

Dr. Martin Luther King, Jr. Library

Policy on Photographing and Videotaping in King Library

Purpose: Maintaining an environment that encourages the free and open pursuit of knowledge is essential to achieving the library's mission. News gathering representatives, including student journalists, students, faculty, staff, and library visitors have legitimate reasons for wishing to obtain film and video footage. This policy provides parameters for photographic and video recording activity in order to preserve the rights of library users to use library services without intrusion or fear of negative repercussions.

Definitions:

Non-Commercial Use: Photography or video recording which is carried out by the university; educational, governmental, or non-profit organizations; or individuals and is intended for educational or public affairs use.

Commercial Use: Photography or video recording which is carried out by an individual, student, commercial, entertainment or other entity that is designed primarily for commercial use, including promotion of commercial products or services. The shoot must have some relation to the University's Educational Mission.

Permissions: Individuals wishing to take photos or video of the building and/or inanimate objects for personal use only may do so without special permission as long as no special equipment or unusual circumstances are involved and library users' right to privacy are honored. In those instances of more complex shoots, prior approval for a non-commercial photo or video shoot will be required. All others, including students completing video or photography projects using King Library, are required to follow this policy either for non-commercial or commercial photography or video recording. The following criteria will be used to determine if photography or video recording will be allowed:

- Level of potential disruption to Library users
- The expense, inconvenience and/or potential damage to King Library
- The potential for misrepresentation or misunderstanding of university/City's association with the project
- All of the required forms have been completed and insurance verified (for commercial shoots.)

Special Permissions: Whether a non-commercial or commercial shoot, special permission is required to photograph or video record in the Beethoven Center, California Room, SJSU Special Collections and Steinbeck Center. Individuals interested in doing so should contact the collection supervisor directly. All processes listed in this policy must also be followed.

The University and the Public Library reserve the right to refuse requests based on the nature of the photography or video project and whether it is consistent with the mission of both organizations.

The Library accepts no liability for the use of photos or videos resulting from this activity. Individuals who take photographs or video are asked to honor requests by people in the library to not be included in photos or videos. The one exception would be those instances where it is required for a legitimate news story. Photos of minors are prohibited without the permission of their parent or guardian

NON-COMMERCIAL/MEDIA USE:

All non-commercial requests for photography or videotaping must be pre-approved by King Library Administration. Requests can typically be approved right away. Complex shoots may require a longer review period. All requests should go initially to the King Library representative for approval. Requests from the University and community go to the SJSU Events Coordinator. Requests from the City go to the SJPL Marketing Communications representatives. All representatives can be reached at King Library Administration (408-808-2355) Monday – Friday from 8:00 a.m. to 5:00 p.m.

Once approved, the requestor will receive an authorization form verifying that they have been approved. This form should be kept on-person on the day of the shoot as Library Security will ask to see this form when someone is taking photos/videos in the Library

News media representatives are asked to contact King Library Dean or Director or the Acting Marketing Representative when taking photographs or video recording in the library. The representative will receive an authorization form that should be kept on-person on the day of the shoot as Library Security will ask to see this form when someone is taking photos/videos in the Library

COMMERCIAL USE:

Forms and Agreements: The process of approval generally takes 1 month. The individual or entity requesting to photograph or videotape must submit to the SJSU Events Coordinator (Candice McGee):

1. 150 word statement including:
 1. The date and times you are requesting to use King Library. Realistically, note how long people will need to be in the library from set up through tear down.
 2. Describe your entity: Are you a representative of a business, corporation, governmental agency, nonprofit, charitable, education, character building, or other organization?
 3. Describe the mission and purpose of your entity.
 4. Describe the purpose of the photo/video shoot and how the photo/video will be used.
 5. Please give information about whether King Library will be recognizable in the final product.
 6. How many people will be involved?
 7. Do you have needs for power or special lighting?
 8. What specific areas in King Library are you requesting to use?

2. Filming / production event insurance requirements

Prior to commencing any filming/photography activity on public property, the Production Company shall obtain and maintain for the duration of the filming/photography (including setup and dismantling times) insurance against claims for injuries to persons or damages to property which may arise from or in connection with the filming/photography and related work performed by the Production Company, their agents, representatives, employees or subcontractors; products and completed operations of the Production Company; premises owned, leased or used by the Production Company; or automobiles owned, leased, hired or borrowed by the Production Company. The cost of such insurance shall be the responsibility of the Production Company.

Insurance limits

The Production Company shall furnish Risk Management a Certificate of Insurance showing there is in force the following valid Policy showing the Production Company as insured and showing:

- **Commercial General Liability:** minimum \$1,000,000 combined single limit per occurrence for bodily injury and property damage including products and completed operations;
- **Automobile Liability:** minimum \$1,000,000 combined single limit per accident for bodily injury and property damage for all owned, hired or non-owned vehicles.
- **Workers' Compensation and Employers' Liability:** limit of not less than \$1,000,000 per accident as required by the Labor Code of the State of California.

Endorsements

Commercial General Liability Certificate must be accompanied by the following endorsements:

- The City of San Jose, its officers, employees, agents and contractors are named as additional insured.
- Ten (10) day Notice of Cancellation or changes of coverage shall be given to the City of San Jose.
- The insurance is primary insurance as respects the City, its officials, employees, agents and contractors. Any other insurance the City may have shall be considered excess insurance only.
- Coverage shall state that the Production Company's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Subcontractors

The Production Company shall include all subcontractors as insureds under its policies or shall obtain separate Certificates of Insurance and Endorsements for each subcontractor.

Verification of coverage

Prior to commencement of the filming/photography, the Production Company shall furnish the City with Certificates of Insurance and Endorsements. Verification of Coverage is to be sent to:

City of San Jose

Risk Management/Finance Department

200 East Santa Clara Street, 14th Floor

San José, CA 95113-1905

Phone: (408) 975-1438

Fax: (408) 286-6492

These requirements are subject to amendment or waiver if so approved in writing by the Office of Risk Management. Risk Management must be advised as to the nature of the filming or photography being requested. Additional insurance may be required based on type of filming i.e. pyrotechnics, explosions, car chases, etc.

3. Your Audio/Image Model Release Form. (SJSU and the City of San Jose must review forms that SJSU students, library staff and/or the general public will be asked to sign.)

If you are approved, you must also agree to:

1. Any other terms or limitations stipulated in the approval process, including specific ones required to minimize disruption or security risks
2. Compensate the Library for any costs or damages caused by the photo/video shooting.
3. The terms and conditions of the "Facility Use" Agreement that will be provided to you. http://library.sjsu.edu/files/documents/filming_facility_use_agreement2.pdf
4. Pay all fees prior to the shoot. Fees will be determined during the approval process. (Make check payable to "SJSU." Note on the check that it is for "Facility Use" and present to either the SJSU Events Coordinator or the SJPL Marketing Communications Representative upon arrival for the shoot.)

STUDENT FILMING IN THE KING LIBRARY

Statement of Policy & Text

The SJSU Library Events Coordinator and the SJPL Marketing Communications Department will review requests for filming in the King Library. The University and the Public Library reserves the right to refuse requests based on the nature of the film project and whether it is consistent with the missions of both organizations. This policy applies to student projects. Outside organizations wishing to use the King Library for filming should refer to Policy ID#: PL_285.

Need for the Policy this policy will ensure there is only one set of requirements for filming occurring in the King Library.

Requirements & Guidelines Requests for filming in the King Library [Photo Shoot Policy and Questionnaire.pdf](#), along with a *copy of the script pertaining to the scenes being filmed in the library* will be forwarded to either the SJSU Events Coordinator or the SJPL Marketing Communications Department and other pertinent parties for review. Upon their recommendation the request will be sent to the SJSU Library Dean and the SJPL Library Director for their approval.

Campus Security and Library will be notified in advance of filming.

Library restrictions when filming in the library:

- **NO** drones permitted inside or outside the library
- **NO** weapons or objects that resemble weapons.
- **NO** scenes where physical altercations are played out.
- **NO** chemicals
- **NO** disturbing noises
- **NO** blocking halls and/or stairwells
- **NO** filming of copyrighted art or materials
- **NO** balloons
- **NO** flammable products

ADDITIONAL INFORMATION:

1. **Use of Signs/Logo of the Library for Commercial/Promotional Purposes:** The use of King Library signs or logo needs advance permission from the Library Dean and Director. The names and trademarks of the library, SJSU or any of its units, and the City of San Jose and any of its units may not be used for promotional purposes without specific approval. The individual or entity requesting use of these logos must include their [Facility Use Agreement](#) http://library.sjsu.edu/files/documents/filming_facility_use_agreement2.pdf Form for pre-approval. (See Forms and Agreements above.)

Request to use King Library Meeting Rooms: If meeting rooms are needed in conjunction with the photo/video shoot, please reference [King Library Meeting Rooms policy](#) for how to make a Room Request. Room reservation approval is separate from approval for the photo/video shoot.

Model Release Form: Any time you take a picture of someone that may be used in a publication, you must, by law, get written permission. Carry model release forms with you. Only adults may sign the Model Release Form. Children under age 18 must have their parent or legal guardian sign for them.

An example of a Model Release Form is available at:
<http://www.sjsu.edu/publicaffairs/docs/photoReleaseForm.pdf>

Questions: Questions on the application and interpretation of this policy should go to King Library Administration (408) 808-2011.