

Academic Affairs Policy #15

Class Session Recordings and Distribution

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Responsible Officer: Provost and Senior Vice President for Academic Affairs

1. PURPOSE

This policy provides the circumstances under which recording of class sessions may occur; the approval process for recording class sessions; and the requirements for use, storage, and dissemination of such recordings. In addition, this policy balances the legitimate use of class session recordings, the intellectual property of the faculty, and the privacy of individual students and faculty.

2. AUTHORITY

The Board of Visitors is given the authority to establish policies for the university. This power is delegated to the President in areas in which the Board has not established policy. See Code of Virginia section 23.1-1602; 23.1-1301. The establishment of policies and procedures concerning the Division of Academic Affairs has been delegated by the President to the Provost and Senior Vice President for Academic Affairs (Provost).

The Family Educational Rights and Privacy Act of 1974 ("FERPA," 20 USC 1232g et. seq.) is a federal law that addresses access to and confidentiality of student education records.

3. DEFINITIONS

Class Sessions

Includes, but is not limited to, class session presence, lectures, interactions, discussions, and materials.

Recording

An audio or visual documentation of class sessions. Recordings can be created using a variety of ever-advancing technologies, including, but not limited to, still photography, audio recordings, video recordings, screenshots, streaming, and digital transmissions.

Instructor

The instructor of record for a class.

Storage

The process of saving or the virtual location of audio or visual documentation for a class session. Storage refers to a wide-variety of locations including: directly to a computer, to an external hard drive, to a cloud storage solution, through a video conferencing system, or directly to the learning management system (LMS).

4. APPLICABILITY

This policy applies to all classes taught under the auspices of the university, credit and noncredit, on or off campus, distance learning, and online courses. It applies to all instructors and students. It also applies to all students enrolled or visiting a course, and any other visitors to a course.

For information on intellectual property as related to recorded classes, see [University Policy 1107, Intellectual Property](#). For information on data stewardship, see [University Policy 1205, Data Stewardship Policy](#).

5. POLICY

Unauthorized recording by students is prohibited. Students requesting the use of assistive technology, including recording, as a reasonable accommodation should direct their request to the Office of Disability Services. For more information see [University Policy 1331, Disabilities & Reasonable Accommodations](#).

The university prohibits the recording of class sessions by instructors or students except in accordance with applicable law and university policy. Any recordings must be used, disseminated, and stored in accordance with applicable law and policy.

Recordings of class sessions and their use, dissemination, and storage may not violate copyright or other intellectual property rights, laws, or policies.

Recordings of class sessions may only be for educational use and purposes.

Recordings of class sessions may not be used in any way that denigrates and/or decontextualizes an instructor, student, or guest.

6. PROCEDURES

6.1. Recording – general understanding:

- 6.1.1 Students: Student recording of class sessions is prohibited unless written (including electronic) permission has been obtained from the instructor, and only in accordance with this policy and its procedures. Only students enrolled in that class may be given instructor permission to record. Instructors' permission to record a class may include limitations on which portions of class may be recorded and which may not be recorded. Instructors' may revoke permission for a student to record at any time. Permission to record is not a transfer of any copyrights in the recording.
- 6.1.2 Instructors: Instructors may record or give permission to a student to record only in accordance with this policy.

6.2. Recording class sessions

6.2.1. Prior to a Class Session Being Recorded

- (a) Instructors should send advanced notice to students using a university communications system (email or a learning management system message feature) when class sessions will be recorded.
- (b) The university prohibits the recording of class sessions unless all those who would be recorded have been informed of the following prior to recording:
 - that the recording will occur;
 - how the recording will be stored; and
 - options for not being recorded.
- (c) Instructors are encouraged to include a statement in their syllabus that recording of class sessions may occur. An example of a statement can be found on the [JMU Recommended Syllabus Language](#) website.

6.2.2. Storage, Maintenance, and Distribution of Recordings

- (a) Instructors:
 - Recordings may only be made available to students in that particular class for that term and handled in accordance with university policies and procedures, including [University Policy, 2112 Student Privacy](#).
 - Recordings that contain sufficient information or context (visually, audibly, or otherwise) to potentially identify a student such that it is an educational record must be stored on University-supported password-protected sites (e.g., OneDrive for Business, TechSmith Knowmia, Canvas, etc.).
 - Notify students that recordings will only be available to class members during the class term. Remove class recordings or remove access to entire class sessions at the end of term.

- Notwithstanding the above, if an instructor records only themselves, e.g. – a lecture recorded in advance with no students, the instructor’s use of that recording is not limited to that class and term.
 - (b) Students, whether the student records or is in receipt of a recording:
 - may only distribute a class recording to another student enrolled in that class for that term for educational purposes
 - must provide a copy of the recording to the course instructor upon instructor request,
 - (c) Students are prohibited from downloading an instructor-posted recording
 - (d) Students or Faculty may not exchange or distribute recordings for commercial purposes or compensation.
 - (e) The university may have the right to use and retain copies of such recordings for instructional purposes, such as for reasonable accommodations approved by the Office of Disability Services.
 - (f) The distribution of recordings for research purposes is subject to Institutional Review Board procedures and protocols.
- 6.2.3. Participation and Grading During Recorded Classes
- (a) When class sessions are recorded, instructors should not require recorded student participation as a factor of student grades. Exceptions may apply in certain clinical and professional settings.
 - (b) Students are encouraged to share concerns regarding being recorded with the instructor, privately, prior to the recorded class session.
- 6.2.4. Students who decline to be recorded must have the same educational experience as those students who choose to be recorded. The instructor should not ask those students who decline to be recorded to refrain from asking questions or sit in certain locations in a classroom. If a student is not comfortable communicating verbally in a recorded class, the instructor is encouraged to provide alternative ways to assess student learning by including, but not limited to, the following:
- Allow students to submit discussion questions in advance.
 - Allow students to complete reading prompts in advance of class.
 - Provide ways for students to ask questions, via chat to the instructor only, during class.

7. RESPONSIBILITIES

Instructors and Students

Instructors and students are responsible for adhering to this policy.

8. SANCTIONS

Faculty members who fail to follow this policy are subject to disciplinary action as referenced in the Faculty Handbook. Students who fail to follow this policy are subject to disciplinary action through the Office of Student Accountability & Restorative Practices (OSARP).

Any alleged violation by a student of this policy shall be referred to OSARP, who will investigate the situation and make a decision. Students found guilty/responsible of a violation are subject to sanctions up to and including suspension or dismissal. If suspended or dismissed, the suspension or dismissal may occur at any time during the semester and will result in the student being withdrawn from all classes and removed from the residence halls. The student remains responsible for all fees associated with the semester.

9. EXCLUSIONS

Recording of class sessions and the use, dissemination, and storage of that recording pursuant to and in accordance with a reasonable accommodation Access Plan as determined by the Office of Disability Services under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 is not a violation of this policy.

This policy does not address university-sanctioned recording by offices such as University Communications and Marketing.

10. INTERPRETATION

The authority to interpret this policy rests with the Provost and Senior Vice President for Academic Affairs.

Approved by the Provost: August 2021

Revised: January 2022