

Middlebury College

Department of Film and Media Culture

Student Video Production Handbook

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INTRODUCTION

Middlebury's Film and Media Culture Department seeks to fulfill the creative visions of its students while fostering an environment of safe and productive filmmaking. Our objective is to complete projects while maintaining respect and consideration for our actors, crew members, and sets. The film department cannot and does not want to regulate every decision made on a student film. This means that we rely on the students' discretion and good judgment to ensure that the department operates in a safe way.

We have provided these documents in order to steer you in the right direction, but the best thing to do if you ever have a question about whether content, a stunt, a prop, or anything else is appropriate for a student film, is to ask your professor for guidance. Your professors want you to accomplish your project in the best way possible; if they raise questions or concerns about an element of your film, it is to your benefit to listen and take their advice seriously. Deferring to their years of experience can prevent an accident or dangerous situation.

EQUIPMENT AND FACILITIES

It is important, as a member of the Film and Media Culture Department, to respect the knowledge and experience of Middlebury or visiting professors as well as to follow the guidelines laid out in the various documents provided to you. Having the appropriate paperwork for your films (if applicable) is crucial to continued participation in the department.

Additionally, we are very fortunate to have the quantity and quality of film equipment that we do. This equipment deserves proper care at all times. Our Media Production Specialist, Ethan Murphy, is a great resource for our department and an expert on the proper treatment of the equipment. Again, it is to your benefit to take advantage of Ethan's expertise and to learn as much as you can from him. There are lab monitors in the Media Lab five nights a week who can also answer questions should they arise.

We count on your cooperation in treating the equipment carefully and responsibly, so that hopefully you will never be burdened with having to pay for lost, stolen or damaged items. Should this unfortunate situation ever arise, please let Ethan know immediately about the loss and we will do our best to replace or repair the damaged/lost pieces of equipment at the lowest price possible, but please be aware that in most cases (i.e. when the damage is not due strictly to a defective item) you are responsible for equipment checked out in your name, and you will be expected to bear the financial consequences.

Here are some examples of unfortunate events that resulted in students' accounts being charged to cover costs – hopefully none of these will ever happen again!

- during a shoot on the beach, sand got inside the tripod's tightening mechanisms. Not only was the tripod damaged, one of its legs gave way and the camera fell on hard concrete
- after loading the props and grip equipment in the back of their truck, the filmmakers drove away leaving the camera case (with the camera inside) in the parking lot. It was never recovered.

- The camera was left over night in the trunk of the car. This happened multiple times to multiple students, and it had various consequences: car broken into, car stolen, car towed for illegal parking and recovered without the camera. Etc. Etc. Etc.
- The camera was left unattended on the tripod while the student stepped away to give directions to the actor or to move around a piece of décor. Imagine several scenarios including unstable tripods, cables, stumbling PA's carrying coffee and grips turning around while carrying a C-stand on the shoulder. Hint: they all end with the camera hitting the ground (and 15.000 worth of damage)

SAFETY FIRST. AND LAST. AND ALWAYS.

The rules outlined in this section have been formulated based on real events that happened on film sets, both professional and in school settings. Filmmakers and film students everywhere have learned the hard way that a film shoot is not exempt from the dangers of the real world - if anything, when working on a film, we are more susceptible to overlooking potential dangers because we are so focused on recording the cool shot or the great performance.

As a student filmmaker, your top priority during every part of the filmmaking process is to ensure the safety of your actors, crew, and yourself. We recognize that there are everyday activities that are inherently risky, but, on your film set, the aim should always be to anticipate and manage those risks in an effective manner.

Using prop weapons, fire, extreme violence and other elements that are potentially dangerous require approval from the College Public Safety office. Please talk to your professor as soon as possible once you start contemplating using dangerous or hazardous elements in your film.

If you are shooting off campus, make sure that you have obtained proper approval by the owner of the location (whether it be private or public property). A general location release form is attached at the end of this document (APPENDIX B). The town of Middlebury has a form to fill out when shooting on town property. The town must approve the form before you begin filming.

WEAPONS POLICY

Certain activities or props that are "risky" may be integral to your film; in these circumstances, be careful; plan ahead; and be aware of and obey state and federal laws.

The use of any real weapons - anything that shoots a projectile (including but not limited to firearms) and anything that has a cutting edge (for example knives, broken glass, swords, hatchets, saws etc - use your imagination!) – is **expressly prohibited** in the course of making a student film. This is our departmental policy – please note that it is more restrictive than the college's general policy.

There are rare instances when the presence of one such object is absolutely necessary for the aesthetic quality of your work. These situations will be determined in consultation with your faculty supervisor who will give you permission to use them. Firearms will not be permitted in any case. The use of a kitchen knife to cut food in the scene might be an example of permitted use.

You may replace real weapons with their prop or toy equivalents. **Any use of prop or toy weapons MUST be approved in advance by the class faculty advisor.** This is an important step, especially as many prop weapons look realistic. If Public Safety or the police see someone pointing a gun or holding a knife on another person, they will not stop to check if the weapon is real before acting.

SHOOTING IN/WITH CARS

The use of cars should always be managed carefully on film sets. Make sure that anyone who drives a car on camera or off is licensed. During night shoots, be particularly cautious and have a designated driver who can concentrate on staying awake and alert - both on-set and after wrap, when you drive home. Being sleepy behind the wheel is just as dangerous as being drunk.

Additionally, be aware of the limitations of cars; for instance, while the glow of the tail light might look great on camera, running down the battery and leaving yourself with no way to get back to school is a situation to be avoided.

It is **expressly forbidden** to:

- hold the camera while driving;
- distract the driver or ask the driver to do anything else while driving (that includes holding things in their lap, giving off-screen lines to an actor, reading directions or scripts, brainstorming the upcoming shotlist etc.);
- ask an actor to drive while doing anything that might affect their focus on driving. Basically the most you should ask of an actor is to drive without “acting” (no lines, no emotional states, no unnecessary movements). **You should always ask the actor if he or she feels comfortable with what you are asking them to do, and more so when safety is involved.**

STUNTS

Any shot including a "stunt" must be cleared by the faculty advisor in advance.

Consider a stunt anything that could reasonably pose harm to a person. Walking down the sidewalk? No. Driving a car? Yes. Any shot involving cars, shattered glass, fires, or bodies of water (manmade or natural) are stunts and must be fully planned out and submitted for approval well in advance of the shoot. Same goes for shots that require the actor – or a crew member – to perform physical actions that go beyond normal, usual daily activities – such as jumping from a height more than 3 feet, holding or lifting unusual amount of weight, climbing anything but

regular stairs, being submerged, handling hot objects, interacting with large animals etc etc etc. Obviously, staging fights or any acts of physical violence also belong to the same category.

The department's intention is not to forbid things, but to foster in students the instincts and preoccupations that are essential for a filmmaker. Discussing your intentions with a faculty member will facilitate the kind of responsible, attentive, thoughtful preparation that increases the chances of your project being a successful one.

Show your professor you have taken proper precautions and have managed risk responsibly and he or she is much more likely to sign off. Coming to a professor fifteen minutes before you start shooting does not engender confidence in your plans.

FIRES

Attached is the Middlebury College policy on outdoor fires. Observe it carefully if/when considering the use of fires in a film (APPENDIX C).

Be extremely careful if you choose to use fire and ensure that all precautions have been taken.

CAST AND CREW CARE

Make sure that your cast (actors) and crew (people who are kind enough to give you a hand) are always alert, comfortable, and ready to shoot. Building trust with the members of your team should be a top priority; a good way of accomplishing this is by listening to their limitations and needs. A crew that is freezing or hungry probably isn't going to produce quality work. Similarly, having exhausted team members can be dangerous on set.

There are very clear and strict professional guidelines governing the film set logistics. Please find below a few of these rules that would apply to student films and that you should abide by:

- the maximum number of hours to be spent on set is 12. That means 12 hours from the call time (the time when the first crew member is supposed to show up) to the wrap time (the time when the last crew member leaves). So set-up and wrap time are included in the 12 hours;
- All the cast and crew should receive a full meal (meaning more than snacks) every six hours;
- There should be a break of at least 30 minutes after each six hours of shooting;
- The crew should not be called for a shoot within twelve hours of wrapping on a night shoot;
- Actors have to be told in advance if there will be nudity or stunts involved. They have the right to refuse to appear completely or partially naked, and the right to refuse to perform any stunts or any potentially dangerous actions.

Finally, all considerations - aesthetic, logistical or financial - are secondary to the serious issue of safety on set. Keep in mind that as a director, you are responsible for the others. The rule of thumb should be: when in doubt, don't.

A release form for actors and crew is attached (APPENDIX A).

WORKING WITH CHILDREN AND ANIMALS

While working with children or animals may seem like fun or be necessary to the casting of your film, there are many factors to consider when using such performers.

We have attached sections of the Humane Society's guidelines for working with animals (APPENDIX F) as well as Screen Actors' Guild (SAG)'s guidelines for working with children (APPENDIX G). Vermont State also has legislation on child workers that must be taken into account (APPENDICES H and I).

Seriously consider these documents as well as the level of difficulty and care necessary for working with these special performers.

Besides the legal and official documents to consider, there are other, more basic, considerations that are often overlooked. Minors and animals cannot consent to being in your film; getting written permission from parents, guardians, and owners BEFORE you begin filming is absolutely necessary. If your movie contains strong language, violence, or questionable content, ensure that parents understand the nature of the film by showing them a script and specifically pointing out any moments that might be upsetting to their child. Along the same lines, be conscious that loud noises, large equipment, and lots of people can be startling to animals and children alike.

Another factor to consider before casting children or animals in your film is that you cannot force a child or an animal to do anything; rarely can you reason with them as you would an adult; and you must, at all times, respect their boundaries and desires. This means that any shoot involving special performers must budget significant time for breaks, snacks, games, walks, or whatever else it takes to keep them happy. Additionally, if a child or animal performer clearly wants to stop their participation in the film, you must respect that no matter what.

All in all, using animals or children in your film opens the door to many wonderful opportunities; it does mean, however, that every aspect of a decision to use such performers must be carefully considered and that a lot of care, time, and effort must go into their performances.

FAIR USE AND COPYRIGHT ISSUES

This governing "common sense" principle of the film department is also crucial to the way in which it deals with the use of copyrighted works within student films. While it can be tempting to use music or other professionally created works in your film, this complicates the legal exhibition of your project.

Our department's policy is that the student filmmaker – not the College - retains copyright of their own work. This means that you are the owner of the videos you make and you can exhibit

them, sell them, multiply and circulate them, and generally do whatever you want with them. At the same time, it means that you are solely responsible for the content of your work and you might become legally liable if there are any doubts about your legal permission to use the images and sounds.

There are two issues to be considered here:

1. your legal right to use the images and sounds that you record
2. your legal right to use pre-existing material

STUFF THAT YOU RECORD

While it might seem like a non-issue, since by recording you are actually generating images and sounds yourself, there are several things to consider.

- you have to obtain permission from a privately owned location to shoot there. Likewise, if you are going to spend some time in a public space that has a specific destination (such as a parking lot or a public library) you'll have to get permission as well. College property is usually considered "fair game", but you still have to clear it with the proper managing/operations staff if you are planning to stay in a building after hours or you want to use a space that is not unconditionally open to the larger academic community (such as a laboratory, research facility, library, gym or athletic facility etc.) (APPENDIX B). Use your common sense and be proactive in securing all the proper permissions well in advance. Keep in mind that sometimes there might be additional safety issues involved in a campus location, or events might be scheduled that could interfere with your plans;
- You have to have your actors' permission to use the footage that features them. If the actors is a minor you also need the permission of their parent/legal guardian;
- You have to have the permission of any musicians or composers who write or perform music for your piece, or who allow you to use their music;
- Be aware that when you are shooting in public spaces you might inadvertently include in your footage images and sounds that you do not have permission for – such as artwork that's hanging on the wall, music playing in the coffee shop or on the car radio, logos or advertising on objects or in the background (even if you think that you're doing Coca Cola a favor by promoting their brand in your film, they might not share that feeling. In fact, Coca Cola might think they are doing you a favor). While it is not always possible to control the environment you are shooting in, you should make reasonable efforts to make sure that your footage is clear of images that you don't have permission for.

The proper way to ensure that all the above conditions are satisfied is to secure releases for the locations, the performances and the music used in your film. At the end of this document you will find customized releases that you can print out. Have them signed by the location owner, the performers and the musicians who have agreed to help you BEFORE you include the respective images in your film (APPENDICES B and E). It has happened in the past that people who have

given verbal consent – or who haven't been asked for that consent – asked that their performance, location, artwork or music be removed from the film. If you do not have a signed release, you will have to comply with that request.

The department's policy is that you obtain releases for any video project that might be publicly exhibited (outside of the classroom – that means any festivals, online venues, screenings open to the public etc.). Generally this rule will apply to projects made in Sight and Sound II, Senior Tutorial and Independent Project classes – but you should be mindful of these issues even when you are working on other class projects as they might turn out so well, they could have a life outside of the classroom.

STUFF THAT HAS BEEN PREVIOUSLY PUBLISHED

What material is non-original?

- Any literary adaptation from a published book, or short story;
- Any original or published music (even if the piece of music is from your composer's demo tape. See below for more details);
- Any outside footage, stock footage, newsreel film, etc.;
- Any trademark or recognizable copyrighted Logo, character, poster;
- Any film of a non-fictional person (life story, etc.);
- Underlying Story Rights;
- Books;
- Magazine Articles;
- Periodicals;
- Artwork and Illustrations;
- Logos and Trademarks (including but not limited to NBA, NHL, NFL and Major League Baseball).

For all of the situations above, you need to clear the rights for use in your film.

WORLD-WIDE RIGHTS MUST BE OBTAINED IN PERPETUITY IN WRITING PRIOR TO COMMENCEMENT OF PRINCIPAL PHOTOGRAPHY.

What legal language should I use?

You need to make sure that the release or contract they sign enables to show the film in: “all commercial and non- commercial Media (including but not limited to Television, Cable, Video on Demand, Home Video and DVD, Theatrical, non-Theatrical, Educational, Internet, Festivals) worldwide in perpetuity.”

If you cannot get the above rights you should refrain from using the material in a video that would be shown outside of the educational/classroom context.

FAIR USE

The Copyright Act of 1976 17 U.S.C. § 107, or the idea of "Fair Use," can be a legitimate defense of the use of a copyrighted work in a student work in certain situations. The statute states:

"...the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the 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 fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors."

While this statute is often useful for the protection of student works, you must be very careful if you choose to use copyrighted material.

Here are some links with more detailed and nuanced fair use policies that refer specifically to film – and especially to documentary film, a genre with its own set of challenges:

<http://www.centerforsocialmedia.org/fair-use/best-practices/documentary/documentary-filmmakers-statement-best-practices-fair-use>

<http://centerforsocialmedia.org/fair-use/related-materials/codes/fair-use-and-online-video>

This is where the department relies once again on the discretion and good judgment of its students. There are situations where using copyrighted material is useful or even necessary to the integrity of a work. In a video remix, for example, it is impossible to complete the project without using copyrighted material; additionally, films that parody, re-contextualization, or offer a re-consideration of the original work by adding a new creative or critical value, also use copyrighted material as a building block. In all cases, the original work should be properly acknowledged and it is still important to be pragmatic about your use of this material.

Sharing a student film or remix that includes copyrighted material in a class or on a private webpage is unlikely to raise the awareness of the copyright holder and more clearly falls under the idea of "Fair Use." Choosing to share this same work on YouTube, or another video-sharing website such as Vimeo, however, is much more likely to be noticed and is more difficult to defend as YouTube and similar websites can make money off of their content, even if you, the content provider, are not making money. If you receive a warning email or letter from one of

these sites requesting that you remove the video, do so in a timely manner to avoid further ramifications.

If the use of copyrighted material can be avoided, it is usually in your best interest to do so. By using copyrighted works, it is usually impossible to submit your film to any festivals.

Moreover, realistically, putting professionally produced music over a student film does a disservice to your work as professionally produced music - such as pop songs - in a student project will inevitably compete with and even dwarf the visuals and the story. Instead of raising the quality of your work, you are running the risk of putting it in an unflattering position.

Additionally, there are options for music that can be used freely and without conflict on websites such as the Free Music Archive or Creative Commons. One excellent resource is <http://www.mobygratis.com/>, where you can obtain free music from Moby's own catalogue. (Please keep in mind that there is some paperwork to be done for this, so you should budget a few days for obtaining music from mobygratis).

Middlebury is also fortunate to have a number of student musicians who may be open to working on a student film.

If you are interested, the full, relevant copyright statutes are attached (APPENDIX J).

MUSIC RIGHTS AND CLEARANCES

MUSIC-SPECIFIC RIGHTS ARE...

- **PERFORMANCE RIGHTS**
 - This gives the right to perform a piece of music in public.
- **SYNCH RIGHTS**
 - This is the authorization to synchronize the music with visual images.
- **ADAPTATION RIGHTS**
 - If changes or additions are made to the music or lyrics, permission is required from the owner.
- **MASTER USE LICENSE**
 - The use of a recording of a specific performance involves another copyright and requires permission from the artist who made the recording.
- **ORIGINAL MUSIC**
 - When using original music in a film, the student must still have a written agreement from the composer as well as the musicians who performed the music.

HOW TO CLEAR MUSIC

The prospect of being able to use published music for free is highly unlikely.

The first thing to do is determine if you'll use the music many times throughout the film or just once and where in the movie it comes. If the music is incidental (as if coming from a radio, for example) it may cost less than it would if it were rolling at the head where it might be considered a theme song.

The CD, album, cassette or packaging lists a performance rights organization for the song you want to use. It will probably be the American Society of Composers (ASCAP), Broadcast Music, Inc. (BMI), or the Society of European Stage Authors and Composers (SESAC). These organizations don't control the rights, but they can tell you who does. When you call, ask them for the names, addresses, and phone numbers of the parties controlling the Sync Rights and the Master Use Rights for the songs you need.

Since some copyrights are held by multiple entities, dealing with one agency can be a great timesaver. Some agencies grant both Master Recording and Sync Licenses. There is no set fee or standard practices for Sync Licenses or Master Use Licenses. Make sure you understand what License you are granted and what sort of use it grants to you. Do not use published music in your film without fully comprehending what you are legally permitted to do.

ASCAP Clearance Express

<http://www.ascap.com/ace/ACE.html>

Clearance Desk: 212.621.6160

SESAC Repertory On-Line

<http://www.sesac.com/repertory.html>

800.826.9996

BMI Hyperrepertoire Internet

Song Title Database <http://www.bim.com.repertoire/about.asp>

Research Department: 310.659.9109

CREDITS AND ATTRIBUTION POLICY FOR MIDDLEBURY STUDENT VIDEOS

The credits of a film or video work are an important document with legal weight. Usually in student work proper crediting is the only compensation that your collaborators receive for having donated their time, energy, work and talent – therefore it is important that you acknowledge or at least mention all the people who made the final work possible. We all know that feeling of anticipation at the end of a screening when we are looking for our name to cross the screen and feel the satisfaction of having contributed to a published work - it is up to you, the student filmmaker, to make sure that nobody is disappointed at that moment.

The credits of a student film should mention all the crew positions that have been filled during production and postproduction, all the cast members (including extras), all the other collaborators and people who have contributed with anything from giving you feedback on the script to helping you secure a location or donating money (they can be listed under “thank you” or “special thanks” categories), and any person or organization who has contributed with the express specification of being mentioned in the credits (See Appendix K).

If music, artwork, literary material, video etc. are being included in the video, either under fair use guidelines or by permission, they should also be mentioned in the credits. (For example:

“video excerpts from Harry Potter and the Sorcerer’s Stone, Warner Bros. 2001” or “Blurred Lines by Robin Thicke, Pharrell Williams and Clifford Harris jr., performed by Thicke, Pharrell Williams and T.I, used with permission, courtesy of Star Trak Records”).

Any student produced video at Middlebury College that could be exhibited outside the classroom (including unrestrictedly in a non-private online platform such as YouTube or Vimeo) should have at the end the following credit items:

- the year and semester of production or completion and the “Middlebury College” mention (for example: Fall 2013, Middlebury College). For some classes, the professor might also ask that you include the class (for example: Sight and Sound II, Fall 2013, Middlebury College).
- a copyright notice that establishes the ownership (for example: copyright Ioana Uricaru). Generally, the copyright will belong to the student who is enrolled in the class and is presenting the video for class credit (usually the director). In the case of group projects, the copyright should be shared among the students who are receiving class credit.
- The following disclaimer: “Middlebury College is not responsible for the content of this video”

SUMMARY OF PAPERWORK YOU NEED BEFORE YOU CAN SHOOT YOUR PROJECT

For all projects:

- **Permission to shoot on location**
- **Release from actors/crew**
- **Safety approvals from faculty and Public Safety**

For projects that could be shown outside of class:

- **The above as well as**
- **Releases of copyrighted work**