

February 9, 2016

VIA EMAIL & U.S. MAIL
UMai@MtSAC.edu

Uyen "Yen" Mai
Director of Marketing and Communication
Mt. San Antonio College
1100 N. Grand Ave.
Walnut, CA 91789

Re: Citations for Filming and Photography Policy
Client-Matter: MO160/001

Dear Yen:

Enclosed with this letter please find the revised Filming and Photography Policy incorporating the supporting legal citations. Below please find an explanation of the citations and why we included them in the letter:

Education Code §38131: This statute provides that there is a "civic center at each and every public school facility and grounds within the state" and that "the governing board of any school district may grant the use of school facilities or grounds as a civic center upon the terms and conditions it deems proper" for certain delineated purposes. This citation supports the policy provisions concerning personal and student filming.

Civil Code §3344(a): This statute provides that "[a]ny person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person's prior consent, or, in the case of a minor, the prior consent of his parent or legal guardian, shall be liable for any damages sustained by the person or persons injured as a result thereof." This citation supports the policy requiring releases for all individuals appearing on-camera with the exception of purely personal photograph.

Education Code §78907: This statute, which applies to community college districts, provides "The use by any person, including a student, of any electronic listening or recording device in any classroom without the prior consent of the instructor is prohibited, except as necessary to provide reasonable auxiliary aids and academic adjustments to disabled students." This citation supports the limitations that filming shall not interfere with College operations and

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educational operations and that permission is required to film in indoor places, including classrooms.

Porat v. Lincoln Towers Cmty. Ass'n, No. 04 CIV. 3199 (LAP), 2005 WL 646093 (S.D.N.Y. Mar. 21, 2005) aff'd, 464 F.3d 274 (2d Cir. 2006). This case held that "recreational, non-communicative photography" was not protected by the First Amendment because it was not intended for any audience. This citation supports the policy limitations on personal photography.

Perry Education Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983). This case established three level hierarchy of public forms – traditional public forms, limited or designated public forums, and nonpublic forms and the level of permissible restrictions on speech in each forum. This citation supports the limitations that filming shall not interfere with College operations and educational operations and that permission is required to film in indoor places, including classrooms.

Please do not hesitate if you have any questions or would like to discuss in more detail.

Very truly yours,

LIEBERT CASSIDY WHITMORE



Alison R. Kalinski

ARK:lt