



SHOW CONTENT GUIDE

Advanced Video/Film -- CCA-TV Class

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INTRODUCTION

CCA-TV is the weekly, student-produced high school television broadcast at Canyon Crest Academy in San Diego, California. Produced by students in the school's Envision Cinema program, the show is posted on the program's [YouTube.com/ccatelevision](https://www.youtube.com/ccatelevision) channel and viewed each week on Fridays in homeroom, but also publicly available to anyone on YouTube and watched by parents, members of the community, and even other schools. CCA-TV started in January 2010 and has been recognized and awarded at the local, state, and national level.

This policy guide is designed to provide Envision Cinema students with the rules related to CCA-TV content and the legal reasons behind them. It was produced as a research project by Envision Cinema Coordinator and CCA-TV founder Mark Raines in June 2019 as a Communication graduate school project at the University of Central Missouri in the course The Law and Digital Media.

Goals & Core Values

CCA-TV has two primary goals:

1. To provide students with a variety of real-world learning opportunities through laboratory experiences in television, video, film, and communications, preparing students for further study at the college level and for entry-level positions in the television, film or communications industry.
2. To inform and entertain the CCA-TV target viewing audience, with journalistic integrity. The target viewing audience consists of Canyon Crest Academy students, staff, parents, and community members.

CCA-TV Core Values:

CREATIVITY – dreaming, imagining, and developing ideas

COMMUNICATION – clarity of verbal and written information

ACCOUNTABILITY – personal responsibility for actions, behavior, choice

TEAMWORK – building community through collaboration

VISUAL STORYTELLING – producing stories to entertain, inform and captivate

CONTENT AUTHORITY

CCA-TV Policy:

All CCA-TV content must be approved by the CCA-TV teacher before production or inclusion in CCA-TV. Anyone can pitch an idea for content, but the final decision is made by the classroom teacher. In some cases, the teacher and/or student must discuss the topic with school administrators for further approval. Any student producing unapproved content will face school disciplinary action.

What the Law Says:

CCA-TV is a school-sponsored television program, so school authorities have final say in content approval, based on the 1988 U.S. Supreme Court ruling in *Hazelwood School District v. Kuhlmeier*. In that case, the Court ruled that a school has legitimate reasons to prevent publication of articles it deems inappropriate (U.S. Courts, 1988). According to the Administrative Office of the U.S. Courts on behalf of the Federal Judiciary, in that case, students in a journalism class at Hazelwood East High School in St. Louis Missouri wrote stories about students' experiences with teen pregnancy and divorce, and the principal deleted the pages with that content before the publication was printed without notifying the students. The students sued saying the school violated their First Amendment rights. A U.S. District Court ruled in favor of the school, but a U.S. Court of Appeals reversed their decision, so the school appealed the case to the U.S. Supreme

Court. The Court, in a 5-3 ruling, held that the principal's actions did not violate the students' First Amendment rights: "Specifically, the Court noted that the paper was not intended as a public forum in which everyone could share views; rather, it was a limited forum for journalism students to write articles, subject to school editing, that met the requirements of their Journalism II class" (U.S. Courts, 1988).

Internet & Wifi Regulation

CCA-TV Policy:

The Internet and WiFi provided as part of the CCA-TV program belongs to the San Dieguito Union High School District (SDUHSD). Any use of these services can be monitored by the classroom teacher and the school or district administrators. Students must sign a district Acceptable Use Policy each semester to be able to use the district network and Wifi for CCA-TV production work.

What the Law Says:

The SDUHSD Acceptable Use policy must be signed by students and their parents before students have access to the district Internet or Wifi. That document includes a section titled “Monitoring,” which includes the following provisions:

Monitoring: The district reserves the right to limit, review, and monitor any and all files on the network computers, which include, but are not limited to, the following.

- a) Set up a filter to block district deemed objectionable sites and/or terminology.
- b) Any material/applications on user accounts.

- c) Fileserver space in order to make determinations on whether specific uses of the network are appropriate. (SDUHSD, 2001)

Students must remember that any time they access the Internet using district computers or district Wifi (including for email, social media, iMessages, etc.) the district can monitor their actions. Just so students know this is not just a reality of the school experience, most places of work have similar policies, and the Supreme Court ruled in the 2010 case *City of Ontario v. Quon* that employees have limited privacy rights and government employers can review an employee's text messages if sent and received using government-issued equipment, if the search has a legitimate work-related purpose and if the public employees have been told not to expect privacy (*City of Ontario v. Quon*, 2010).

USE OF COPYRIGHT MUSIC

CCA-TV Policy:

All music included in a CCA-TV production should be copyright free or the student must have written consent from the music owner to use the music in our broadcast. There are rare occasions when copyrighted music can be used in CCA-TV, but these exceptions must be approved by the classroom teacher. When we upload our weekly show to YouTube, if there is copyrighted music within the show, YouTube automatically blocks it from viewers, which is a major problem for our distribution.

What the Law Says:

According to the Student Press Law Center (SPLC), “copyright provides protection to original works of authorship by allowing the owners of original, creative works to protect their work product against unauthorized use by others” (SPLC, 2011). The SPLC (2011) says there are some exceptions where the concept of “fair use” allows non-owners to use copyrighted work to be used without advanced permission from the copyright holders, but the law is still not clear on when this is allowed or not allowed, so courts look at this issue on a case by case basis. So, due to this uncertainty, we have chosen to not allow copyrighted music on our CCA-TV show, except in one area of fair use that

we have successfully used many times: parody. The SPLC (2011) says the student publications can include parodies under the fair use guidelines if: (1) the work must mimic the original work rather than something, (2) the parody must be obvious, and (3) the parody must take no more than the original than necessary to make a point.

Some examples of past parodies on CCA-TV: recreating the opening scene from “The Office” television show a Halloween episode recreating scenes from “Stranger Things” on Netflix. In the case of “The Office” parody, YouTube did originally block the episode when it was first uploaded, but we were able to dispute the block using the right of parody and fair use. YouTube unblocked the show in time for our Friday morning screening.

Inappropriate Content

CCA-TV Policy:

Students may not use or produce any images, language or content that is obscene, indecent, or vulgar within their role as a CCA-TV staff member. Any violation of this policy will be punished according to the Canyon Crest Academy disciplinary guidelines.

What the Law Says:

When it comes to this CCA-TV policy, the initial guideline comes from our CCA school discipline policy. Under general school rules, it states: "Students will not use profanity and/or commit vulgar or obscene acts or make inappropriate displays of affection or be in possession of obscene, or vulgar material." But, federal rules and regulations of obscenity and indecency, particularly designed to protect children, on broadcast television strongly support our CCA-TV policy as well. CCA-TV is screened every Friday morning in all homeroom classes, so it has similar open access on our campus as broadcast television. The FCC defines obscenity, indecency and profane content this way:

Obscene content does not have protection by the First Amendment. For content to be ruled obscene, it must meet a three-pronged test established by the Supreme Court: It must appeal to an average person's prurient interest; depict or describe sexual conduct in a "patently offensive" way; and, taken as a whole, lack serious literary, artistic, political or scientific value.

Indecent content portrays sexual or excretory organs or activities in a way that does not meet the three-prong test for obscenity.

Profane content includes "grossly offensive" language that is considered a public nuisance. (FCC, 2017)

While obscenity is banned from all broadcast television, indecent and profane content is not allowed on broadcast television or radio between 6 a.m. and 10 p.m. when there is a higher probability that children will be watching (FCC, 2017).

Use of Video, Photo Images, & Social Media Content

CCA-TV Policy:

Students may only use video and photo images found publicly online or through social media with consent of the classroom teacher, and the source of the content must be attributed onscreen with a graphic.

What the Law Says:

As with copyright music, the law is pretty clear on not broadcasting video or photos without specific permission of the owner of that content. At CCA-TV, we primarily use video or photos without prior permission under the fair use consideration of newsworthiness, like when there has been a crime committed on campus or in our nearby community, but the SPLC cautions that while this is often permissible, the “courts generally only find fair use is applicable in this situation when the work itself is newsworthy and its use is necessary to tell a very timely news story, with no time to get permission or seek alternate sources” (SPLC, 2011). This is why we require teacher permission and an onscreen graphic of attribution in this instance.

When it comes to public social media posts and content, in general, most broadcast and cable news organizations seem to feel comfortable with resharing content with attribution, i.e. allowing the username or watermark to remain on the content. In the current world of social media, many social media accounts desire to have their content shared or “go viral,” but you still could face copyright issues if you’re not careful. Below are some tips for avoiding copyright issues with social media content:

- Always assume the image or video is copyrighted and ask permission of the owner or account.
- Do not crop off watermarks or other identifying information, like the username of the social media account.
- Always acknowledge authorship, saying or graphically illustrating who created the content. (Paragon Digital Marketing, 2017)

Again, even with including public social media content in your CCA-TV pieces, you must have prior approval from the classroom teacher.

Students' Names and Images

CCA-TV Policy:

On CCA-TV, we allow the full name (first and last) of adults to appear on screen with their image, but with students, we only allow the use of their first name on screen (no last name) with their photo or video image. This applies to CCA-TV on-air staff, any students in our school, and any children under age 18 interviewed for our show. This is a school and CCA-TV policy decided with school administration when CCA-TV began in 2010 as a way to limit students' personal information broadcast on the Internet. We do use students' first and last name on things like credits or lists of student award winners, when you do not also see their photo or video image with their name. There is also a list of students whose parents do not allow their image to be broadcast on CCA-TV or the Internet. Please have the classroom teacher confirm the students you plan to feature in your piece are not on this list.

What the Law Says:

Like mentioned above, this is a school specific policy. According to the SPLC:

Despite what many schools seem to think, no federal privacy law requires a student publication to withhold student information from the internet or get advance written parental consent. If you're told there is such a ban, ask to see the school district policy in writing — and if the policy applies only to sites hosted on a school server (many do), see if you can get your news site hosted on a third-party server, not one controlled by the school. (SPLC, 2018)

Location Approval & Trespassing

CCA-TV Policy:

Before filming in any location, CCA-TV staff members must have a location agreement signed by the adult overseeing that location and also approved by the CCA-TV classroom teacher. For CCA-TV, this applies to all locations on-campus and off-campus.

What the Law Says:

According to *The Law of Journalism and Mass Communication*, “The law against trespassing is generally applicable: no one, journalists included, may trespass.

Permission to enter the property may be given or denied only by the owner or the resident, who may not be the owner” (Trager, R., Ross, S. D., & Reynolds, A., 2018).

The SPLC (2011) gives some general guidelines to be aware of when it comes to public property versus private property. In general, public forum property where you have the right to film without permission (unless your community requires filming permits) are areas like streets, parks, and sidewalks. Public non-forum property consists of locations like government buildings, prisons, airports, and require pre-authorization to film. Private property refers to property owned by individuals or businesses and also require pre-authorization.

Defamation (Libel)

CCA-TV Policy:

CCA-TV staff student members will not knowingly report false statements that cause damage or harm to any individuals. If done knowingly, students will be referred to school administrators for punishment based on school discipline policies. It is important that CCA-TV students check and confirm all details in every story before submitting it for broadcast.

What the Law Says:

The SPLC (2018) says students are very rarely sued for defamation or libel (false statements published that damage an individual), but it can happen, “and it’s important to observe professional standards if you want your work to be taken seriously. You can’t be liable for defamation if you just publish a critical opinion about someone or reveal an unpleasant truth. But if you make a false accusation of fact (even one implied in an “opinion” column), then you may have committed defamation” (SPLC, 2018).

According to libel law, the burden of proof is on the plaintiff (the person suing for libel) to prove their case. The plaintiff must prove what was reported was stated as a fact, published, concerned the plaintiff, is defamatory, is false, caused damage (or harm), and the defendant is at fault (Trager, R. et al., 2018).

Plagiarism

CCA-TV Policy:

As stated in the course syllabus, CCA-TV adheres to the school district's SDUHSD Academic Honesty Policy. The policy defines Plagiarism as:

Any intentional representation of another's ideas, words, or works as one's own. Plagiarism includes the misuse of published material, electronic material, and/or the work of other students. The original writer who intentionally shares his/her paper for another to copy, without the permission of the teacher, is also engaged in plagiarism.

This policy applies to all content produced for CCA-TV. Referring back to the issues of copyrighted music and online content discussed earlier in this document, students who misrepresent any copyrighted content as their own creation will face school disciplinary action for plagiarism.

What the Law Says:

In an article titled "Plagiarism: What is it, Exactly?" Stephanie Morrow (2009), a copyright and trademark professor, put it this way:

Although plagiarism is not a criminal or civil offense, plagiarism is illegal if it infringes an author's intellectual property rights, including copyright or trademark. For example, the owner of a copyright can sue a plagiarizer in federal court for copyright violation. The plagiarist in turn may have to pay the copyright owner of the plagiarized works the amount he or she actually lost because of the infringement, in addition to paying attorney's fees.

So on CCA-TV, you could face school disciplinary action, plus lead to a potential copyright or trademark infringement lawsuit if you plagiarize content.

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