



DEPARTMENT OF PUBLIC RELATIONS

GUIDELINES FOR USING PHOTOGRAPHS OR VIDEO OF PEOPLE

Model Release Policy

If a photograph of a person in which the person's face is clearly recognizable is to be used, a model photo/video release form, signed by the subject, should be obtained. If the subject is under 18 years of age, the subject's parent or legal guardian must sign the release form. The model release should include how, where and for what purpose the photograph will be used (e.g., in a printed publication, on a website, in another type of media, for promotional purposes).

Exceptions to the Model Release Policy

In general, photographs or video that will be published, broadcast, or posted via a computer network or Internet without a model release, including via Webcam, must:

1. be taken in a public setting where the person does not have a reasonable expectation to privacy; and
2. the images must be taken at a recent public event and immediately displayed.

As allowed by the First Amendment, photographs or video taken under the following specific circumstances do **not** require a model release:

1. photographs or video taken in a public setting to illustrate a recent news story, providing it does not depict a recognizable image of the person in a false light or illicit a false impression that a reasonable person would consider to be very offensive; or
2. the face of the subject is not easily recognizable (e.g., blurry, unfocused, taken from an angle or behind, too small and/or distant to be clearly viewed).

In the aforementioned circumstances, the photograph or video should be posted or published soon after the event occurs and should be removed after a short period of time, such as one or two weeks. If the images are to be stored for a time and displayed later or for purposes other than described above, a model release must be obtained.

Photographs and Video for Promotional Purposes

Recognizable photographs or video that do not meet the "recent events" or "news" criteria above are likely to be categorized as a "promotional" image. Promotional photographs or video are generally used for a longer period of time than news or event images and could be displayed for a month or longer on a Web site, printed materials, or broadcast media to promote a college, program, or services.

Guidelines for promotional images vary by the classification of the subject involved:

1. *Students* – a student’s right to privacy is protected by the Federal Educational Right to Privacy Act (FERPA), also known as the Buckley Amendment. Legal interpretations of FERPA does not allow for the use of student images for promotional purposes without a signed model release.
2. *Employees* – images taken of an employee engaged in normal work-related activities within the course and scope of his or her employment do not require a model release. However, it is a common courtesy to obtain a signed model release as a means to foster goodwill and to ensure that the employee is informed about, and agreeable to, the purpose for which the images will be utilized.
3. *Student Employees* – if a student is employed in a job that is provided through the College that is only available to its students, then the student’s right to privacy is protected by FERPA laws and a signed model release must be obtained to use images of the student for promotional purposes.
4. *Community Members and Volunteers* – images of community members or those who volunteer on behalf of the College should not be used for promotional purposes without a signed model release.

Copyright Issues Pertaining to Photographs and Video

The Fair Use Doctrine under the Federal Copyright law governs copyright issues pertaining to photographs and video. Copyrights of images are initially owned by the photographer or videographer; however, the copyrights may be transferred to the photographer/videographer's employer under the work-for-hire doctrine of copyright laws if the images were taken by the employee as a part of his or her normal work-related activities within the course and scope of his or her employment at the College.

If the images are taken by a third-party photographer/videographer, it will be necessary to obtain written permission from him or her if the image is not owned or licensed by the College as part of a work-for-hire contractual agreement or the Fair Use doctrine under Federal Copyright law does not apply. A signed photographer/videographer release form should be obtained under these circumstances.

If you would like to request photography services from the Department of Public Relations for your event, please follow the procedures below.

EVENT PHOTOGRAPHY PROCEDURES

Event Photography Coverage

The Department of Public Relations will be responsible for photography of major events based on the significance of the event to the primary mission, goals, and priorities of the College as indicated by the administration. For larger events, such as convocations and fundraising benefits, the College may deem it necessary to hire professional photographers on a contractual basis.

For all other events, it will be the responsibility of the event “owner” to take photographs or to arrange for someone to take photographs at the event. It is an option for the event owner to request the Department of Public Relations to take photographs of the event. However, all photography requests should be made a minimum of two weeks prior to the event so the department can plan accordingly and ensure the staff is able to cover the event. All photography requests must be made by submitting a “*Photography Request Form*” (*this form can be found on the last page of this document*).

If the event is outside of the College’s designated service scope and area, any costs beyond reasonable expectations associated with the photography service provided, such as travel, lodging, board, or

photography/file storage/printing supplies, must be reimbursed by the event owner's funds. All cancellations or changes in event time and/or location must be communicated in a timely manner to the Department of Public Relations.

The Department of Public Relations reserves the right to decline to provide this service if they are unable to staff the event for any reason. In this case, the department will notify the event owner about the decision in a timely manner to allow for alternative arrangements to be made. The decision to decline a photography request will be based upon factors such as the College's prioritization, staff availability, event date, date of request, and length and complexity of the event.

If the photography request is declined, the Department of Public Relations will be willing to recommend other photographers, but with the understanding that the event owner will be responsible for any associated costs or freelance fees from his or her budget. Public Relations also reserves the right to secure another photographer for an event they have committed to cover if a scheduling conflict arises. Recommended photographers may include professional photographers, students who have proven their skill with work they have done for *The Eagle View* student newspaper, or amateur photographers who have submitted excellent photographs for class assignments and/or photography contests.

Post-event Submission of Photographs

Event photographs shall be placed in a folder appropriately named with the date (in mmddyyyy format) and an abbreviated version of the event title (e.g., 05272009 Fndtn Gala) on the K: drive (folder location to be determined when the new Division of External Affairs folder hierarchy is established on the K: drive).

Photographs taken by the event owner or his/her designee shall be submitted to the location described in the above paragraph. The Department of Public Relations will provide training as necessary for those who need assistance with the process of uploading photographs. Photographs submitted to Public Relations via the K: drive as stated above must be in a standard digital file format (e.g., .jpg, .gif, .tiff, .nef).

Photography Equipment

The Department of Public Relations will provide its own photography equipment if it is providing the photography service. If the event owner has arranged for photographs to be taken by other photographers, it is the responsibility of the event owner to ensure that the photographers have equipment to use or to procure equipment if necessary. Cameras are available for check-out from the NWACC Pauline Whitaker Library, the Department of Public Relations, and may also be available from other departments.

Usage of Photographs

All photographs taken by, or submitted to, the Department of Public Relations shall be owned and copyrighted by NorthWest Arkansas Community College. Any reproduction, duplication, transmission, or publication without written permission from the Department of Public Relations is prohibited. Usage of the photographs must comply with the College's "*Guidelines for Using Photographs or Video of People*" and subjects photographed may require a signed "*Model Release Form*" on file in accordance with said policy.

Please contact the Department of Public Relations (Public_Relations@nwacc.edu) for more information regarding event photography.

The "Model Release Form" is on the next page.



MODEL RELEASE FORM

I grant permission to the Board of Trustees, on behalf of NorthWest Arkansas Community College and its agents or employees (hereafter referred to as the “College”), to use photographs, video, or other images taken of me on the date listed below and at the physical location described below, hereafter referred to as the “Image(s)”, for publication, posting, or broadcast in College promotional materials, such as recruiting brochures, newsletters, magazines, advertisements, display boards, Web sites, and to offer them for display in other non-College media without notifying me.

I further agree that the College may license others to use the Image(s) or any excerpts, and my name and likeness used in or identifying the Image(s), and in any related or derivative versions of the Image(s), and in the advertising, marketing and promotion of the Image(s) or the College in all media throughout the universe.

I agree to waive and release any and all claims against the College and its contractors and licensees relating to my name, my likeness, the Image(s) and their uses and/or distribution in any version or media throughout the universe, including without limitation, any rights and claims relating to royalties or compensation, editing, alteration, copyright, distribution, misappropriation, libel, false light, rights of privacy and/or publicity.

Physical Location (address or description where taken)

Name (please print)

Signature

Date

Signature of parent or legal guardian (if subject is under 18 years of age)

Date