

# ASU System Policy

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**Effective Date: May 7, 2010**

**Subject: Commercial Filming and Photography**

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## 1. Purpose

The Arkansas State University System will protect the intellectual property rights of its campuses, grounds, and marks while accommodating those who desire to film or take photographs depicting University Property.

## 2. Arkansas State University System Commercial Filming and Photography Policy

Arkansas State University System has strictly protected the use of its campuses and has not opened its campuses as public forums. Commercial advertising on University Property is tightly controlled by Board policy. Legitimate commercial filming or photography on University Property will be allowed so long as those actions are authorized after full review of the proposed activities and determined to be in the best interest of the university. Persons not complying with this policy shall be deemed trespassers and escorted from University Property.

## 3. Definitions

**Arkansas State University System.** Arkansas State University System (“university”) means any of the constituent campuses which comprise the Arkansas State University System.

**University Property.** University Property means all buildings and grounds of the Arkansas State University System.

**Commercial Filming and Photography.** Commercial Filming and Photography means any reproduction of University Property in any medium including moving films, photography, and digital images which is used to promote a third party’s interest whether or not such interest results in income. Examples include, but are not limited to, television commercials, magazine contents, billboards, electronic signs, newspaper publications, and computer or other electronically created advertisements.

#### **4. Process**

##### **A. AUTHORIZATION**

Any person or entity desiring to conduct commercial filming or photography on University Property, or depicting University Property in film or photograph, must secure permission from the chancellor or the chancellor's designee.

##### **B. APPLICATION**

The person or entity desiring to conduct commercial filming or photography shall complete a written application for access to and use of University Property for commercial purposes. The chancellor or his designee shall review the application giving consideration to the following elements:

- I. Whether university programs or operations will be disrupted by the filming or photography
- II. Whether risks to person and property will result from the filming or photography
- III. Whether university marks will be displayed in the filming or photography
- IV. Whether the proposed filming or photography contains any stated or implied endorsement by the university
- V. Whether the university will incur costs as a result of the filming or photography
- VI. Whether remuneration will be provided for depiction of University Property
- VII. Whether the filming or photography is consistent with the policies of the university
- VIII. Whether the filming or photography will damage the reputation of the university
- IX. Whether allowing the filming or photography is in the best interest of the university

##### **C. APPROVAL**

If the chancellor or designee determines that the application for commercial filming or photography should be allowed, the chancellor or designee shall give approval in writing setting out the conditions under which the filming or photography may occur which may include any of the following restrictions:

- I. Times at which the filming or photography may occur
- II. Locations on University Property at which the filming or photography may occur
- III. Proof of Insurance against personal injury and property damage
- IV. Cash deposit in the event of risk of personal injury or property damage
- V. Remuneration for use of University Property
- VI. Purchase of an appropriate license for depiction of university marks

- VII. Appropriate credit for the use of University Property in screen or print credits
- VIII. Securing appropriate releases from any individual depicted in the film or photograph excluding student athletes who may not appear in any commercial advertisement
- IX. Any other restrictions necessary to protect the interests of the university

**D. AGREEMENT**

The parties shall sign a written agreement setting out the terms under which the commercial filming or photography shall occur. All agreements shall require that any person or entity authorized to film or photograph on University Property shall pay for any property damage or personal injury resulting from the filming or photography and indemnify the Arkansas State University System for any claims made against it as a result of the filming or photography.

(Adopted by the Arkansas State University Board of Trustees on May 7, 2010, Resolution 10-25, supercedes the policy on Taping/Filming of Movies, Commercials, and Documentaries dated July 1, 1991.)