

## **AP 3710 Filming and Photography (NEW)**

### **References:**

Education Code §§38131 and 78907; Civil Code §3344(a): *Porat v. Lincoln Towers Community Association*, No. 04 CIV. 3199 (LAP), 2005 WL 646093 (S.D.N.Y. Mar. 21, 2005) *aff'd*, 464 F.3d 274 (2d Cir. 2006); *Perry Education Association v. Perry Local Educators' Association*, 460 U.S. 37 (1983).

Administrative Procedure 3900, Freedom of Expression

Administrative Procedure 4600, News Media

Administrative Procedure 5520, Student Discipline Procedures

Administrative Procedure 6700, Campus Events and Use of Campus Facilities

Administrative Procedure 6700, Campus Events and Use of Campus Facilities

Board Policy 6530, Closed-Circuit Television Surveillance Systems

Because of issues of privacy, security, potential disruption of campus activities, and implied endorsement, the following guidelines have been established to clarify the rights and responsibilities of College guests, students, faculty, and staff relating to campus photography, filming, videography, and audio recording.

For simplicity, all references to film or filming in this policy are meant to include all forms of film, photography, video, live streaming, digital imaging, and audio recording. If you are unable to find the answers you need in the guidelines below, please contact the Office of Marketing & Communication.

As used in this Administrative Procedure, the term public areas refers to the areas generally available to students and the community. The College reserves the right to designate areas as non-public as necessary to prevent the substantial disruption of the orderly operation of the College. Areas of the College that are non-public specifically include campus offices, classrooms, warehouses, maintenance yards, and locker rooms. The term public area in this Administrative Procedure thus coincides with the term limited public forum as defined in Administrative Procedure 3900, Freedom of Expression.

### **A. General Provisions**

On-campus filming must be consistent with College policy and its mission; it also must not interfere with College operations, including but not limited to educational operations and previously scheduled College events. In addition, filming must not create a security, health, or safety risk to members of the College community.

### **B. Commercial Filming**

Express permission is required for non-news and commercial filming on the College's campus. Requests for filming on the College's campus for commercial use should be submitted in writing to the Event Services Office at least 14 days prior to the desired date to start the filming. For commercial filming, proof of insurance is required. Execution of a separate Campus Use Agreement is also required. Fees may be charged for all commercial filming. See Administrative Procedure 6700, Campus Events and Use of Campus Facilities.

### C. Academic Filming

Filming on the College campus or in College-owned or operated facilities for academic purposes is limited to College students, faculty, staff, and others attending the College's academic and extracurricular and College-sponsored programs, including student-run newspapers and publications, and other programs that occur on the College's campus and for which photography, videography, or audio recording is part of the program. With prior approval of the instructor of record, College students may engage in filming if their project is to fulfill academic credit, is the requirement of a class project, or if they are members of the College's newspapers, journals, or other publications or of radio stations, streaming audio, or other media broadcasting. College students not adhering to these provisions are subject to discipline as described in Board Policy 5500, Standards of Conduct, and Administrative Procedure 5520, Student Discipline Procedures.

### D. Internal College Projects

College's divisions, departments, and other established units of the College are permitted to film for the purpose of film production related to the division, department, or unit. The filming must not be disruptive, violate the privacy rights of individuals, and must be done in accordance with College policy.

### E. The following guidelines are applicable to ALL filming on campus:

1. Except for personal filming (defined as non-news and non-commercial filming in public areas for personal use or as a private record of a public event), permission from Event Services Office is required to film in indoor spaces, including the library, classrooms, laboratories, and dining facilities. The College accommodates reasonable requests, but reserves the right to deny permission when the request runs contrary to College policies, especially those that ensure student privacy. If applicable, faculty members and administrators with responsibility for the space, such as labs or classrooms, must also provide approval. In particular, consent from classroom instructors must be obtained prior to the use of electronic listening or recording devices, with the exception of reasonable auxiliary aids and academic adjustments for students with disabilities. This paragraph does not apply to:
  - a. Filming of Board of Trustee meetings and any other meetings governed by the Brown Act
  - b. Video recordings made in the College television studio or in the College remote production truck by College personnel or authorized students
  - c. Still photography in campus studios (i.e. photography classes, Marketing photo studio)
  - d. Still photography for marketing purposes coordinated through Marketing and Communication or Web Services with permission from faculty members and/or administrators responsible for the space
  - e. Audio recordings in support of academic research or in direct support of the college programs (i.e. oral histories, off-air recordings by radio students)
  - f. Video recordings in direct support of college programs (i.e. game films for athletic teams, students practicing for a tournament or performance)

- g. News media recordings in public areas. (Administrative Procedure 4600, News Media, elaborates on the role of College news media at the College.)
  - h. Filming as authorized in Board Policy 6530, Closed-Circuit Television Surveillance Systems.
2. Filming must not be disruptive and must be done in accordance with College policy.
  3. On-campus filming must not interfere with the ongoing operations of the College, including but not limited to educational operations and previously scheduled College events.
  4. Filming must not create a security, health, or safety risk to any members of the College community or anyone involved in the project.
  5. Appropriate releases may be required for individuals appearing on-camera, with the exception of educational, informational, or purely personal photography. Although releases are generally not required for filming in public areas, there are exceptions and laws vary. When in doubt, get a signed video appearance form.
  6. Various fees may be incurred during film shoots requiring College services, including location fees, supervision of the filming event and other college services including security, grounds, custodial and maintenance services.
  7. Pyrotechnics, explosives, amplified sound, sound or visual effects, replicas of weapons, and other props that would cause alarm or disruption to the campus community are prohibited without prior authorization from the College.
  8. Commercial works that include the College's name, logos or other trademarked images need to be granted a license from the College for use of trademarks.