

Robert D. Farber University Archives & Special Collections  
Use Policy on University Photographs of Students

The Robert D. Farber University Archives & Special Collections Department at Brandeis University encourages use of the images in our collections while doing our best to protect student privacy. We use the following guidelines in our own use of student images, and we have requirements on how images obtained from our department may be used.

Photos taken by the University Photographers have served different purposes over time; some were taken for publicity, while others were taken casually and without specific consent. No release forms exist for photographs of students in our collection, and publicity photos are not identified as such. Therefore, we must assume, unless otherwise clear, that student subjects have not given consent for the taking or use of their image for any specific purpose. Legally, the copyright on these photos belongs to Brandeis University, and student consent for use is not required in most cases. However, we acknowledge that a student's life or career may be adversely affected by publicly shared images, and as providers of photos we have a share in responsibility for students. Although 18 years is considered the age of adulthood, many college students are still developing their personal, social, and professional identities. It is the long-standing practice of both Alumni Relations and the University Archives to make information publicly available in a manner that is protective and that supports our students in fully participating in campus life.

We are aware that many of our alumni would not mind their images being used in any way by Brandeis University or by outside media, and would in fact be pleased with such use. It is also true that photos similar to those in our collection have been previously published by journalists in student newspapers and other media, operating on a different set of goals and ethics. We also acknowledge that students have a wide variety of expectations for privacy, affected by age, education, and experience.

The University Archives takes an active role in evaluating whether photos meet the use criteria which follow and can make final determinations regarding the photos in question.

We apply the following restrictions on use of photos obtained from the University Archives:

1. Photos created more than 40 years ago may be used in any manner not prohibited by copyright law.
2. Photos taken 40 years ago until today may be available for public use or publication not prohibited by copyright law only if the following is true:
  - a. It is clear from the image that it is a posed publicity photo, or,
  - b. Individual students cannot be easily identified in the photograph, or,
  - c. The content of the photo does not require consideration for privacy, or,
  - d. Permission from all living individuals in the image has been obtained.

Definitions:

Photos that have clearly been staged for publicity purposes are evidenced by original multiples with small changes. Also, an image that has previously been published by the University may be allowed.

Photos that feature large groups of students or students at a distance without close-ups on individuals are allowed. Photos of individuals in profile or with faces otherwise obscured may also be allowed.

Photos whose subject matter could not be considered controversial or personal may be allowed. Controversial and personal subject matter regarding students includes the following: 1. Photo evidence of participation in clubs or activities that focus on sexual or gender identity or that provide information as to a student's politics or a student's health; 2. Photos with evidence of participation in pre-college and remedial educational programs; 3. Photos with evidence of any illegal activity or disciplinary action; 4. Photos of people who are obviously much younger than the age of consent (18 years).

Obtaining permission can be a difficult and time-consuming process, but if the image user has obtained provable permission from those pictured, the image is allowed. Permission from deceased persons is not required.

*For assistance in obtaining photos and in applying this policy, please contact the Reference Archivist.*

*For questions and concerns about this policy, please contact the University Archivist.*