a statement that makes a claim, expressly stated or implied to be factual, that may give an individual, business, product, group, government or nation a negative image.

Libel - publication without justification or lawful excuse which is calculated to injure the reputation of another by exposing him to hatred, contempt or ridicule.

Slander - An untruthful oral (spoken) statement about a person that harms the person's reputation or standing in the community.