

# Film, Photography and Audio Recording Policy

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<b>Subject:</b>	<b>Physical Plant</b>
<b>Policy:</b>	<b>Film, Photography and Audio Recording Policy</b>
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## 100.00 Introduction and Purpose

This policy governs the activities of filming, photography and audio recording on the MSU campus and its properties (either owned or leased) and at university events (on and off-campus), the issuance of permits, and assessment of fees for such activities. The purpose of the policy is to assure that the activities are conducted with knowledge of campus officials; that they are undertaken in accordance with the law and in a manner that will not damage the image and reputation of the university; and that they are protective of the intrinsic value of the MSU name, its campus landmarks, trademarks, and logos and does not infringe on the privacy interests of persons who are depicted in the film and photography or recorded through audiotaping.

## 200.00 Definitions

**Campus Image:** A still or moving image of MSU property that can be readily identified by the public as MSU property by architecture, landmarks, signage, the presence of prominent individuals, the inclusion of logo clothing or athletic uniforms, or any other means.

**Filming:** The capturing of moving or still images of MSU property by any means on any media now in use or that may be invented in the future including, but not limited to, film, videotape, digital disk, or any electronic transmission to another medium or to the internet.

**Photography:** The capturing of still images onto any compatible medium, or posting to the internet, by any means or devices now in use or that may be invented in the future including, but not limited to, film cameras, digital cameras, electronic devices such as personal computers, mobile phones, or personal digital devices.

**Audiotaping or Recording:** The capturing of sound by any means or devices now in use or that may be invented in the future, including tape recorders, mobile phones, and personal digital devices.

## 300.00 Policy

Filming and photography will be permitted on the MSU campus and its owned or leased properties in accordance with this Policy. Filming and photography will be approved only if it is consistent with the interests of the University and other applicable policies and

1. does not interfere with the educational, research or other program functions or events of the University;
2. does not pose a security or safety risk to those involved in the filming and photography or other campus users;
3. does not cause damage to any University asset;
4. the use or re-use of the resulting film or photography product is appropriate and protective of the intrinsic value of the MSU name, its campus landmarks, trademarks, and logos and does not infringe on legitimate privacy interests of persons who are depicted in the film and photography.

## 400.00 Commercial Filming and Photography

Commercial Filming and Photography includes filming and photography for commercial purposes and for which MSU will not own the copyright to the product created. All commercial filming and photography requires a [Facility Use Permit](#). No campus images may be used in a commercial film or photograph without prior written authorization from University Communications. Examples of commercial filming and photography include, but are not limited to:

1. Theatrical release, broadcast or print media
2. Industrial use (e.g., trade show, intra-company or intra-industry use)
3. Photographs for calendars, works of art or other commercial products
4. Documentary media

Permits shall be requested as noted in Section 1100.00, and all pertinent information furnished on forms provided by University Communications prior to the beginning of any activities. Such permits may also include permit fees, location management or coordination fees, cost recovery fees, or a negotiated stipend as deemed appropriate or waived by University Communications.

## 500.00 MSU Filming and Photography

MSU Filming and Photography includes all filming and/or photography for University purposes which the University controls and that features MSU employees and/or contractors. Examples of MSU filming and photography include:

1. Broadcast or print media for MSU use
2. Academic or departmental broadcast/webcasts (e.g., online or remote classes, trainings, presentations, etc.)
3. Departmental and other meetings for MSU use, whether or not in person or through digital, online, or other media
4. Filming or photography services contracted by MSU

MSU filming and photography may not require a permit as long as the responsible MSU department *ensures* that the filming or photography:

1. Does not interfere with the educational, research or other program functions or events of the University
2. Does not pose a security or safety risk to those involved in the filming and photography or other campus users
3. Does not require the provision of any University resources or services, or cause damage to any University asset (e.g., grounds, infrastructure, buildings, equipment, etc.)
4. Is used in an appropriate manner and is protective of the intrinsic value of the MSU name, its campus landmarks, trademarks, and logos
5. Does not infringe on legitimate privacy interests of persons who are depicted in the film and photography
6. Complies with Montana law by providing notice, where required, of the filming or photography to participants. [Section 45-8-213 \(c\), MCA](#)

MSU filming or photography that does not meet the above listed criteria requires a permit under this policy. Questions regarding potential filming or photography activities should be directed to University Communications. The University may charge the responsible department to recover costs that may be incurred by the University to facilitate the filming or photography or to repair any damage to University assets.

Departments or units that engage non-university staff (e.g., commercial entities) to produce work for department use must use proper purchasing procedures and shall include a "work for hire" copyright provision which vests in the University all ownership rights and interest in the work created (also see Section 900.00 - Use of Campus Images and MSU Identification).

## 600.00 MSU Student Filming and Photography

Film and photography work performed by students as part of academic assignments may not require a permit as long as the responsible MSU academic department *ensures* that the filming or photography:

1. Complies with pertinent provisions of the MSU Facilities Use Manual
2. Does not interfere with the educational, research or other program functions or events of the University
3. Does not pose a security or safety risk to those involved in the filming and photography or other campus users
4. Does not require the provision of any University resources or services, or cause damage to any University asset (e.g., grounds, infrastructure, buildings, equipment, etc.)
5. Is used or reused in an appropriate manner and is protective of the intrinsic value of the MSU name, its campus landmarks, trademarks, and logos
6. Does not infringe on legitimate privacy interests of persons who are depicted in the film and photography
7. Complies with Montana law by providing notice, where required, of the filming or photography to participants. [Section 45-8-213 \(c\), MCA](#)

Student filming or photography that does not meet the above listed criteria requires a permit under this policy. Questions regarding potential filming

or photography activities should be directed to University Communications. Permits, if found necessary, would be issued by University Communications. The University may charge the responsible department to recover costs that may be incurred by the University to facilitate the filming or photography.

## **700.00 News Reporting**

News Reporting is filming, photography, or recording for transmission or publishing by a news reporting service. Requests for News Reporting should be referred to MSU University Communications. Under normal circumstances permits are not required for News Reporting; however, if a campus emergency has been declared permits may be required. No permit or location fees will be charged for News Reporting. News reporting activities must not interfere with the educational, research or other program functions or events of the University.

## **800.00 Incidental Filming or Photography**

No permit is required for Incidental Filming or Photography by faculty, staff, students, campus visitors, or tourists for work to be used for non-commercial, educational, administrative, or personal purposes if the filming or photography can be done without interfering in the educational, research or other program functions or events of the University, and does not require any services or assistance from the University. Incidental Filming and Photography may not be used for commercial purposes at any time without the express written permission of University Communications.

## **900.00 Use of Campus Images and MSU Identification**

MSU's visually identifiable landmarks, logos and other campus images are owned by MSU, a state institution of higher education. No identification of MSU as the location of Commercial Filming or Photography is permitted without the express written consent of University Communications. Requests to identify MSU in materials must clearly specify how the identification will be made and in what subject matter context. MSU will approve such requests only when the proposed use or any re-use of such images is appropriate and protective of the intrinsic value of the MSU name, its campus landmarks, trademarks and logos, and complies with MSU's Trademark and Licensing Policy.

## **1000.00 Audiotaping or Recording**

Montana law prohibits the secret recording of individuals and all recording authorized under this policy must be performed in a manner consistent with Montana law. [Section 45-8-213 \(c\), MCA](#).

Persons wishing to audiotape or record at university programs, classes, workplaces and events may be permitted under this policy only if the persons being audiotaped or recorded have provided prior written consent to be recorded and the proposed use or reuse of the recording is appropriate, legally authorized, and serves the interest of the university. Requests for permits will follow the permitting process referenced in 1100.00.

This policy does not apply to the approved uses of surveillance cameras installed under the Camera Surveillance Policy, recording allowed as a reasonable accommodation under the Americans with Disabilities Act, recording of public ceremonies such as graduation for personal, non-commercial purposes and recording by MSU for university purposes.

A student may record a class if the student has been approved to record as an accommodation for a disability. Any other student may record a class only with the consent of the professor. The permission to record a class applies exclusively to the student who received permission. No replication of the recording may be made without the express written permission of the professor. Recordings of classes made by students may not be published, posted to any form of digital or broadcast media or otherwise shared with the public without a permit issued under this policy.

No recording made at university programs, classes, workplaces and events may be published, posted to any form of digital or broadcast media or otherwise shared with the public without first obtaining a permit under this policy. Before a permit will be issued, the requestor will be required to provide evidence of proper prior consent of the parties being recorded and proof that the proposed recording and public sharing does not violate copyright laws or the individual privacy of persons recorded.

## **1100.00 Permitting**

University Communications will be responsible for reviewing and approving requests for permits in accordance with MSU Filming, Photography and Audio Recording Guidelines and for coordinating the [permitting process](#) among the various MSU entities involved.