Background

Over 100,000 13-24 year olds live in Monroe County and currently face the transition of leaving their childhood homes and schools to become successful and independent adults.

All young adults face the task of mastering the **E-F-G-H**’s to become independent adults:
- **E** - carve a path from education to viable employment,
- **F** - develop skills for establishing safe and stable families and finances,
- **G** - find meaningful ways to create and give back in one’s community, and
- **H** - be able to promote a healthy mind and body.

As a community, we need to better understand and communicate the needs and assets of the community in each of these areas from the point of view of those facing this transition.

“If you want to go fast, go alone. If you want to go far, go together.”

Project Description

**Raising 100,000 Voices is a project** - where 100 local 13-24 year olds are given digital video cameras to learn photography and to document their strengths and challenges of emerging into adulthood.

**Raising 100,000 Voices is organized** by the Roadwork for Success in Young Adulthood, a community partnership to raise awareness of the unique strengths and challenges of 13-24 year olds as they emerge into adulthood.

**Raising 100,000 Voices is an opportunity** for youth and young adults to partner with WXXI and the Roadwork for Success to encourage a common agenda and community action that can strengthen the transition to adulthood and the network of resources in place.

Objective

Promote community dialogue about salient community issues on emerging adulthood through group discussion of photographs and videos from the points of view of those currently in this transitional period.

Create a community where youth and young adults are publicly recognized for their positive community impact via their original video production.
Specific Goals

I. Participants

To become an active educator of the issues facing this population in their community through the use of photography and “videography” to document and reflect on the assets and needs of their community, from their own point of view.

Also to:
✓ Experience the creative space to document and share the assets and challenges they face in this community.
✓ Build and confirm their artistic and communicative abilities.
✓ Comment on their experiences and insights to gain perspective on the forces shaping their experiences - such as community norms and desires.
✓ Strengthen the ethic to be an active and positive change agent within their community.

II. Group Facilitators

✓ Create safe environments for participants to comfortably fill this “tabla rosa” with factors most salient to them.
✓ Create meeting environments where participants have opportunities to self-manage and co-lead.
✓ Empower participants to improve community conditions, build stronger relationships, and increase their means for self-fulfillment.
✓ Develop a collegial and collaborative working relationship with other group facilitators (versus contractual or consultative) - so the skill sets each bring are integrated and all expertise is maximized (Biggs, 1989).
✓ Guide participants to identify educational, policy or program initiatives (e.g., in their organizations) that could be additional outlets for their final products in the future.

III. Sponsoring Organization and Community

✓ Enhanced needs assessments of what young adults think is important.
✓ Increased awareness about issues of concern and pride for this community.
✓ Identify a cadre of young adults who can help lead change by communicating issues of concern and pride to policy makers, influential community members and other stakeholders.
✓ Partner actively in a network of organizations working to create a cultural milieu where youth and young adults experience and exercise the power they have in their own contexts.

Project Details

I. Scope and Timeline

One hundred local 13-24 year olds, organized into 10 groups, will have up to three months to produce their own video-diary segment that details elements of their transition into adulthood - assets and challenges of emerging as successful adults in this community.

In May 2015, all participants will be invited to showcase their videos at a public event organized by WXXI and the Roadwork for Success in Young Adulthood. Participants and sponsoring organizations are encouraged to integrate and introduce final videos into other initiatives for additional dissemination, training, and recognition.

II. Voice

Each participant should select the content of their own video segment to present in May. The content can be presented in dramatic or documentary styles—this will be determined by each participant. Group consensus is not required. However, a group may select to craft their video segments around a common theme (e.g., developing healthy and safe dating relationships).

While many stories will be personal accounts—please also encourage participants to consider the goal to describe one factor in their community that acts as a facilitator or barrier to making a successful transition.

Reflection exercises to practice identifying messages embedded in what they view around them may be an important activity in the first few sessions together.

III. Video Production Process

These camera features will influence production possibilities:

a) Camera allow up to 30 minutes of recording
b) In-camera editing capabilities are limited to play back and delete.
c) The availability of post-production editing resources (i.e., computers, software) is limited to what your facility can provide.

For these reasons, we encourage you to establish the goal of having each student develop a THREE minute in-camera edited “finished” video of their own to share with the community. This is both reasonable and attainable—but planning the production will be the key to its success.

The three stages of the production process are preproduction, production and postproduction. The participants’ efforts in this project should begin with a focus on preproduction (i.e., developing the idea and feasible production plans) and practicing camera skills.

A production’s effectiveness relies on creativity to translate ideas into effective video programs. You will need to help ignite imagination and inventiveness on cue. You will need to create an environment that supports the drive for excellence through constructive (as compared to negative)
feedback to help the participant successfully meet production objectives. You will need to support their opportunity to “capture” video content: remember, **ACCESS and DRAMA are key elements of producing compelling documentaries.**  


**Project Structure**

**Group Organization**

- A minimum of two facilitators—a youth-serving professional (who knows participants) and an artist to mentor participants in video production—should staff all project meetings together. The participant to group facilitator ratio **shouldn’t exceed 5:1.**

- Meetings are to be scheduled at your discretion. We anticipate about 30 hours of mentoring time will be required of each group. We recommend that at least **12 meetings, each two hours in length,** be conducted with your group. We strongly recommend that meetings should take place **at least as frequent as once a week.** Twice a week is optimal if it can be accommodated. Whenever possible, filmmakers should (realistically) commit to outside work to advance the project completion expediently.

**Large and Small Group Meeting Formats**

- A “kick-off” will be held on Monday, January 19, 2015 to introduce participants to a great deal of information. Group facilitators will revisit this content in the format of their choosing to help participants implement the subject matter in the coming months.

- **We recommend that a meeting pattern be established very early on** so participants develop an expectation for what constitutes the beginning, middle, and end of every meeting and so the group can “run itself” regardless of who is absent or tardy that week. For instance:
  1. Project Overview and Recap (5 minutes)
  2. Today’s Objectives (10 minutes)
  3. Personal Accounts and Reflection (10 minutes)
  4. Activities/Interactions 1, 2, etc. to advance stories and techniques (60 minutes)
  5. Summarize Today’s Meeting (15 minutes) and Go Over Next Steps (15 minutes)

- Two content streams will be worked into each session: “human” and technical/technique. We strongly recommend content be covered in **“hands-on” activity formats.**

- **It is important that the participants play a vital role in directing the sessions as well.** This can be achieved in a variety of ways, for instance, by presenting the group with two activity choices and allowing them to decide on the one they prefer to do at that meeting.

**Next Steps**

- **Finish recruiting participants, develop your small group meeting calendar with artist-mentor, and attend the “Kick-Off” meeting at WXXI on January 19, 2015.** You will need to bring your cameras for use in small group break-out sessions.

- Review key themes of 2006-14 pieces in preparation for your group’s presentation on January 19, 2015
All signed participant consent forms and group rosters must be returned to Jessica Poweski by no later than **January 19, 2015**. Filmmakers can only participate if these have been signed and returned.

Only completed pieces, “Photo Release Forms” and other accompanying permissions must be returned to Shelley Figueroa (WXXI) no later than **April 20, 2015**. Video details (e.g., titles, synopsis, addresses for mapping, relationship to health, etc.) must accompany submission. We cannot guarantee inclusion in the final program of any videos received after this date.

**Project Communications**

Please ensure Raising 100,000 Voices has your current email address and phone numbers. We will rely heavily on electronic mail to communicate about this project in the coming months.

We can also set up a project website and listserv so electronic discussions, resource materials and videos can be shared project-wide.

**Tips to Maintaining Participation**

- It is vital for participants to feel like group facilitators support them, listen to them, and trust them.

- Pace: A slow pace and lack of hands-on activities (or real action) can be frustrating. Carefully pace the process and make goals clear and achievable.

- Recognize their work and demonstrate their ownership. For instance, send email messages to praise and encourage participants, get “coverage” for this project in newsletters and other circulars at your organization, etc.

- Self-determination: Provide flexibility in choice of activities and targets. Strike a balance between independence, gentle guidance, and firm deadlines.

- Identify a suitable meeting space and location where disruptions and space conflicts will be minimized (e.g., not during lunch when they need their down time).

- Competition for time and attention to other activities will be a challenge. Conducting non-curricular activities in a school presents a challenge—so try to integrate it if possible (e.g., have it count for community service hours that are required). Do not make it seem that this project is “extra” work. However, also make sure filmmakers are clear about what is expected when they make the commitment to participate.

- Design incentives (e.g., can’t get pictures developed until the signed consent sheet is turned in, etc.), and encourage team efforts by having a “pizza party”, etc.

- Develop ways to get buy-in and support from other key adults, especially parents/guardians.

- Your guidance is required for participants to develop the confidence that they can successfully access community resources to complete their projects.
Find ways early on for participants to feel like they are making a difference. Their projects can fuel engines to drive community improvements over time. But don’t over promise: in reality—participants can influence local policy through their videos but they are not the ones who are currently empowered to decide policy.


**Curriculum Outline**

The following 12-module outline is designed to provide you with a chronological perspective of how the support and content to be covered could unfold. Tailoring your approach to build on the assets of your team of burgeoning filmmakers, and to be sensitive to their specific needs that unfold as the project moves along, and will likely lead to the greatest success.

However, we do ask that the topics listed below be introduced at one time or another as each is an important component of a VideoVoice process.¹

This is only a guide. Following any guidelines lock-step or without consideration of individual differences can backfire.

We leave it to your discretion to determine the timing and method of covering these topics in group meetings.

Tailor the process to fit the needs of individuals in your group so every participant is successful in sharing their voice and experiences through visual presentations.

Most of all, we appreciate your involvement in this project. We know that each of you bring a wealth of expertise and unique sensitivities that will make this project successful.

Listening to participants will help you facilitate appropriate meetings. If participants lack some underlying skill competencies, this may require mentors to adapt their approach so that every individual can successfully complete the project.

For instance, in the case of a participant who struggles with reading and writing, the participant can discuss their ideas with the mentor who can then write these down for the participant. Alternatively, having the student audio record themselves talking about their topic can provide the basis for an audio track to then overlay their supporting images.

Remember that the participants are volunteering their time too. You are there to provide the framework and support so participants’ vision and voice can be expressed – not running a required “class”.

An enjoyment of working with others on a common purpose, the joy from personal accomplishment, the passion of creativity, and the power of communicating their perspective to fuel an engine for positive change should characterize their project experiences.

We have provided you with the contact information for each group facilitator. Please feel comfortable directing questions to each other over the course of the project.

**Table 1: Suggested Sequence of Topics to Cover**

<table>
<thead>
<tr>
<th>Module</th>
<th>“Human” Content</th>
<th>Technical and Technique</th>
<th>“Deliverables”</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>-Introductions</td>
<td>-What is Videovoice?</td>
<td>-Participants give you feedback on this module</td>
</tr>
</tbody>
</table>
|        | Date: __/___/___  
Your E-F-G-H Inventory                                                                  | -Expose participants to “VideoVoice-like” example documentaries to analyze & reflect | -Homework: Film one segment for practice                                          |
| 2      | -Human Responses to Video and Maintaining your Safety                           | -Ethics of videography, and of video expeditions in public and private places          | - “Do-able” script purpose: participants record what they want to from their video project in their project notebooks |
|        | Date: __/___/___  
-What do you want to say with your video?                                               | -Principles of photography and videography (shot framing, etc.).                       | -Module feedback                                                                |
|        | -What is to be the desired effect of watching your video (e.g., entertain, inform, persuade)? | -Discuss homework - critique technique and review what the experience of filming is like. | -Homework: Film one segment for practice                                          |
|        | -Who is your target audience? What will maintain their attention to your video?  | -Artist-mentors lead a real video expedition in building or elsewhere (to practice asking for consent, etc) |                                                |
| 3      | -What should the community response to your video be?                            | -Trip to an exhibit, newsroom, or view videos at your meeting site to review captured images and to practice culling messages (e.g., do a Vox Pop; write and shoot a commercial, etc.) | -Write specific production goals (in notebook)                                    |
|        | Date: __/___/___  
-What changes to the current community state would you desire?                          | -Discuss and critique homework: Be sure to note technique improvements and differences in how it was experienced. | -Module feedback                                                                |
|        | -Introduce the SHOWeD Method, five questions that lead the group through the images (Strack et al., 2004): |                                                                                   | -Homework: Do the “research” needed (e.g., read, meet, search, etc.) to be fluent in the content knowledge required to meet production goals. |
|        | 1. What do you see here?  
2. What is really happening here?  
3. How does this relate to our lives?  
4. Why does this situation, concern, |                                                                                   |                                                |
<table>
<thead>
<tr>
<th>Module</th>
<th>“Human” Content</th>
<th>Technical and Technique</th>
<th>“Deliverables”</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>or strength exist?</td>
<td>A “treatment”: a) Determine the overall organization of the video production—the strategic method to accomplish specific goals (e.g., newscast, etc.). b) Determine the style of how content will be introduced (e.g., narration, etc.). c) Decide the central visual theme/major visual elements d) Outline settings, “characters”, points of view, and “plots” or what will happen/when.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. What can we do about it?</td>
<td>-Identify permissions needed to complete the project as planned - review feasibility and revise/simplify plans.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Each question progressively challenges participants to dig beyond the surface of the image to discuss causes and potential solutions. It moves them from AWARENESS (WHAT?), to ANALYSIS (HOW?), to REFLECTION (SO WHAT? WHY SHOULD WE CARE?) , to ACTION (WHAT CAN WE DO?)</td>
<td>-Homework: write treatment, prepare storyboard</td>
<td></td>
</tr>
</tbody>
</table>

**Next Objective**

- Use their photo- and video-graphic skills to document issues in their own lives and communities

<table>
<thead>
<tr>
<th>4</th>
<th>Think of yourself as a community reporter, researcher and change agent</th>
<th>Review components of treatments, scripts, and storyboards. Go over examples.</th>
<th>Review and Discuss Production Plans: Storyboarding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td><em><strong>/</strong></em>/___</td>
<td>-Power you can yield: Understand when and where thoughts and opinions do and can matter</td>
<td>-Evaluate receptivity and response to their planned video</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Homework:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-Field test plans</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-Finalize production plans</td>
</tr>
</tbody>
</table>

| 5     | Review copyright and legal issues if implicated in participants’ scripts and storyboards (e.g., right to privacy, etc.). | Download, Review, Edit, and Discuss Videos | Homework: Video and Obtain Content (other images, information) |
| Date: | ___/___/___                                                         |                                                                         |                                                             |

| 6     | Download, Review, Edit and Discuss Videos | -Review and Discuss Production Plans: Storyboarding | Homework: Video and Obtain Content |
| Date: | ___/___/___                                                         | -Review and Discuss Production Plans: Storyboarding |                                                             |

<p>| 7     | Download, Review, Edit and Discuss Videos | -Review and Discuss Production Plans: Storyboarding | Homework: Video and Obtain Content |
|       |                                               | -Review and Discuss Production Plans: Storyboarding |                                                             |</p>
<table>
<thead>
<tr>
<th>Module</th>
<th>“Human” Content</th>
<th>Technical and Technique</th>
<th>“Deliverables”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td><strong>/</strong>_/__</td>
<td>Download, Review, Edit</td>
<td>Homework: Video and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>and Discuss Videos</td>
<td>Obtain Content</td>
</tr>
<tr>
<td>8</td>
<td>Date: <strong>/</strong>_/__</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Date: <strong>/</strong>_/__</td>
<td></td>
<td>Homework: Wrap Production.</td>
</tr>
</tbody>
</table>

*Insert more sessions with individuals as time and need allows*

**Objective**

> Prepare for the Premier Event: Plan for a Successful Public Viewing

<table>
<thead>
<tr>
<th>10</th>
<th>Date: <strong>/</strong>_/__</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Help participants identify potential influential community members who should view their video at the upcoming Raising 100,000 Voices showcase event.</td>
</tr>
<tr>
<td></td>
<td>- Review DVD:</td>
</tr>
<tr>
<td></td>
<td>a) Note start and end time of final presentation. Or make final clips (if doing post-prod.)</td>
</tr>
<tr>
<td></td>
<td>b) Write titles, captions and synopsis to present at the upcoming public premiers</td>
</tr>
<tr>
<td></td>
<td>c) Finish credits</td>
</tr>
<tr>
<td></td>
<td>d) Provide addresses or coordinates of locations of where to map submitted images</td>
</tr>
<tr>
<td></td>
<td>- Homework:</td>
</tr>
<tr>
<td></td>
<td>Send final presentation and accompanying details by April 9th.</td>
</tr>
<tr>
<td></td>
<td>Schedule introductory meetings to orient stakeholders and advocacy targets to the project’s aims and to invite them to attend the showcase.</td>
</tr>
</tbody>
</table>

11 - Follow-up on community meetings with a written invitation and a “thank-you/reminder to attend” call - Exhibit logistics and preparations

12 - Dress Rehearsal

**Exhibit** - Date TBA (late April, May)

**Example Activities**

**Module 1**

**Introductions: Circle Activities**

- Introductions (experience with video, “fun facts” about you at this age, etc.)
- Review group expectations and logistics: ground rules, communications, meeting schedule and location, etc.
- Hand out and label cameras (2 labels - put both on front bottom, under lens)
- Review camera operation and consenting procedures (yellow form)
Pair up (or have one pair model for the group): Ask consent, film each other, then review this exercise as a large group (e.g., power in and ethics of videoing others)

- Turn in all Participant/Parent Releases (green)
- Camera collection (at discretion of group facilitators upon consultation of group)

**Review Example Media: Discussion Questions - WHAT DID YOU NOTICE? WHAT ELSE?**
- Who created this message?
- What techniques are used to attract my attention?
- How might different people understand this message differently from me?
- What lifestyles, values and points of view are represented in, or omitted from, this message?
- Why was this message sent?  

(Thoman & Jolls, 2005)

**Review Relevant Experiences in Trying to Become a Successful Adult in Your Community:**

Complete an E-F-G-H Inventory

<table>
<thead>
<tr>
<th>Areas of importance to growing up</th>
<th>Education to Employment</th>
<th>Family, Finances, Friends</th>
<th>Giving Back</th>
<th>Healthy Mind, Body, Spirit</th>
</tr>
</thead>
<tbody>
<tr>
<td>People my age feel ready to succeed in this area because...</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>People my age don’t feel ready to succeed in this area because...</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I’d want to see this aspect of it become different in this way...</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Additional Resources**

**A. Permissions**

Obtaining proper written permissions is the responsibility of the filmmaker. Three kinds of releases will likely be needed: a **photo release** for people videoed, a **materials release** for obtaining permission to use photographs, video, film or other media which may be copyrighted/owned by others, and a **location release** when you wish to photograph, videotape or record property which you do not own. A good rule of thumb: when in doubt, ask for permission.


**Permissions to Photograph and to Use Photos, Video, or Electronic Media**

To protect the dignity of individuals and organizations, it is our policy that no photos, video, audio tapes or other reproductions be made or used without the prior permission of the person, parent or guardian (if person is under 18) of the individuals portrayed. Individuals who are identifiable in a group should sign releases too (e.g., individuals visible in the foreground of large groups being videotaped in a public place such as a street).

Filmmakers should also obtain a written release for any photo, audio, video or film (created by another) that they plan to use in their work. **Filmmakers should be sure to credit all music used in their closing credits - even themselves if they composed the music used in their video.**
The term royalty free music, also known as buyout music or buy-out music, is frequently a source of confusion. Some believe that it means there is no cost associated with the music. Others believe that the music is "copyright free", or that there is no copyright associated with the music. Each music library license will vary to a certain degree, however, as a general rule royalty free music simply means that you have purchased a "lifetime synchronization license" for a given song or group of songs. In other words, you have the right to synchronize the music with your audio and/or video productions an unlimited number of times without incurring any additional expense. - From http://www.allmusiclibrary.com/

Examples

- A photo of a father and child in a grocery store requires one release from the father and the child, and another from the store owner or manager.
- A photo of a festival on a main street may require a release from people on the street if they are recognizable but does not require a release from the owners of the businesses in the background.

Do your homework - We are unable to give you legal opinions on any of these matters. However, we suggest you contact your organization’s legal departments or legal representatives to review these matters and determine your organization’s policies.

For more information - see http://www.notbored.org/privacy.html for a brief review of the factors that constitute a reasonable expectation of “privacy.”

B. Choosing Visual and Musical Content for Use in the Submitted Videos

The safest approach is to use only audio and video tracks composed, performed and recorded by the Raising 100,000 Voices video producer.

Next best approach - If they seek “canned” music or video images, consider using royalty-free (free to use) and at least semi-copyright free music (author chooses to not exclusively own all rights to their creation) (See Creative Commons - some rights reserved).

You can “purchase” royalty-free music on any of a number of web-based companies. However, be sure that the usage they are granting fits the usage needed by Raising 100,000 Voices. For an example of an internet archive that allows free downloading of open source materials (music, visual content, etc.) see http://www.archive.org/details/opensource_audio. Some artists allow any usage of a downloadable song on their website - without charge or licensing fees associated with usage. These sites often request that if you use their work in a production, that you give them the proper credit in your production (e.g., such as closing credits in a video or film production). For an example of an artist’s website that is “giving” their music productions away for any use - see http://derekaudette.ottawaarts.com/music.php.
Other sites that have a free music for student filmmakers that only require a credit to use the music. There aren’t a lot of pieces, but it could be enough if one otherwise doesn’t have access:


For an example online summary that lists where one may find online libraries of *no-charge royalty-free music* to download, see [http://www.seabreezecomputers.com/tips/freemusic.htm](http://www.seabreezecomputers.com/tips/freemusic.htm)

*Otherwise* - you will need to seek permission to use another’s work - or obtain a license for its usage in Raising 100,000 Voices. If the filmmaker has found a piece of music from a professional artist they want to use, then go [http://www.xmarks.com/site/www.ascap.com/filmtv/faq.html](http://www.xmarks.com/site/www.ascap.com/filmtv/faq.html) to find out how to contact the copyright owner (usually the publisher) and acquire the appropriate license.

Some video libraries detail their permission policies and how to obtain permissions (see as an example - CSPAN [http://www.c-spanvideo.org/rights](http://www.c-spanvideo.org/rights)).

Again - Raising 100,000 Voices is an educational, non-commercial project that will show the work in free public performances, post the work on a website that allows for sharing of the work, and may broadcast the work on public broadcasting platforms, along with other possible future uses.

**For more information**

- Here is a link to a brief primer on “Fair Use” see [http://www.pdinfo.com/](http://www.pdinfo.com/). This site also provides a brief primer on copyright protections.
- To read more about copyright and fair use from “the authority” - see the U.S. Copyright Office at [http://www.copyright.gov/](http://www.copyright.gov/). This site also has some animated clips for youth audiences to introduce key concepts of copyright, etc. The text box below is a modified one-pager from this website that summarizes simply these issues from a legal perspective.
How much of someone else's work can I use without getting permission?

Under the fair use doctrine of the U.S. copyright statute, it is permissible to use limited portions of a work including quotes, for purposes such as commentary, criticism, news reporting, and scholarly reports. There are no legal rules permitting the use of a specific number of words, a certain number of musical notes, or percentage of a work. Whether a particular use qualifies as fair use depends on all the circumstances. See FL 102, Fair Use, and Circular 21, Reproductions of Copyrighted Works by Educators and Librarians.

One of the rights accorded to the owner of copyright is the right to reproduce or to authorize others to reproduce the work in copies or phonorecords. This right is subject to certain limitations found in sections 107 through 118 of the Copyright Act (title 17, U. S. Code). One of the more important limitations is the doctrine of “fair use.” Although fair use was not mentioned in the previous copyright law, the doctrine has developed through a substantial number of court decisions over the years. This doctrine has been codified in section 107 of the copyright law.

Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered “fair,” such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:

1. the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

The distinction between “fair use” and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

Copyright protects the particular way an author has expressed himself; it does not extend to any ideas, systems, or factual information conveyed in the work.

The safest course is always to get permission from the copyright owner before using copyrighted material. The Copyright Office cannot give this permission. When it is impracticable to obtain permission, use of copyrighted material should be avoided unless the doctrine of “fair use” would clearly apply to the situation. The Copyright Office can neither determine if a certain use may be considered “fair” nor advise on possible copyright violations. If there is any doubt, it is advisable to consult an attorney. FL-102, Revised July 2006

C. One person’s summary of legal factors to consider in videography:

I have attached the following article for your personal use (from http://www.videomaker.com/article/809/).

This article is a little older - so additional considerations do exist now given the proliferation of videos on the internet, and the resulting new legal standards emerging. Also, distinctions between whether
the proposed work is videography, per se, or whether it can be considered “research” (and therefore
the process for conducting the work is subject to a higher standard for the protection of rights and for
obtaining permission) may need to be considered, especially for those who are working within an
academic organization (if so, be sure to consult with your institution’s “human subjects in research
office” for a determination on how to proceed).

Model and Location Photo Release Forms for Videographers

Mark Levy
June 1997

Law, unfortunately, is not a science, much less an exact science. There is no legal equivalent to
Avogadro's number or Planck's constant or the Pythagorean Theorem. No legal formulas are
equivalent to the ones we videographers might use for determining f-stops, signal-to-noise ratios,
or white balancing.

There are precious few absolute blacks and whites in the law--only shades of gray. In a way, this is
not a bad situation. Indeed, if the law were exact, allowing all of us to predict the legal effect of
every event, there would be no need for lawyers. And without lawyers, of course, we would have
no lawyer jokes.

Philosophically, lawmakers and judges expect that the same law, applied to different factual
situations, may result in different outcomes. This is true not only of laws relating to criminal cases
or to contract disputes, but also of laws relating to videographers. Depending upon a number of
factors, it is possible that your right to practice free speech under the First Amendment of the
Constitution--by videotaping people and objects, for example--may be outweighed by the interests
of others. In other words, you can most often expect a judge to balance your individual rights as a
videographer against the rights of others.

This article discusses some legal factors to consider as you make your next video. Specifically, you
will learn to perform the balancing act that occurs when your rights as a videographer conflict--
actually or potentially--with the rights of other individuals or of the general public. You will also
learn how to minimize or eliminate such conflict, when possible, thus reducing the likelihood that
you'll have to consult one of the aforementioned lawyers.

Location, Location, Location
The first rule of videomaking in a free country is that, in general, you have a right to photograph,
film, draw, tape record, paint, sketch or videotape any subject you wish. But your rights are not
absolute. Depending on specific circumstances, the counterbalancing rights of others may limit
your activities. For example, at certain locations (e.g., museums, theaters, arenas, restaurants,
retail stores, stadiums, other places of amusement and even government structures),
administrators may establish their own rules, if they wish, to prohibit the use of lights, flashbulbs,
tripods, video cameras, cables, microphones, or any other photographic or recording equipment.

The purposes of such prohibitive rules may vary. A concert promoter may not wish to encourage
copyright infringement by the use of camcorders or tape recorders. A museum curator may not
wish to have works of art endangered by flashbulbs and movie lights, or patrons inconvenienced by
rescheduling or by closed exhibition areas. A property owner may wish to discourage members of
the public from visiting the premises, based on the perceived nuisance of errant cables or
unidentified flying photographic equipment. The property owner may be under-insured for personal
injuries or damages to property that may result from negligent behavior on the part of the videographer. A police officer may not wish to have traffic--vehicular or pedestrian--obstructed. Nor may public or private administrators wish to risk exposure to legal actions based on hazards, dangers, nuisances or invasion of privacy.

In general, a videographer's right to shoot or tape on a public street or in a park is clear, so long as he or she does not interfere with traffic, or injure people or property by a hazardous placing or use of equipment and props. In congested areas, such as bigger cities or frequently visited parks and preserves, a permit may be necessary. You can usually obtain film, photographic and videographic permits relating to national and state parks and preserves from the appropriate park superintendent, if necessary.

In the case of locations in a given city, county, state or province, you can obtain such permits from the province or state film commission, bureau or office, usually located in the capital city. Unfortunately, no one person or organization can speak for every establishment in the country. Every state or province has its own film commission, or equivalent. Many situations require permission from a bewildering host of overlapping authorities. In the case of larger cities, you may have to secure permits from the mayor's office (try the city's lawyer or counsel), the county executive's office, the police department, the public works department and/or the transit authority. Certain jurisdictions may grant permits only upon proof that you have purchased suitable liability insurance to protect yourself and the governmental agencies in charge of the property. As a first step, find out if insurance is a requirement. Then ask your insurance agent how to secure short-term (e.g., one day or one week) insurance protection. The best advice is to attempt to get as much information and written policies, procedures, and forms by telephone or mail, well in advance of your scheduled shoot.

Permit fees vary from zero to thousands of dollars, depending upon the length of time for the shoot, the purpose of the video, the time of day, week or year, and the property owner or granting authority. In general, you won't need to make royalty payments, except occasionally to professional performers (musicians, jugglers, dancers, artists, comedians, actors). Remember: everything is negotiable. Sometimes a property owner will be flattered to be represented in a video, in which case a copy of the final video can be sufficient compensation.

Perhaps, as a videographer, you intend to cover a news story. In certain jurisdictions, a press card allows you to cross police lines. But the police can still use their discretion in restricting movement of professional reporters if they believe that the reporters are in danger or are likely to pose a danger to others. If the police suspect a crime, they will cordon off the premises with tape. Do not cross the police line or you will be subject to a charge of tampering with evidence at the scene of a crime--a criminal offense. In short, having a press card does not necessarily bestow unlimited, special rights on the owner.

Actually entering the premises of the scene of the newsworthy incident without permission could constitute trespassing. Footage shot inside a restaurant, for example, could provoke an allegation of invasion of privacy. In the case of franchise restaurants, the manager may not have authority to grant you permission; he or she may have to contact the regional or national office.

Even though you may be shooting from a public place, such as the middle of a street, you can be liable for damages if your subject is private property. As a practical matter, if you feature a person's house or yard or car in an innocuous scene, the owner could claim no damage. In the unlikely event that he brought a lawsuit against you, the plaintiff would win only nominal damages.
However, what if you used the person's property in your video untruthfully or maliciously, such as to somehow associate the owner with drug addicts, terrorists, organized crime figures, child molesters, etc.? In such cases, the owner of the property would be within his or her rights to sue you for invasion of privacy, slander and trespass.

**Model and Location Photo Releases**

As a videographer, you have the power to videotape people, places and things, but you will need permission to do so unless the subjects are public figures or, at least temporarily, newsworthy.

You can use a simple agreement to protect yourself from invasion-of-privacy lawsuits brought by your actors (or even bystanders) in your video productions. The agreement is called a release (see sidebar). By signing the release, the person waives the right of privacy and cannot sue you at a later date for copying or exhibiting the tape.

Include a place for the performer's signature, the date, and the rights your performer is giving up or waiving. If, for some reason, the performer doesn't sign the release in your presence, be sure to ask him to have his signature notarized. Of course, if your performer is under age, have his or her guardian sign instead. Also, include a provision for compensating the performer. Since courts avoid having to determine whether compensation is adequate, it can hold a contract valid if the performer receives any consideration—even $1. If you want to include any part of a person—image or voice—or the person's property or possessions, introduce yourself and ask the person to sign a release. (Keep a supply of releases in your camera bag.) It's well worth a dollar to stay out of court.

**Music and Sound Effects**

The most common intellectual-property-rights issue that arises is your liability for using another's copyrighted music or sound effects without permission. You can obtain permission from the copyright holder directly (if you know how to find him or her), or through one of the major organizations that handles copyright law and collects royalty payments for composers and musicians. The two major organizations that can facilitate the process by providing you with the music publisher's name and address are: the American Society for Composers, Authors and Publishers (ASCAP) and Broadcast Music, Inc. (BMI).

Under a particular circumstance spelled out in the copyright law, you can use someone else's materials—say, for example, someone else's sound recordings, poems or narrative—without fear of copyright infringement. The performance "must be without any purpose of direct or indirect commercial advantage; and it must be without payment of any fee for the performance to any performers, promoters or organizers; and there must be no direct or indirect admission charge. But if there is such an admission charge, the proceeds, after deduction of reasonable production costs, must be used exclusively for educational, religious or charitable purposes and not for private financial gain." Even if the proceeds are for educational or religious purposes, the copyright owner has the right to veto the performance in advance.

Non-profit exhibition of copyrighted works is not generally unlawful, even if the work is shown publicly; and if the work is not shown publicly and is not shown for profit (for example, if it is shown only to a reasonably small circle of your family and your social acquaintances), there is little danger of being sued. In the case of broadcast or cable television, of course, any exhibition of your work is generally for profit—your profit or the profit of the TV station. Thus, TV use of someone else's copyrighted material in your work without permission of the copyright holder is unlawful.
Perhaps the best solution to the soundtrack problem is to compose original music or have it composed for you. Local colleges often have students majoring in music. These students may be interested in working with you, as long as they receive credit for their compositions. Be sure you have a written agreement with them, however, so that you will have the rights to their work.

How do I know whether or not I need a permit to shoot video?

If you're shooting video unobtrusively in the great outdoors (like a beach or park) for your own personal use--video that won't be seen outside your own living room, you probably don't need a permit. If you're shooting personal video in a controlled area like a museum or restaurant, your chances of needing a permit (or, at least, verbal permission) jump dramatically. If you're shooting video for profit in such a location, your chances of needing a permit skyrocket. The rule of thumb is: when in doubt, make a phone call to the authority that governs the location. That way there's no guessing involved; you'll know you're on the right side of the law.

D. Technical Support: See Accompanying Handout