

# Access Guidelines and Information

Thank you for your interest in Community Television. This community channel is focused on your local region and its people, issues, arts and culture. We are pleased to accept completed shows and new show ideas that reflect the local viewpoints, activities and diverse voices within our community.

**Please Note: the Community Channel is a free service provided by Shaw Communications. Shaw Communications does not purchase television programming. There is no charge to you or your group to produce any local television or to televise your event. Sponsorship revenues may be used to offset the cost of producing and televising your proposal or event.**

This program information package is intended to assist you in submitting your programming or program proposal. We encourage you to include any extra material that would help to explain or demonstrate your idea (i.e. resume, demo video, background information on the topic or those involved and marketing ideas). If you have a demo available, you may also submit it for review.

Shaw is available to you as a broadcast medium as well as a partner in the production. We can provide you with various resources to help facilitate your production as well as provide a platform via linear broadcast and web for your message.

Please note that if you're proposing coverage of an event, we need sufficient notice to evaluate, technically plan for and promote the event coverage.

## Copyright Clearance

You should be aware that legal issues may arise if any part of your proposal is protected by copyright. Any (song) music, play, art or original material may have a copyright owner. That owner may be either the original creator who is alive or their estate (if deceased for less than fifty years), or another person or organization that has bought the copyright. Any person performing, recording, or presenting such a work must obtain permission from the owner of the copyright before the work is performed or recorded. It is the obligation of you or your organization to ensure that all copyright and usage permissions are secured prior to production. For more information and a sample [release form](#) see [page 5](#).

## Video Submission

Video samples are not necessarily required, but can be helpful to the review process. If you are able to provide a sample copy of the show or series, we prefer a digital format such as H.264, however we will also accept DVD, or YouTube and Vimeo links for review.

Please clearly label both the video file and any packaging containing the video with the show or series title and your contact information. Provide one of these two review options:

1. Demo Video: a sample program of any kind, of any length, etc. that provides a snapshot of what the program looks like.
2. Pilot Program: A program packaged to it's finished length, and including Open, Close, sponsorship spots, viewer advisories, etc. This is the completed version of the proposed show, or premiere episode of a series of shows.

## The Application Process

All proposals are reviewed as quickly as possible. The evaluation process is based on a combination of factors including our current schedule of commitments to other access producers, defined by CRTC regulations and policies, agreement between the producer and Shaw Communications on the perceived value of the project to Community Channel viewers and the resources available to fulfill your request.

All program managers will consider the following questions while working with you on your program proposal:

1. Is the programming “Community Programming” as defined by the regulations? For example:
  - Is the programming a true reflection of the people, places and issues that matter most to the community?
  - Are local community members involved and showcased in the programming?
  - Are the issues discussed in the programming relevant to the community?
2. Does the programming highlight both sides of an issue or is it mostly one-sided?
  - Shaw is responsible for providing balanced view points on the channel. Managers will either ask the producer to incorporate alternative view points or seek out other programming that highlights the other side of the story.
3. Has this group or individual provided programming or used Shaw’s facilities before?
  - Shaw is responsible for encouraging a diversity of voices on the channel and therefore will try to give as many people an opportunity to produce programming on the Community Channel.
4. Does the programming comply with CRTC regulations and other Canadian laws? For instance:
  - copyright
  - defamation
  - balance and diversity
  - violence, adult subject matter, inappropriate language, etc.
  - sponsorship guidelines
5. Does Shaw have the proper resources to fulfill this request?
  - Shaw needs to ensure that the proper equipment, facilities, volunteers and staff members are available for any particular project.

The application process is really a collaborative discussion between Shaw and community members to ensure the production of relevant, entertaining and hyper-local stories to the communities we serve. We want to help you create and share those stories with your friends, neighbours, colleagues and fellow residents.

# Access Guidelines and Information

## Access Facilities

### Safety

Safety is our first concern and everyone's responsibility. It is an attitude of care and attention. It is your responsibility to follow established operating procedures, enforce all safety rules, and recognize and report unsafe acts and conditions.

### Security

Every individual accessing Shaw Spotlight resources will be mandated to adhere to all building security requirements.

### Appropriate and Authorized Use of Equipment

The equipment and facilities of Shaw Communications may be used only for creating and copying Shaw Spotlight Programming. Community Access Producers and associates may only use equipment for which they are trained and authorized to use. Each office has its own procedures; A Program Supervisor or Access Coordinator can give you complete details on the procedure for obtaining local authorization. Use beyond the end date of any agreement would require further permission.

### Equipment Failure

Production equipment is subject to failure from time to time. While every effort will be made to secure substitute equipment, such equipment may not be available and in this scenario the production will have to be canceled, rescheduled, or production requirements adjusted to meet the production deadlines.

### Conduct

It is important that Community Access Producers and Volunteers appropriately represent themselves to the public and viewers by identifying themselves as a Community Access Producer, Community Access Associate, or Shaw Spotlight Volunteer and never as a Shaw staff member. Smoking, drinking and eating are not permitted at any time in the control rooms, studios or edit bays. Smoking is to occur only in the appropriate areas as outlined by local bylaws. Drinking alcoholic beverages and the use of drugs or any other controlled substances on Shaw property are not permitted.

## GENERAL HOUSEKEEPING

1. The use of the facilities and equipment of Shaw Spotlight is a privilege not a right. You are responsible for tidying up after yourself and your group or production team. All equipment must be put back in its proper place, furniture and props returned, garbage and recycling put in the appropriate bins.
2. Any violations of the rules concerning smoking, alcohol or drugs will be cause to end your association with the Community Channels of Shaw Spotlight.
3. There is zero tolerance for harassment of staff and fellow volunteers, including abusive language, threats, and inappropriate language in person or by way of phone, e-mail, or social media.
4. As an access producer you take full responsibility for your volunteers and guests and as such will ensure they follow the above code of conduct.
5. [Minors](#) must be supervised at all times and should act appropriately. Minors are not to operate any Shaw Spotlight equipment unless otherwise approved by a Shaw Spotlight staff member for training purposes. This includes but is not limited to cameras, computers and audio equipment. If an exception must be made for a special program or if you have an underage volunteer, approval must be obtained prior to their arrival.
6. Any photos/videos on Shaw premises for either personal use or for use on social media must be approved by an appropriate Shaw staff person.

Violation of the code of conduct and general housekeeping will be cause for loss of access privileges.

# Community Television Broadcast Regulations

Shaw Communications operates within the general broadcasting environment and also complies with voluntary guidelines established by Canada's Broadcast Standards Council (CAB Code of Ethics, CAB Violence Code, CAB Sex Role Portrayal Code, and RTNDA Code of (Journalistic) Ethics). CBC Radio-Canada also provides Journalistic Standards which are useful. From a legal perspective we must ensure Community Programming complies under Canadian laws for issues including but not limited to copyright and defamation (libel and slander).

Community Programming is an important source of information and provides a reflection of local realities that few other television services currently showcase.

Programming on Shaw Communications must be "Community Programming" which is defined by the regulations as programming that:

- a) refers directly to the community, which could be defined as the station's contours, BDU service area, municipality, census metropolitan area or census agglomeration; and
- b) be produced by the personnel of the local station, independent local producers or members of the community for the local station

## Clearances for Television Airing

All creative materials that are used in programming which is to air on television must have been cleared for broadcast.

### Creative Materials

Creative materials encompass original literary, artistic, musical and dramatic works, and can include:

1. books, poetry, newspapers, dictionaries, manuals, catalogues, magazines, pamphlets, scripts, maps
2. computer software, paintings, drawings, design trade-marks, sculptures, architectural works, engravings
3. dramatic works, photographs, films, videos
4. lyrics, musical works, choreography

Creative materials can also be a complex mix of sources where one single clearance is not sufficient. For example, if you tape a dance performance, you might need clearances from the composer(s) of the music, the performer(s) of the music, the dancer(s) and the choreographer(s).

### Documentation

You must acquire all clearances in writing from the appropriate parties for any broadcast use. Clearance must be documented and verbal agreements are not acceptable.

It is recommended that you always have a written clearance on file for anyone you videotape for an interview. The clearance should define whether they are giving rights for the full interview only, whether they are providing permission for the interview to be edited, whether the interview can be used for promotional purposes and when and where the interview can be aired.

### Parental Consent for Minor Children

Parental consent is always required when videotaping minor children. A minor child is a child who has not reached the age of majority in that province.

# Community Television Broadcast Regulations

In Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, and Saskatchewan that age is 18. For British Columbia, New Brunswick, Newfoundland/Labrador, Northwest Territories, Nova Scotia, Nunavut, and Yukon Territories it is 19.

Only the parent or legal guardian has the authority to provide a clearance for a minor. A teacher or school principal's permission for taping a school event is not sufficient.

## Copying Programs

Once the appropriate clearances are on file for any creative materials used in a show, it is then the Community Access Producer's decision as to whether a copy of the episode will be made available to a show participant. It is also the Community Access Producer's responsibility to make any and all copies.

There is generally no additional copyright issue associated with complimentary copies provided for personal use (viewing) by the recipient.

## The Canadian Copyright Act

### Copyright Board of Canada & The Canadian Copyright Act

The Copyright Board of Canada is an economic regulatory body empowered to:

1. establish the royalties to be paid for the use of copyrighted works
2. supervise agreements between users and licensing bodies
3. issue licenses when the copyright owner cannot be located

The Canadian Copyright Act recognizes three main rights:

1. The right to produce or copy the musical work (such as sheet music).
2. The right to reproduce the musical work, including mechanical rights (such as cassette and digital audio reproductions) and synchronization rights (such as music in films, videos, and multimedia productions).
3. Performing rights, which are the rights to perform a work in public (such as a live concert, a recording or any other type of public performance) and the right to communicate to the public by telecommunication (such as a broadcast).

Reference: [The Copyright Act](#) and [Copyright Law In Canada](#)

## Music and Performance Rights

### The Society of Composers, Authors, and Music Publishers of Canada (SOCAN)

SOCAN deals exclusively with performing rights. All other rights are handled by the copyright owners or by other organizations.

### Performing Rights

The performing right gives copyright owners of musical works (lyricists, composers, songwriters) the sole right to perform, or to authorize the performance in public (in concert or in a club) or to communicate by telecommunication (broadcast on television or radio) their works. In return for paying their royalties,

# Community Television Broadcast Regulations

SOCAN administers these performing rights in musical works on behalf of its members.

For the telecommunication by cable systems, SOCAN has a blanket licensing tariff applicable in relation to performing rights. The tariff provides that all telecommunication of music and non-broadcast channels carried by each cable system operator is licensed according to a single fee structure, payable by each cable system operator on a monthly basis.

## The Role of SOCAN

SOCAN provides a link between the music and the music user. The purchase of a CD or other recording only gives the purchaser the right to listen to it in private. The public performance of these musical works is subject to copyright law and therefore requires a SOCAN license.

SOCAN is the Canadian copyright collective for the public performance of musical works. They administer the performing rights of their members (composers, lyricists, songwriters and their publishers) and those of affiliated international societies by licensing the use of their music in Canada. The society licenses music users, collects license fees and distributes royalties to the creators and publishers of the musical works performed in Canada and around the world.

SOCAN works with its clients to determine what kind of licensing arrangement is required and what the cost will be. The licensing cost is dependent on a range of factors including where and how the musical work is being performed, the seating capacity of the venue and the nature of the event.

SOCAN licenses only apply for the public performances and telecommunication to the public of copyright-protected musical works contained within SOCAN's repertoire.

## A SOCAN License

Access Producers need to ask all performers if they are members of SOCAN or any other licensing agency before the performers participate in the Access Program. If they are SOCAN members, the Access Producer must fill out a [Cue Sheet](#) provided by SOCAN and request Shaw Spotlight send a confirmation to SOCAN that the content did indeed air as described in the Cue Sheet.

As well, a SOCAN license entitles the licensee to use the musical works contained in SOCAN's repertoire in a particular way as outlined by SOCAN, recognizing the work of those who create and publish it. A license is required whether the music is live or played on a tape/CD player, jukebox, video or karaoke, and a license is required whether the live performers are paid or not. Contact [SOCAN](#) for more information about licensees.

## Neighbouring Rights

Copyright also protects neighbouring rights in sound recordings and reproduction rights by Access Producers using sound recordings and musical works produced by members of other licensing agencies. The SOCAN license does not cover these uses. A list of organizations, including those that administer other rights pertaining to music such as the CMRRA (Canadian Musical Reproduction Rights Agency) and AVLA (Audio Visual Licensing Agency), is available on the SOCAN website under Resource & Education / Industry Associations.

Reference: [SOCAN](#), [CMRRA](#), [AVLA](#)

## Canadian Defamation Law

The common law protects every person from harm to their reputation by false and derogatory remarks about their person, known as defamation. In addition, all Canadian provinces have libel and slander legislation. Defamation includes slander and libel, where slander is verbal defamation and libel is printed defamation. Defamation tort law protects your actual reputation, not your feelings about what your reputation should be.

### Defamation Law

The major points of defamation law in Canada are as follows:

1. Defamation is an unusual tort (or body of law) in that it is a “strict liability” tort. It does not matter if the defamation was intentional or the result of negligence. Defamatory material is presumed to be false and malicious.
2. Defamation must be a direct attack on an actual reputation, not an alleged reputation that the victim believes they deserve. A judge will assess the statement against the evidence of the victim’s reputation in their community.
3. The remarks must be harmful or defamatory and this will be assessed on a case-by-case basis. While some statements are clearly defamatory, other statements may only be deemed defamatory by the person targeted by the remarks. What may be a mildly offensive remark to one person may constitute serious defamation to another. The judge will consider the situation of the person defamed in assessing the claim of defamation.
4. The defamatory remark must be clearly aimed at the plaintiff. General inflammatory remarks aimed at a large audience would not qualify as the remarks must be clearly pointed at a specific person.
5. The defamatory remarks must be somehow conveyed to a third party. Private defamation just between two parties causes no damage to reputation because there are no other persons to be impacted by the remarks. With libel, the damage is presumed as it is published. With slander, proof of repetition to other people is essential to the claim. Damages have to be proven, except in these four exceptions when the defamation imputes:
  - the commission of a crime
  - the unchaste status of a person
  - a “loathsome disease”
  - a professional incompetence
6. Citizens are entitled to make “fair comment” on matters of public interest without fear of defamation claims. A good example of this is a letter to the editor on a matter of public concern. The author of the remarks may even go so far as to presume motives on the part of the person whose actions are being criticized provided only that the imputation of motives is reasonable under the circumstances. The rule of thumb is that the fair comment must reflect an honestly held opinion based on proven fact and can not be motivated by malice. Some provinces have enacted laws which give their citizens varying rights to “fair comment.”

### Libel and Slander

The difference between slander and libel is that libel is the written or otherwise published, public defamation of a person or entity such as an organization or company, while slander is the spoken false defamation of a person or entity. Slander can also include bodily gestures while libel can include published photographs.

While the right to fairly criticize people or entities and publicly share information is one of the hallmarks of personal freedom, it is illegal to malign the reputation of another through slander or libel.

Reference: [Canadian Defamation Law, Libel and Slander](#)

# Community Television Broadcast Regulations

## Overview of Legal Requirements for Broadcasting Content

The following is an overview of some of the codes and rules Shaw and Access Producers must abide by:

### Canadian Broadcast Standards Council (CBSC)

The CBSC was created in 1990 by the Canadian Association of Broadcasters (CAB) to oversee the self-regulating system of codes and standards created by Canada's broadcast industry.

The CBSC is an independent, non-governmental organization and includes nearly all of Canada's private radio and television broadcasters and specialty television services. The voluntary codes administered by the CBSC reflect the industry's commitment to respect community standards for programming. They include:

1. The CAB Code of Ethics
2. The CAB Sex-Role Portrayal Code
3. The CAB Violence Code
4. The RTDNA Code of (Journalistic) Ethics

Reference: [The Canadian Broadcast Standards Council](#)

### Canada's Broadcasting Codes

The CBSC administers several voluntary codes on behalf of Canada's private broadcasters. In brief, the codes cover issues including:

#### Violence on television

Television programs broadcast in Canada may not glamorize or show gratuitous violence (violence unnecessary to the development of the plot, characters or theme). Programming containing violence intended for adults may air only after 9:00p.m. The rules on violent content in children's programming are even more strict.

#### The portrayal of men and women

Programming must respect the intellectual and emotional equality of men and women and may not demean either sex. Broadcasters must be careful when making use of gender stereotypes in their programming.

#### Fairness and accuracy in the news

News and public affairs issues have to be reported fairly and accurately and must not focus on irrelevant factors. Broadcast journalists will respect the dignity, privacy and well-being of everyone with whom they deal.

#### Controversial public discussion

Controversial public issues must be treated fairly. Open-line shows may be provocative but on-air commentary must be full, fair and proper.

#### Human rights

All programming must respect human rights and must be free of abusive or unduly discriminatory comment.

# Community Television Broadcast Regulations

## **CAB Code of Ethics: Mature Subject Matter**

“Mature Subject Matter” relates to programming which may offend some viewers through its content, visual images, language and/or themes.

### **The Watershed**

The Watershed marks the start of the late evening viewing period, defined as running from 9:00p.m. to 6:00a.m. Television content which contains material “intended exclusively for an adult audience” (containing sexually explicit content or coarse or offensive language) must be aired after the Watershed.

### **Use of Coarse Language**

Television programming which contains “coarse or offensive language intended for adult audiences” must not be broadcast prior to the Watershed hour of 9:00p.m. Even when broadcast after 9:00p.m. the programming must be accompanied by viewer advisories.

### **Materials Susceptible of Offending Viewers**

Programming which is not “intended for adult audiences” may be aired prior to the Watershed. It must, however, be accompanied by viewer advisories if it contains “mature subject matter or scenes with [...] coarse or offensive language, or other material susceptible of offending viewers” which is unsuitable for children. Shaw reserves the right to schedule content in a manner appropriate for a general audience community channel.

### **Viewer Advisories**

To assist consumers in making their viewing choices, a viewer advisory should be aired when programming includes:

1. mature subject matter or scenes with nudity
2. sexually explicit material
3. coarse or offensive language
4. other material susceptible of offending viewers

### **Sample Viewer Advisories**

“The following program contains scenes of coarse language and is not suitable for younger children.”

“The following program contains sexually explicit material intended for adult audiences. Viewer discretion is advised.”

“The following program contains sexually explicit material. Viewer discretion is advised.”

“The following program contains scenes of violence, coarse language and nudity intended for adult audiences. Viewer discretion is advised.”

“The following program deals with mature subject matter and is intended for adult audiences. Viewer discretion is advised.”

“The following program deals with mature subject matter and contains scenes of nudity and coarse language. Viewer discretion is advised.”

## Forms and Resource Quick Links

All of our documentation can be easily referenced from our website, as well as the links below. Our forms are also designed to be interactive, meaning they can be completed on computer and then printed, or emailed directly to your local Shaw Spotlight Access Coordinator.

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### Forms and Applications:

[Copyright Clearance](#)  
[Performance Release](#)  
[Standard Photo and Video Release Form](#)  
[Socan Cue Sheet](#)

### Resource Quick Links:

Performance Rights Information  
[SOCAN](#), [CMRRA](#), [AVLA](#)

Canadian Copyright Law  
[The Copyright Act](#), [Copyright Law In Canada](#)

Canadian Defamation Law  
[Canadian Defamation Law](#), [Libel and Slander](#)

Legal Requirements for Broadcasting  
[The Canadian Broadcast Standards Council](#)

# Copyright Clearance

Please print clearly

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Copyright Recipients Name/Company)

\_\_\_\_\_  
(Copyright Recipients Address)

Re: Copyright Clearance for \_\_\_\_\_  
(Content Name)

On behalf of \_\_\_\_\_, I hereby extend copyright clearance for the  
(Copyright Holder/Business Name)  
following television content to \_\_\_\_\_ . These rights are exclusive  
(Copyright Recipient/Business Name)  
to \_\_\_\_\_ for broadcast in \_\_\_\_\_ .  
(Copyright Recipient/Business Name) (Specific Broadcast Region)

**Titles(s) of copyright material (TV/Movie/Song etc), or clearance for all copyright material produced by the copyright holder. Please describe:**

\_\_\_\_\_ is the sole owner and copyright holder for the above material;  
(Copyright Holder/Business Name)  
all music, performance and mechanical rights to this material have been cleared for broadcast in Canadian  
markets. \_\_\_\_\_ grants copyright clearance rights for \_\_\_\_\_  
(Copyright Holder/Business Name) (Number of airings)  
from \_\_\_\_\_ to \_\_\_\_\_ or for limitless use \_\_\_\_\_ .  
(Start date) (End date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signatory Name and Title)

\_\_\_\_\_  
(Copyright Holder/Business Name)

# Performance Release

Please print clearly

Program Name: \_\_\_\_\_

Participant Name: \_\_\_\_\_

Affiliation: \_\_\_\_\_  
*(band name, company name, organization, etc.)*

Type of Participation: \_\_\_\_\_  
*(live performance, live interview, etc.)*

Location: \_\_\_\_\_

I have participated as indicated in the above television program (the "Program"). In consideration of my appearance on the Program, I hereby grant permission to you to use my appearance in connection with the Program.

I agree that my participation in the Program may be deleted at your sole discretion. I consent to the use of my name, likeness, voice and biographical material in connection with the Program publicity and related institutional promotional purposes. I expressly release you, your agents, employees, licensees and assigns from and against any and all claims that I may have for invasion of privacy, defamation, copyright or any other cause of action arising out of the production, distribution, broadcast or exhibition of the Program.

Participant Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

If the participant is a minor, add the following:

I represent that I am a parent (guardian) of the minor who has signed the above release and I hereby agree that we shall both be bound thereby.

Program Name: \_\_\_\_\_

Participant Name: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Parent (Guardian) Signature: \_\_\_\_\_

# Standard Photo and Video Release Form

*Please print clearly*

I hereby authorize \_\_\_\_\_ to publish photographs  
(Producer/Business Name)  
and/or video taken of me and/or the undersigned minor children, and our names, for use in

\_\_\_\_\_  
(Production or Series Title)

I release \_\_\_\_\_ from any expectation of  
(Producer/Business Name)  
confidentiality for the undersigned minor children and myself and attest that I am the parent  
or legal guardian of the children listed below and that I have the authority to authorize

\_\_\_\_\_ to use their photographs, videos and names.

(Producer/Business Name)

I acknowledge that participation in publications, broadcast and web content produced by  
\_\_\_\_\_ confers no rights of ownership whatsoever. I release  
(Producer/Business Name)  
\_\_\_\_\_, its contractors and its employees from liability for  
(Producer/Business Name)  
any claims by me or any third party in connection with my participation or the participation of  
the undersigned minor children.

\_\_\_\_\_  
(Name of Parent or Legal Guardian)

\_\_\_\_\_  
(Parent or Legal Guardian Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, Province, Postal Code)

## Names and Ages of Minor Children:

\_\_\_\_\_  
(First Name, Last Name)

\_\_\_\_\_  
(Age)

\_\_\_\_\_  
(First Name, Last Name)

\_\_\_\_\_  
(Age)

\_\_\_\_\_  
(First Name, Last Name)

\_\_\_\_\_  
(Age)

\_\_\_\_\_  
(First Name, Last Name)

\_\_\_\_\_  
(Age)