

City of Nashua

NASHUA EDUCATION TELEVISION (Nashua ETV)

OPERATIONS MANUAL

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*02.11.2010

Nashua ETV Mission Statement

To share with the community the teaching and learning that is happening in the Nashua Public Schools, the Nashua Public Library, and the City of Nashua's private schools and colleges,

to provide a forum for student work and activities, and

to inform and engage the public on educational issues and the work of the Office of the Superintendent of Nashua Schools.

March 12, 2010
Approved by CTAB

Nashua Education Television (Nashua ETV) Operations Manual

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* CTAB Policies & Procedures Manual, dtd 14 Apr 2006

1.0 Introduction

1.1 Purpose of this Manual

This operations manual is designed to provide a set of policies and procedures that enables Nashua educational facilities to become involved in Nashua ETV. All material in this manual is subject to adoption and amendment by the Education Channel Committee and the Cable Television Advisory Board (CTAB).

1.2 Nashua Education Television

A specific channel on the cable system made available by the Franchisee (Comcast) to educational institutions and/or educators wishing to present non-commercial educational programming and/or information to the public. Appendix B contains examples of programs that will be cablecast on Nashua ETV. Both public and private schools can participate in Nashua ETV.*

1.3 Facilities

The Educational Access Channel currently operates out of Nashua City Hall and Nashua High School South. Production equipment and facilities are shared with the City of Nashua Government Channel under auspices of the City of Nashua Information Technology Division.

1.4 Personnel

1.4.1 Education Channel Committee

The Superintendent of Schools or his/her designee will chair an Education Channel Committee, which will determine the content to be aired on Nashua ETV and its program guide. This committee will be made up of interested parties from within the Nashua School District and from other private educational institutions within the city, at their request. These responsibilities include coordinating non-public school programming and public educational programming not directly associated with the public school system. Refer to Appendix C for Education Channel Committee Bylaws as approved October 9, 2006.

The Education Channel Committee shall advise on the hiring of the Access Administrator.

The Education Channel Committee through its designee will work with the Access Administrator to determine the desired programming. The Access Administrator will work with content providers outside of the Nashua School District to provide them the means to deliver pre-recorded content and make it part of the weekly program schedule.

1.4.2 Access Administrator

The Education Channel Access Administrator is an employee of the City of Nashua Information Technology Division. The Access Administrator's time will exclusively be charged to operating Nashua ETV.

The Access Administrator shall have a background in television cablecast management, production and operations and have experience as a videographer. In addition the Access Administrator shall have a background in education.

* CTAB Policies & Procedures Manual, dtd 14 Apr 2006

The Access Administrator has supervisory responsibility for daily operations of Nashua ETV, and performs the same operational functions for Nashua ETV that the Program Administrator performs for the Government Channel.

The Access Administrator will have daily operational responsibility for ensuring that Nashua ETV runs according to a program guide that has been established. This includes the responsibility to coordinate the acquisition of all taped content, the coordination of all live cablecasts, and the coordination and scheduling of all videographers.

The Superintendent of Schools or his/her designee will chair an Education Channel Committee, which will determine the content to be aired on Nashua ETV and its program guide. This committee will be made up of interested parties from within the Nashua School District and from other private educational institutions within in the city, at their request. These responsibilities include coordinating non-public school programming and public educational programming not directly associated with the public school system. Refer to Appendix C for Education Channel Committee Bylaws as approved October 9, 2006.

The Education Channel Committee shall advise on the hiring of the Access Administrator.

The Education Channel Committee through its designee will work with the Access Administrator to determine the desired programming. The Access Administrator will work with content providers outside of the Nashua School District to provide them the means to deliver pre-recorded content and make it part of the weekly program schedule.

The Access Administrator will be responsible for securing and scheduling equipment operators for cable casting, recording and replay tasks. All events scheduled for use on Nashua ETV shall be checked by the Access Administrator to insure compliance with Education Channel Committee guidelines and FCC regulations. If necessary the Access Administrator shall consult with the PEG Program Director and the CTAB Corporation Counsel Representative concerning compliance of program content with committee guidelines and FCC regulations.

The Access Administrator reports administratively to the Director of the City of Nashua Information Technology Division concerning recommendations and approval of facilities and purchase requests for Nashua ETV before submitting these to CTAB for approval.

The Access Administrator is responsible for drafting and maintaining the Operations Manual for Nashua ETV.

The Access Administrator is also responsible for promoting Nashua ETV by working with public and non-public schools, educational organizations and city residents to use Nashua ETV for educational programming.*

1.4.3 Production Support Personnel

Videographers, audio technicians, announcers or other production support personnel shall be employed as needed under a professional services contract.

* *CTAB Policies & Procedures Manual, dtd 14 Apr 2006*

A videographer shall have completed a certified course of media instruction at a technical institute or equivalent. In lieu of such training the videographer shall have demonstrated experience of television camera operation, production, and programming.

A videographer shall be able to demonstrate the principles of video camera and recorder functions, lighting instruments, sound reinforcement equipment as well as fundamental camera moves. They shall understand basic video editing character generation, and computerized video server operations. Preferably, the videographer shall have TV studio experience, operating multiple cameras from a central location.

Other support personnel shall be able to demonstrate a working knowledge of the trade required, be it sound mixing, audio engineering, or broadcasting.

All production support personnel will report to the Access Administrator for Nashua ETV operations. Any production support personnel's time will be charged to operating Nashua ETV, as applicable.

2.0 Policy

2.1 Eligibility Requirements for Participation

Nashua Education Television shall be available as specified in this document to educational institutions within the City of Nashua including public and private schools, colleges and universities, libraries and public service agencies.

No educator will be eligible to use City of Nashua-owned equipment until they have successfully completed appropriate training. Training in the proper use and care of the equipment will be provided by Nashua ETV. Some areas of production may require certification.

Use of the City of Nashua facility and equipment is a privilege that can be suspended or revoked if these policies are not adhered to or if equipment or facilities are misused or abused. In addition, the rules of the building in which the studio is located in must be abided by at all times.

Nashua ETV reserves the right to refuse to provide access or resources to anyone who is under the influence of alcohol or drugs; who interferes with the orderly conduct of business; who refuses to cooperate with or in any way abuses Nashua ETV staff, interns, volunteers, or other community producers; has misused equipment; or who has abused the privileges of Nashua ETV.

Use of Nashua ETV facilities or equipment for personal use is prohibited.

2.2 Use of Education Access

One channel shall be full-time devoted to educational access programming, as defined in paragraph 1.2. Appendix B contains examples of programs that will be cablecast on Nashua ETV. Both public and non-public schools will participate on Nashua ETV.

Nashua ETV will have its day-to-day operations managed by the Education Channel Access Administrator (see paragraph 7.2 of the CTAB Policy & Procedures Manual). The Access Administrator will have daily operational responsibility for making sure Nashua ETV runs according to a program guide that has been established, and will coordinate and manage all content acquisition. Appendix B lists examples of the programs that can be cablecast on Nashua ETV.

The Access Administrator will report administratively to the PEG Program Director, and operationally to the Education Channel Committee chaired by the Superintendent of Schools, or his/her designate.

One dedicated Comcast cable channel shall serve as the Education Channel for Nashua. Currently that channel is Channel 99. Comcast reserves the right to reassign this channel in its channel lineup.*

2.3 Statement of Non-Discrimination

It is the policy of the City of Nashua that no person be subjected to discrimination on the basis of race, national origin, religion, sex, age, handicap, marital status or sexual orientation in any program, service, or activity for which the District is responsible. The District will comply with the requirements of state and federal law concerning non-discrimination and will strive by its actions to enhance the dignity and worth of all persons.

2.4 Equal Opportunity

Nashua ETV will abide by the policy of providing equal opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity laws, directives, and regulations of federal, state, and local governing bodies or agencies thereof.

2.5 Statement of Compliance

Any program submitted for air on Nashua ETV will adhere to these policies, which prohibit the following:

- Advertising material designed to promote the sale of commercial products or services, or material that identifies any product, service, trademark, or brand name in a manner that is not reasonably related to the non-commercial use of such a product, service, trademark, or brand name on the program
- Commercial programming that in whole or in part depicts, demonstrates, or discusses products, services, or business with the intent or substantial effect of benefiting or enhancing a profit-making enterprise
- The direct solicitation or appeals for funds or other things of value for any and all purposes other than for Nashua ETV exclusively
- Political advertising as defined as an announcement urging a vote for a candidate or specific ballot measure or a political forum presented by a partisan group representing only one political party
- Material that is obscene as defined in New Hampshire RSA Chapter 650
- Any programming that constitutes or promotes any lottery or gambling enterprise that is in violation of any local laws

* CTAB Policies & Procedures Manual, dtd 14 Apr 2006

- Material that constitutes libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright, or which may violate any local, state, or federal law
- Material that has a reasonable probability of creating an immediate danger or damage to property, injury to persons, or creating a public nuisance
- Material that has a reasonable probability of causing the substantial obstruction of law enforcement or other governmental functions or services

2.6 Technical Standards

Minimum technical standards must be met in order for a program to be cablecast on Nashua ETV. The technical standards are based on the premise that no program should cause viewers to think the cable channel or system is having technical difficulties. All programs should be free of the following problems:

- Interruption of the control track -- Programs should be free of any break-up, glitches, or distortion of the audio or video portions of the signal.
- Incorrect color balance -- Programs should accurately reproduce original colors within the scene. Flesh tones will be the standard by which this is judged.
- Over modulated video levels -- White levels that are too high cause distortions in the audio portion of the signal. Correct exposure during taping is the best way to eliminate this.
- Over modulated or under modulated audio levels -- VU meters should consistently read between -20 dB and -1dB during playback of the program.

Technical standards may be waived in cases where the program is of an event or a happening that cannot be repeated. In such cases, the producer must make a special request to the Access Coordinator. Nashua ETV will add a short disclaimer to the beginning of the program advising the viewers that portions of the following program contain technical difficulties.

Although no standards exist regarding camera angles, shot composition, lighting, aesthetics, etc. the producer should always keep in mind that high production values not only increase the attractiveness of a production, but also the effectiveness. The viewer's attention span and retention of information decrease considerably in the presence of shaky camera work, poorly composed and lit scenes, or other distracting elements.

2.7 Commercial Use

The use of Nashua ETV facilities or equipment exclusively for commercial use is prohibited. Nashua ETV reserves the right to archive or use in whole or in part all programs produced with Nashua ETV facilities or equipment.

2.8 Independent Production

From time-to-time an independent educational organization or representative may wish to produce their own educational content for use on Nashua ETV. Every independent production requires a producer. The producer is the person ultimately responsible for a program's content and fate. As the primary person responsible for production, the producer has a non-technical role involving coordination of schedules,

facilities, equipment, and other concerns. The independent producer is also responsible for providing talent and technical crew. Equipment may be available for use as described in section 3.3 of this document.

The copyright and ownership of any program produced by an independent producer belongs to that producer. The producers bear sole responsibility for the content and materials used in all programs, live or taped.

All program tapes and recording devices provided by Nashua ETV remain the property of Nashua ETV and must remain at the studio unless permission for removal is granted by the access administrator and the equipment is properly signed out and returned.

The raw footage accumulated for a program belongs to the program's producer. However, it will be retained for his/her use only until the final edited program has been cablecast once, at which time the raw footage may be recycled.

Nashua ETV may keep copies of clips that are generic in nature or of historical importance.

Raw footage shall be considered abandoned if the producer does not use it within six (6) months. A producer may make a written request to the Access Administrator to obtain one extension of three (3) months. Additional extensions may be granted by the Access Administrator under certain circumstances.

If Nashua ETV staff is unable to make arrangements to have the original producer finish the program, the footage may then be turned over to another producer for completion of the intended program or any other use.

All qualifying edited programs will be cablecast at least once. The producer may limit additional playback or leave it to the discretion of the Access Administrator.

Nashua ETV may use clips from any producer's program(s) for the purpose of promoting Nashua ETV.

A program will not be copied, bicycled, or entered in any contest without the written permission of the producer.

The use of the Nashua ETV name or any part of it intended to identify the program as a production of Nashua ETV is strictly prohibited.

3.0 Procedures

3.1 Getting Started

There are many different ways to participate in Nashua ETV. You can produce educational programs through a Nashua-based educational institution, sponsor a program or series of programs, apply to become a videographer, volunteer, intern, or help shape the direction of Nashua ETV by applying for a position on the Cable Television Advisory Board or the Education Channel Committee. The following procedures are designed to allow you to participate in community television.

3.2 Training

Anyone from a Nashua-based educational institution wishing to produce a program for use on Nashua ETV and wishing to operate any Nashua ETV equipment must first be trained in the operation of that

equipment. Successful training shall be determined by the Access Administrator. General training is also available by request to teach the successful use of user supplied equipment used in the creation of programming for Nashua ETV.

3.3 Using Production Equipment

To avoid conflicts and ensure fair usage, all equipment should be reserved for use by the producer at least forty-eight (48) hours in advance. As demand increases, it will be advisable to make your reservations even earlier. Equipment availability is based on a number of factors and may not be available at all times. Government and Board of Education meetings produced by the City of Nashua take precedence when equipment is scheduled.

To prevent monopolization of equipment by any one producer or group of producers and to try to ensure equipment availability, equipment reservations should be made at least two weeks in advance.

Contact Nashua ETV Access Administrator to check availability and make a reservation request. Requests may only be made by properly trained individuals.

The producer is to arrive at the Nashua ETV facilities at the scheduled time for pick up. If the producer is going to be late, the producer must contact the Access Administrator. Failure to arrive on time or to contact Nashua ETV in advance of late arrival may result in forfeiture of the reservation.

The producer is to ensure the equipment is in good working order and make note of any damage or defect at the time the equipment is checked out. The producer must sign out the equipment using appropriate forms.

The producer assumes full responsibility for any and all equipment that is checked out in his/her name. This personal liability includes loss or damage incurred, other than normal wear and tear, for which the producer may be charged.

To ensure equipment availability, all equipment checked out must be returned to the Nashua ETV facility at the time specified at check out.

All equipment being returned must be visually inspected and checked in by the Education Channel Access Administrator.

3.4 Scheduling a Show

Playback time on Nashua ETV is available free of charge on a first-come, first-served, non-discriminatory basis.

The Nashua ETV system is capable of cablecasting programs from computer files in select file formats only. Programs may be provided electronically in MPEG2, Windows Media Video, and AVI formats. Programs provided on other formats will be transferred to one of these formats for cablecast. Other formats accepted are limited to DVD, Mini-DV or DVCam tape.

All programs submitted for cablecasting must be accurately labeled and slated with the program title, producer's name, date of production, pre-roll program, and total times. Complete labeling must appear both on the tape cassette and on the sleeve in which it is delivered or in the file name when provided electronically.

No program produced or shown on Nashua ETV may break copyright law. This includes the use of copyrighted music, and/or TV and film clips without permission. Copyrighted material may be used only if written permission has been obtained from the copyright owner (record company, film studio, TV station, etc.) by the producer and submitted to Nashua ETV.

To have a program cablecast, a producer must complete a Cablecast Request Form. This form allows you to suggest times you would like your program to be shown. The Education Channel Committee makes all final scheduling decisions. The completed form must be submitted to the Access Administrator with the program tape at least five (5) business days prior to desired playback time. Please be advised that Nashua ETV-produced programming including Board of Education meetings and live educational events will take scheduling priority.

All producers interested in doing any live programs must remember to book channel time as well as production equipment. Booking equipment for a certain day and time does not guarantee that channel time will be available and vice versa.

Producers who bring in programs on their own media are responsible for collecting that media after it has finished playing on the channel.

If a program on media not provided by Nashua ETV is unclaimed one year after its last cablecast date, reasonable attempts will be made to contact the producer to come and collect the tape. If the producer cannot be contacted, the media will be considered abandoned and will become the property of Nashua ETV.

The program will be retained in the playback files as long as it is deemed timely. The Access Administrator will then determine whether the program should be archived or recycled.

Nashua ETV may schedule subsequent showings of programs beyond the playback time requested by the producer. The producer may request to limit additional playbacks.

Nashua ETV reserves the right to refuse airing any program it determines to be non-educational, overtly commercial in nature, offensive or illegal.

3.5 Copies of Programs Produced by Nashua ETV

DVD copies of all programs produced by Nashua ETV may be obtained by making a request to the Nashua ETV Access Administrator at cost. Only copies of finished programs are available.

All programs produced by Nashua ETV are copyrighted by the City of Nashua, NH. Federal law provides severe civil and criminal penalties for the unauthorized reproduction, distribution or exhibition of copyrighted material. Criminal copyright infringement is investigated by the FBI and may constitute a felony with a maximum penalty of up to five (5) years in prison and or a \$150,000.00 fine.

All purchased authorized copies of programs produced by Nashua ETV are licensed for private home exhibition only. Any public performance, copying, or other use is strictly prohibited. All other rights reserved.

3.6 Copies of Programs Produced by Independent Producers

Independent producers (including educators or educational institutions) own the copyright to their programs and Nashua ETV will not provide copies of these programs to the public. Copies of these programs may be available from the copyright holder.

3.7 Placing Educational Announcements on the Nashua ETV Bulletin Board

Nashua ETV makes periodic space available for bulletins designed to educate or promote an educational event to the Nashua community. Announcements may be submitted up to four weeks in advance. Please allow at least one week for your ad to appear on Nashua ETV. Space is provided on a first-come, first-served basis.

Nashua ETV reserves the right to determine if an announcement is educational in nature, to edit any information provided for clarity, or to reject any announcement it deems inappropriate or non-educational.

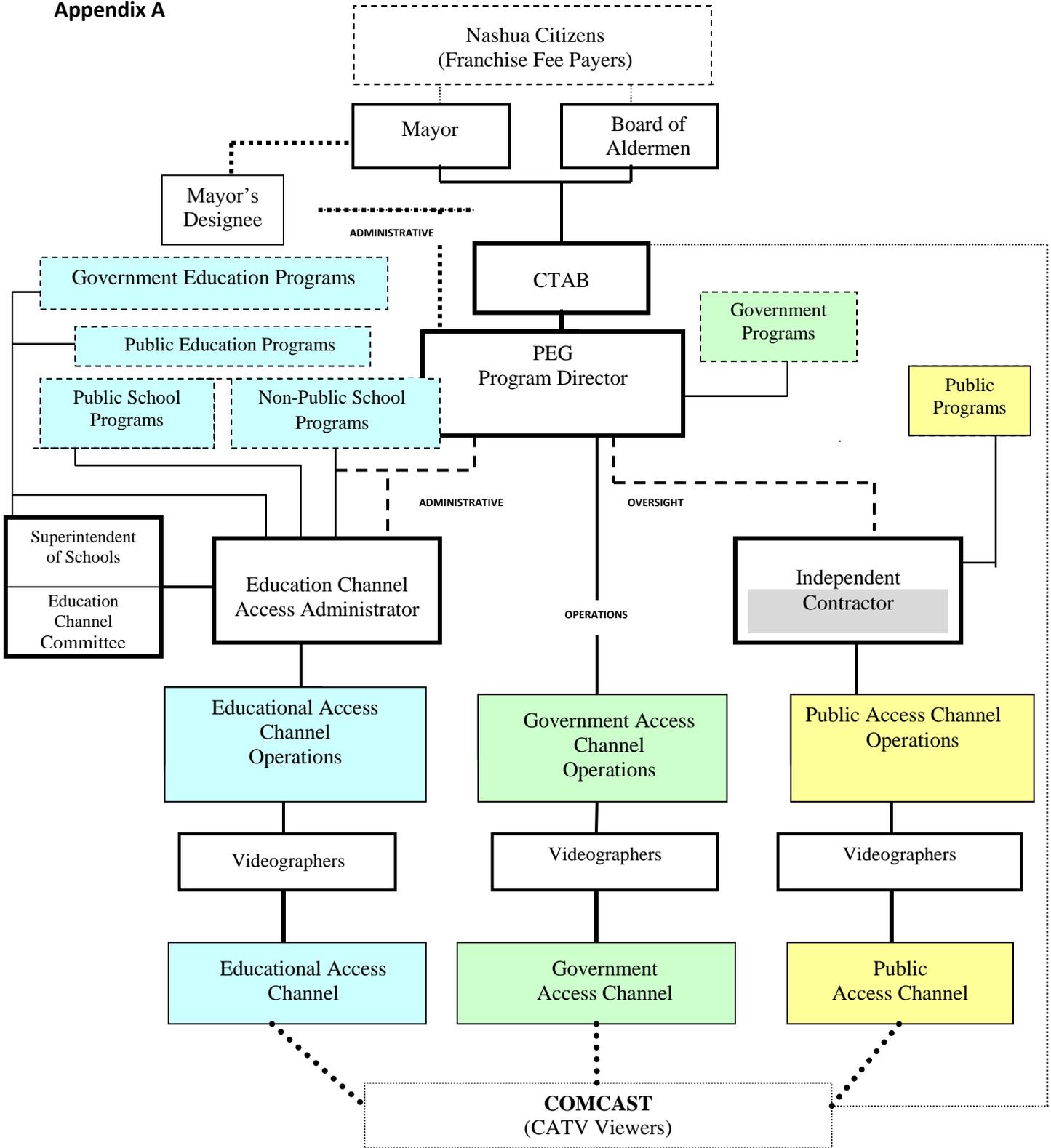
3.8 Resolution of Disputes

When disputes or disagreements with the decisions and rulings of Nashua ETV occur, they will be resolved in the following manner:

3.8.1 The complaint must be submitted in writing to the Access Administrator within thirty (30) days after the dispute arises. The Access Administrator's decision in consultation with the Education Channel Committee will be passed down within two (2) weeks after submission.

3.8.2 The complainant may then request in writing, within thirty (30) days of the Access Administrator's decision, an appeal in person to the Superintendent of Schools or his/her designee and the Education Channel Committee. A final decision will be communicated in writing within two (2) weeks after the meeting.

Appendix A



Appendix B, Page 1 of 2

Educational Access Channel Programs^{*}

Educational access television works directly with the local public and private schools to inform highlight and educate citizens of local school programs, events and goals, as well as to provide educational opportunities for students in communications.

The educational access channel shall not cablecast political advertising nor interview or present political parties or candidates for public office advocating or promoting their candidacy for elected or appointed political office, nor promote or oppose ballot issues by supporting groups or lobbying organizations.

No payment shall be solicited or accepted for any cablecast on the educational access channel.

On-air and off-air fundraising exclusively to benefit the educational access channel but not associated with any particular program or commercial enterprise shall be permitted, provided revenues collected shall accrue to a Special Revenues Account specifically dedicated to the operation of the educational access channel.

Furthermore, the educational channel shall not be used to promote school appointments, positions, salaries and budgets.*

Examples of educational access programs are:

- Programs designed to showcase student work
 - Creative student programming
 - Artistic endeavors
 - Multimedia projects
 - Student news & sporting cablecasts
 - Student call-in show
 - Concerts and special projects
 - School plays, musicals, and talent shows
- Programs designed to build school and community spirit
 - Cablecast school sports schedules
 - Cablecast school events schedules
 - Cablecast sporting events
 - Cablecast special school events
 - School of the month (student focused) showcasing our schools
- Programs that share the classroom
 - Distance learning
 - North and South connected into a common classroom
 - Videos of classroom that are approved by the school authorities.

* This description is based in part on input from the Nashua School District

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Educational Access Channel Programs

- Convey philosophy, vision, actions of educational leaders
 - Board of Education meetings
 - Other topics, except for promoting school positions, salaries and budgets
- Make education “more available” to the community
 - Public Library content to include story hours, cooking classes, and lectures
 - Educational content from other sources
 - Adult Education
- Programs contributed by private and public educational agencies.
 - Programs produced by government and public educational organizations such as NASA, Carnegie Foundation and Corporation for Public Broadcasting.
 - Programs produced by government agencies to educate the public about emergency procedures.

However, such contributed programs shall not become dominant in the lineup of programs cablecast on the educational access channel.

*[Clarification by Education Channel Committee - Except as may arise in the context of a Board of Education meeting or other public meeting, or as part of bona fide news coverage. May 12, 2009]

Appendix C

EDUCATION CHANNEL COMMITTEE BYLAWS

Article I: Name

Education Channel Committee, as established in the CTAB Policy & Procedures Manual.

Article II: Mission

The Education Channel's mission is

*To share with the community the teaching and learning that is happening in the
Nashua Public Schools, the Nashua Public Library, and the
City of Nashua's private schools and colleges,*

to provide a forum for student work and activities, and

*to inform and engage the public on educational issues and the work of the Office of
the Superintendent of Nashua Schools.*

Article III: Membership

Membership on the Education Channel Committee is in accordance to the following excerpt from the CTAB Policy and Procedures Manual 7.2 Education Channel Access Manager: *The Superintendent of Schools or his/her designee will chair an E Channel Committee, which will determine the content to be aired on the E Channel and its program guide. This committee will be made up of interested parties from within the Nashua School District and from other private educational institutions within in the city, at their request. These responsibilities include coordinating non-public school programming and public educational programming not directly associated with the public school system.*

Members include representatives from the Nashua School District Administration and the Curriculum Team, the Nashua Public Library, CTAB, and from the local parochial schools and private schools and colleges. Membership shall not exceed 15 members.

Article IV: Monthly Meetings

The date of the regular monthly meetings has been set by the Education Channel Committee membership, who also set the time and place. The meetings take place the second Tuesday of the month at 9:00 am at the Berard Masse School Administration Building. The meeting schedule shall be posted publicly on the City of Nashua web site. The meetings shall be conducted according to the Roberts Rules of Order.

Article V: Sub-Committees

The Education Channel Committee has established the Programming Policy and Procedures Sub-Committee. Established in May 2007, the PPP Sub-Committee is charged with the initial development of procedures to bring possible, suggested content from conception to programming; and initial development of policy regarding the nature of content.

Sub-committee membership is voluntary, with the PEG Manager/Education Channel Access Administrator included as a member; Sub-Committee Meeting time and date is set according to sub-committee preference and necessity.

The Education Channel Committee proposes to establish the Membership Sub-Committee. If a vacancy occurs, a membership sub-committee will be established to recruit member.

October 9, 2007

Appendix E, Page 1 of 3
State of New Hampshire Law

TITLE LXII
CRIMINAL CODE

CHAPTER 650
OBSCENE MATTER

General Provisions

Section 650:1

650:1 Definitions. – In this chapter:

I. "Disseminate" means to import, publish, produce, print, manufacture, distribute, sell, lease, exhibit or display.

II. "Knowledge" means general awareness of the nature of the content of the material.

III. "Material" means any printed matter, visual representation, live performance or sound recording including, but not limited to, books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances or other representation or embodiment of the obscene. Undeveloped photographs, molds, printing plates, and the like, shall be deemed obscene material notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

IV. Material is "obscene" if, considered as a whole, to the average person

(a) When applying the contemporary standards of the county within which the obscenity offense was committed, its predominant appeal is to the prurient interest in sex, that is, an interest in lewdness or lascivious thoughts;

(b) It depicts or describes sexual conduct in a manner so explicit as to be patently offensive; and

(c) It lacks serious literary, artistic, political or scientific value.

V. "Predominant appeal" shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or other specially susceptible audience.

VI. "Sexual conduct" means human masturbation, sexual intercourse, actual or simulated, normal or perverted, whether alone or between members of the same or opposite sex or between humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

VII. "Child" means a person under the age of 18.

Source. 1971, 518:1. 1976, 46:3. 1977, 199:3. 1994, 60:1, eff. Jan. 1, 1995

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State of NH Law, Title LXII Criminal Code

Section 650:2

650:2 Offenses. –

I. A person is guilty of a misdemeanor if he commits obscenity when, with knowledge of the nature of content thereof, he:

- (a) Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any obscene material; or
- (b) Presents or directs an obscene play, dance or performance, or participates in that portion thereof which makes it obscene; or
- (c) Publishes, exhibits or otherwise makes available any obscene material; or
- (d) Possesses any obscene material for purposes of sale or other commercial dissemination; or
- (e) Sells, advertises or otherwise commercially disseminates material, whether or not obscene, by representing or suggesting that it is obscene.

II. A person who commits any of the acts specified in subparagraphs (a) through (e) of paragraph I with knowledge that such act involves a child in material deemed obscene pursuant to this chapter is guilty of:

- (a) A class B felony if such person has had no prior convictions in this state or another state for the conduct described in this paragraph;
- (b) A class A felony if such person has had one or more prior convictions in this state or another state for the conduct described in this paragraph.

III. For the second and for each subsequent violation of paragraph I, such person shall be guilty of a class B felony.

Source. 1971, 518:1. 1976, 46:4. 1977, 199:2. 1983, 448:3. 1994, 60:2, eff. Jan. 1, 1995.

Section 650:3

650:3 Exemption. – A motion picture projectionist or motion picture machine operator who is regularly employed by anybody to operate a projecting machine in a public motion picture theatre shall not be guilty of a violation under this chapter because of the picture which is being projected if he is required to project it as part of his employment.

Source. 1971, 518:1, eff. Nov. 1, 1973.

Section 650:4

650:4 Justifiable and Non-Commercial Private Dissemination. – It is an affirmative defense to prosecution under this chapter that dissemination was restricted to:

- I. Institutions or persons having scientific, educational, governmental or other similar justification for possessing obscene material; or
- II. Non-commercial dissemination to personal associates of the accused who are not under 18 years of age.

Source. 1971, 518:1, eff. Nov. 1, 1973

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State of NH Law, Title LXII Criminal Code

Section 650:5

650:5 Evidence; Adjudication of Obscenity. – In any prosecution under this chapter, evidence shall be admissible to show:

- I. The character of the audience for which the material was designed or to which it was directed;
 - II. What the predominant appeal of the material would be for ordinary adults or any special audience to which it was directed;
 - III. The degree of public acceptance of the material in this state;
 - IV. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
- and
- V. The good repute of the author, creator, publisher or other person from whom the material originated;
 - VI. Expert testimony and testimony of the author, creator, publisher or other person from whom the material originated, relating to factors entering into determination of the issue of obscenity.

Source. 1971, 518:1. 1976, 46:5, eff. June 1, 1976.

Preliminary Hearing

Section 650:6

650:6 Preliminary Hearing. –

I. No recognized or established school, museum, public library or governmental agency, nor any person acting as an employee or agent of such institution, shall be arrested, charged or indicted for any violation of a provision of this chapter until such time as the material involved has first been the subject of an adversary hearing wherein such institution or person is made a defendant, and, after such material is declared by the court to be obscene matter, such institution or person continues to engage in the conduct prohibited by this chapter. The sole issue at the hearing shall be whether the material is obscene matter.

II. The adversary hearing prescribed in paragraph I of this section may be initiated only by complaint of the county attorney or the attorney general. Hearing on the complaint shall be held in the superior court of the county in which the alleged violation occurs. Notice of the complaint and of the hearing shall be given by registered mail or personal service. The notice shall state the nature of the violation, the date, place and time of the hearing, and the right to present and cross-examine witnesses. In addition to the defendant, any other interested party may appear at the hearing in opposition to the complaint and may present and cross-examine witnesses. For the purposes of this paragraph, the term "interested party" includes, but is not limited to the manufacturer of the material alleged to be harmful to minors.

III. The state or any defendant may appeal from a judgment. Such appeal shall not stay the judgment. Any defendant engaging in conduct prohibited by this chapter subsequent to notice of the judgment finding the material to be obscene matter shall be subject to criminal prosecution notwithstanding the appeal from the judgment.

Source. 1979, 397:2, eff. Aug. 22, 1979.

Appendix F

FCC CODE

Title 18 U.S.C. § 1464 : US Code - Section 1464:

Broadcasting Obscene Language

Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined under this title or imprisoned not more than two years, or both.

- Appendix G** System Design Documents
Contact the Education Channel Access Administrator,
City of Nashua Information Technology Department
- Appendix H** Equipment List and Specifications
Contact the Education Channel Access Administrator,
City of Nashua Information Technology Department
- Appendix I** Operator, Maintenance and Training Documentation (by reference)
Contact the Education Channel Access Administrator,
City of Nashua Information Technology Department