

EASTERN UNIVERSITY

Policy Regarding Capture and Use of Photographs, Video and Audio Recordings

Eastern University respects the privacy of its students, faculty and staff. This policy is intended to provide guidelines regarding the capture and use of photographs, video and audio recordings created on University-owned or leased property and at events (on campus and off) hosted or sponsored by or affiliated with the University.

Photographs, video and audio recordings are captured on campus in many different ways and for different purposes.

Photographs Used for Identification.

All students, faculty and staff are expected to permit the University to capture, possess and use their photographs for identification and security purposes. Students may, under the Family Educational Rights and Privacy Act (which treats such photographs as “directory information”) request that such photographs not be disclosed to third parties (except as required for security purposes). Such a request shall be delivered to the Communications Office of the University. Such request shall not prevent the University from using such photographs for all University purposes. Absent such request, such photographs can be disclosed by the University to third parties and used for all purposes.

Photographs, Video and Audio Recordings Made By or For the University.

The University will, from time to time, take photographs and make video and audio recordings in public places on the University’s campus and at events (on campus and off) hosted or sponsored by or affiliated with the University. Students, faculty and staff, as well as others visiting the campus, will be deemed to have given permission to the use of such photographs and video and audio content by the University, and others authorized by the University, to promote the University and the events hosted or sponsored by or affiliated with the University. Students, faculty and staff may request that they not be included in such photographs, video and audio recordings and the University will attempt to accommodate such requests but it will be the responsibility of such students, faculty and staff, who do not wish to appear in such photographs, video and audio recordings, to advise University personnel taking such photographs and making such video and audio recordings of their desire not to be included. Students, faculty and staff should appreciate that it may not be possible to accommodate their requests in certain instances, particularly, if they participate in the events being photographed or recorded.

Photographs, Video and Audio Recordings Made By Students, Faculty and Staff.

Photographs may be taken and video and audio recordings made by students, faculty and staff in public places on the University campus for non-commercial use. Use of such photographs, video or audio recordings for any other purpose will require the prior, written permission of the University.

Photographs may be taken and video and audio recordings made in any classroom, laboratory, workshop or other location where classes are being held, only with the permission of the faculty member or other teacher or lecturer in charge and then only to be used for non-commercial use. Use of such photographs, video or audio recordings for any other purpose will require the prior, written permission of the University.

No photographs may be taken or video and audio recordings made in any bathroom, changing room, locker room or private place under any circumstances or in any residence hall, student housing, cafeteria, athletic facility, store, faculty or administrative office of the University unless and until every person who is photographed or recorded has given his or her permission to being photographed or recorded and, even in such cases, the photograph, video or audio recording may only be used for personal and non-commercial use. Photographs taken and recordings made in any residence hall, student housing, cafeteria, athletic facility, store, faculty or administrative office of the University should NOT be posted on social media sites unless and until every person who is photographed or recorded has given his or her permission to the posting. The taking of photographs, or making of video or audio recordings (or the distribution of such photographs or recordings) in prohibited areas or without the knowledge and permission of all persons who are photographed or recorded (even inadvertently) is a violation of University policy and may result in disciplinary action and may lead to civil and criminal liability for the violators.

Photographs, Video and Audio Recordings Made By the Public.

Members of the public attending University events (on campus and off) or events hosted or sponsored by or affiliated with the University may take photographs or make video or audio recordings in public places at such events for non-commercial purposes only. The taking of photographs or making of video or audio recordings in non-public areas of the campus at any time or even in public areas of the campus in the absence of any University event will require the prior, written permission of the University. Such permission may be made subject to conditions regarding the ownership and/or use of the photographs, video or audio recordings. The University will post notices on the campus and at the events advising members of the public of this policy.

Copyrights in Photographs, Video and Audio Recordings.

Photographs, video and audio recordings may be eligible for copyright protection under the law. This policy is not intended to affect the ownership of such copyrights except that students, faculty and staff shall be deemed to provide the University with the permission to use such photographs, video or audio recordings consistent with this policy notwithstanding any claim to ownership of the photographs, video or audio recordings or claim to copyright in such items. If the University is made aware of a valid claim of copyright in a photograph, video or audio recording, it may place a copyright notice on the photographs, video or audio recordings but will not be required to do so.

Execution of Releases and Waivers.

Generally, the University shall: (i) require those taking photographs or making recordings for the University to assign ownership and copyrights to the University; (ii) may, in some cases, request a release or a waiver from a student, faculty member or staff member and, if such release or waiver is consistent with this policy, such student, faculty member or staff member provide the release or waiver to the University.

Prohibition on Copying the Photographs, Video and Audio Recordings of Others.

The University does not condone the unlawful copying, distribution or sale of copyrighted photographs, video or audio recordings (or other materials) on its campus or using University equipment or resources. Such conduct by students, faculty or staff is a violation of University policy and may result in disciplinary action and may lead to civil and criminal liability for the violators.