

1.0 Purpose

- 1.1 To ensure appropriate and best value use of UNB photography assets while respecting privacy, intellectual property and copyright.

2.0 Applicability

- 2.1 University-wide
- 2.2 All photographs in support of the UNB mission that have been donated or taken or produced:
 - 2.2.1 by the University photographer or media production staff or;
 - 2.2.2 upon request of the University or;
 - 2.2.3 in exchange for payment by the University or;
 - 2.2.4 which the University currently has possession of

3.0 Definitions

- 3.1 PHOTOGRAPHS are defined as still, video or film images.
- 3.2 ICONIC IMAGES are defined as specific images that are used in a key way for University or Departmental promotional efforts. Use of the images for other purposes would be detrimental to the promotional effort.
- 3.3 A RELEASE FORM authorizes UNB to photograph a subject or property. The release form gives permission to publish the captured images to support the UNB mission. The release form is between a representative of UNB and:
 - 3.3.1 the subject of the photograph
 - 3.3.2 the parent or guardian of the subject of the photograph (if the subject is a minor/youth). Note that UNB students are understood to be able to give legal consent, even if they are minors.
 - 3.3.3 the owner of private property that is the subject of the photograph.
- 3.4 A TERMS AND CONDITIONS CONTRACT, signed by both a UNB representative and an external party, describes the terms and conditions of use of a photograph.

4.0 Implementation

- 4.1 BACKGROUND: From time to time University photographers or contracted photographers or volunteers may photograph UNB students, staff, faculty and guests in public or non-

public areas. Such photographs are related directly to UNB's mission and are needed by the University for archival, educational, recruitment and promotional purposes. The photographs are retained in an image library for inclusion in instructional material, conference presentations and papers, the University calendar, websites, external and internal publications, advertisements, displays, off-campus news media and for other uses supporting UNB's mission.

4.2 IMPLEMENTATION:

4.2.1 OWNERSHIP: As per the Canadian Copyright Act, UNB owns all photographs as defined in the scope. The University retains copyright and intellectual property rights to these assets

4.2.2 ACCESS TO PHOTOGRAPHS:

4.2.2.1 By default, there will be no restriction on access to photographs for purposes related to the UNB mission.

4.2.2.2 Some photographs are subject to restricted access. These include:

- Iconic images. Requests for classifying an image as an iconic image or for permission to access, distribute or use an iconic image are made to the Office of Communications and Marketing.
- Commissioned Photographs Where a department or external party has commissioned photographs, and set Terms and Conditions, the department will be provided with the commissioned photographs. These photographs will not be retained or distributed by the University Photographer. It is the department's responsibility to ensure photographs are used only as specified and maintain on-going records of the forms. Departments are also responsible for obtaining the forms prior to the photography session.

4.2.3 LIMITS OF USE: Photographs may be used, in perpetuity, for purposes supporting the UNB mission unless specified otherwise in a release form.

4.2.4 PRIVACY:

4.2.4.1 Photographs taken in open, public areas (such as cafeterias, public walkways, concourses etc.) where there is no expectation of privacy may be used and disclosed as defined under the Limits of Use section.

4.2.4.2 Persons allowing themselves to be photographed in non-public areas (such as offices and classrooms) are giving the University their consent regarding the photograph's collection, use and disclosure. Courtesy

requires that persons be notified, if possible, that they are to be photographed and allowed to exercise their option of non-participation by leaving the area or frame of the photograph. Release forms are not required in these settings.

- 4.2.5 Use of photographs for commercial purposes, for purposes not specifically supporting the UNB mission, or with restricted distribution. Release forms are required for all photographs taken for commercial use. A Terms and Conditions contract may be required when distribution of a photograph is limited whether by UNB or by the subject of the photograph. The Centre for Enhanced Teaching and Learning, in cooperation with the Office of Communications and Marketing, must authorize release of photographs for commercial purposes or for purposes not specifically supporting the UNB mission.
- 4.2.6 **DONATED PHOTOGRAPHS:** Donated photographs may be included in the UNB image library if there is no restriction on access, they support the UNB Mission and they meet minimum technical standards as defined by the University Photographer.
- 4.2.7 **RESOLUTION OPTIONS:** Violations of the policy or appeals to the policy will be made initially to the Director of Communications and Marketing, or the Director of the Centre for Enhanced Teaching and Learning and then to the VP Academic or VP Saint John for final arbitration.

5.0 Interpretation and Questions

- 5.1 University Secretariat Office is located in Sir Howard Douglas Hall, Room 110. Questions concerning this policy may be directed to (506) 453-4613 sjd@unb.ca, or at the Center for Enhanced Teaching and Learning CETL@unb.ca