2005-2006
ASUCSD Bill #77
September 28, 2005

Submitted By: Denis Schmidt, Student Advocate
Cosponsored By: Maurice Junious, Commissioner of Student Services

Subject: Approval of Amendment to the SRTV Broadcast Rules and Regulations

The A.S. Council approved the Amendment to the SRTV Broadcast Rules and Regulations.

Approved: Consensus
Against: 
Abstain: 

Council Approval;
Certified by:

________________________  ______________________
Chair of the Council       Date for Chair of the Council

________________________  ______________________
Presidential Approval      Date for the President
A. Copyrighted Material

SRTV does not allow the rebroadcast of unauthorized copyrighted material

B. Obscene Broadcast Restrictions

1. SRTV follows FCC guidelines Regarding Obscenity.
2. It's against the law
   It is a violation of federal law to broadcast obscene material at anytime. It is also a violation of federal law to broadcast indecent programming during certain hours. Congress has given the Federal Communications Commission (FCC) the responsibility for administratively enforcing the law that governs these types of broadcasts. The Commission may revoke a station license impose a monetary forfeiture, or issue a warning, for the broadcast of obscene or indecent material.
3. Obscene Broadcasts Are Prohibited at All Times
   Obscene speech is not protected by the First Amendment and cannot be broadcast at any time. To be obscene, material must meet all three prongs of the Miller test.
   • An average person applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest;
   • The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and
   • The material, taken as a whole, must lack serious literary, artistic, political or scientific value.

C. Indecent Broadcast Restrictions

1. SRTV voluntarily follows FCC guidelines for indecency.
2. The FCC has defined broadcast indecency as “language or material that, in context depicts or describes, in terms patently offensive as measured by contemporary community broadcast standards for the broadcast medium, sexual or excretory organs or activities.” Indecent programming contains patently offensive sexual or excretory references that do not rise to the level of obscenity. As such, the courts have held that indecent material is protected by the First Amendment and cannot be banned entirely. It may, however, be restricted in order to avoid broadcast during times of the day when there is a reasonable risk that children may be in the audience.
3. Consistent with a federal statute and federal court decisions interpreting the indecency statute, the FCC adopt a rule pursuant to which broadcast—both on television and radio—that fit within the indecency definition and that are aired between 6:00 AM and 10:00 PM are subject to indecency enforcement action.

D. Mechanisms Available to Block Programming or Channels

1. Generally, Cable television operators have the right to determine the channels that are available on their on their cable systems. To maximize the number of subscribers, the cable operator selects channels that are likely to appeal to a broad spectrum of viewers. Because of this, a cable subscriber may receive programs as a part of a programming package that he or she does not wish to view.
2. The cable operator, in general, is not responsible for the programming that is shown on a particular channel and does not have the right to prevent the transmission of programming that may contain objectionable material. However individual subscribers have various tools available that may be used to prevent that viewing of programs or channels. For example, the subscriber may employ a lockbox and/or a V-chip.

- **Lockbox**
  A “lockbox” is a device that a subscriber may lease or purchase from the cable company or from a retail store. By using a lockbox, a cable subscriber can literally lock specific channels so the programming cannot be viewed.

- **V-Chip**
  Federal law now requires that most programming available on television is rated to alert viewers if the programming contains violence, inappropriate language or other material a viewer may find offensive. A V-chip is the circuitry in a television that is capable of identifying these ratings and blocking the programming that the individual finds inappropriate. All 13-inch or larger screen televisions that are manufactured are imported for use in the United States are required by law to include the V-Chip on at least 50% of their products after July 1, 1999 and on the remaining 50% by January 1, 2000. If you have an older model television, you may purchase a V-chip and attach it to the television. Depending on its technical specifications, the V-chip may be used to block individual programs or it may be used to block one or more channels entirely.