

Policy Governing Audio and Video Recordings

I. PURPOSE

The purpose of this policy is to standardize and regulate policy and to set expectations concerning the recording of classes, lectures, meetings, presentations, phone conversations, and other conversations at Goucher College, at onsite and offsite events organized by the College, over the phone and online platforms. The intent of this policy is to strike a balance between the legitimate uses of audio and visual recordings and concerns, including compliance with the law, privacy, and protection of intellectual property. Therefore, to be compliant with Maryland law, to promote the free exchange of ideas, and to respect the privacy of Goucher College community members and guests, the recording of classes, lectures, meetings, presentations, onsite and offsite events organized by the College, phone conversations, and other conversations are prohibited unless authorized within the strict terms of this policy.

II. SCOPE

This policy applies to all students, faculty, staff, other personnel, guests, and visitors of the College. However, this policy does not apply to legitimate academic use of cameras or video recordings for educational or journalistic purposes authorized in advance, in writing (or by other approved consent mechanism) by the College and participants; the use of video recording of public performances, events, or interviews authorized in advance, in writing (or by other approved consent mechanism) by the College and participants; or to the use of CCTV and resultant recordings in accordance with the College's policy governing Closed-Circuit Television Cameras (CCTVs). In addition, the use of technology related to academic research is covered by the College's IRB policy and is therefore also excluded from this policy. This policy does not apply to events featuring outside speakers, artists, performers, etc. The recording of such events is handled on a case-by-case basis and is reflected in the presenter's contract.

III. STATEMENT

Goucher College is committed to enhancing the privacy of members of the college community, compliance with the law, and the protection of intellectual property. Therefore, it is expected that students, faculty, staff, other personnel, guests, and visitors of the College will respect the privacy of other individuals in the workplace and educational settings.

The recording (audio or video) of classes, lectures, meetings, presentations, onsite and offsite events organized by the College, phone conversations, and other conversations is prohibited unless authorized within the strict terms of this policy. In addition, the covert recording (audio or video) of classes, lectures, meetings, presentations, and other conversations at Goucher College, at onsite and offsite events organized by the College, and phone conversations (whether telephonic, VOIP or other), is prohibited as not compatible with the law or with the promotion of an open exchange of ideas. A recording is covert

when participants are not aware that such recordings are being made and have not explicitly provided prior consent to and authorization for such recordings.

It shall be considered an acceptable mechanism for the College to achieve notice and to secure consent to the making and use of recordings at events sponsored by the College for participants to consent to such recording and use by the College or those authorized by the College where a verbal announcement is made at the beginning of a virtual or live event, or signage is posted at the entrance to such events indicating that the event may be recorded and that the recordings may be used by the College or authorized third parties.

Students, faculty, staff, other personnel, guests, and visitors of the College are also prohibited from arranging for others to record conversations, telephone calls, or other work or educational activities unless specifically permitted and authorized to do so in writing, in advance, by all the participants. It is also a violation of this policy to download recorded conversations to a computer or other devices, upload them to the Internet, or to share or otherwise, transmit, stream, publish, or store, in whole or in part, such recordings without the prior written consent of all participants.

A. Class Recording

Goucher recognizes that faculty may have compelling reasons to record certain classes or similar instructional sessions. Such recording is at the sole discretion of the instructor of record for the course. An instructor may also be required to record a course as a reasonable accommodation when determined by the Office of Accessibility Services (OAS).

Regardless of modality, the recording of any class or similar instructional session shall comply with The Family Educational Rights and Privacy Act (“FERPA”), as may be applicable. If a recording includes only the faculty member, it is not a student record under FERPA. Because the presence of students on the video may subject the video to FERPA, Goucher requires compliance with this policy.

Faculty recordings of class sessions may be stored and accessed through college-approved information systems only. However, the responsible faculty member may post the class recording(s) in one or more institutional-approved information systems. In addition, it may be made available to all students enrolled in the specific course.

If a faculty member elects to or is required to record a class or similar instructional session that will include student and/or authorized guest participation, the faculty member is required to notify all students and authorized guests in advance that a recording is an academic resource and that sharing of the recording itself and/or content from the recording outside the parameters allowed by this policy, in any manner form, is strictly prohibited. At the beginning of each recorded session, faculty shall verbally notify students and authorized guests that the session is being recorded and shall make reasonable efforts to ensure that the verbal notification is captured on the recording. A verbal notification informs students and guests that their presence in the class session constitutes consent to the recording of the class session and the capture, recording, performance, use, transmission, and storage of their image, appearance, voice, name, and verbal and non-verbal communications within the parameters of this policy. Where on-screen notices or similar recording indicators are available within Goucher-approved technology, the responsible instructor will make reasonable efforts to employ such notifications. Faculty are encouraged to post signage at the entrance to physical locations where recording is taking place, indicating that the subject

class is being recorded and made available to authorized users. Faculty are also encouraged to notify students of planned recording activities in the class syllabus.

If a student appears in a recording or makes any digital contribution to a class session, the recording may become a student record under FERPA; therefore, access to the recording is limited to only those students currently enrolled in the same class section. Thus, in general and in accordance with FERPA, a faculty member should not use a recording in which a student or authorized guest appears in any other class session. However, if the faculty member elects to do so, the faculty member must either:

- Edit the recording to remove any portion in which a student appears and/or otherwise de-identify, as applicable, each student who appears; or
- Obtain individual written consent from each student appearing in the recording. The consent must specify the recordings that may be disclosed, the purpose of the disclosure, and to whom disclosure may be made. The consent must be voluntary and signed and dated by each student.

If a student does not wish to be recorded, the student and responsible faculty member should, before the first recording, discuss ways to accommodate the student while still seeking to ensure that the student has the same educational experience as students who consent to be recorded.

If a student wishes to request that a classmate or professor audio records a class session, the student will petition the professor via the student audio recording [request](#). The form includes the date and time the student is requesting the audio recording, the reason for the request, and the name of the student who will record the session (if not the professor). In the form, the student acknowledges understanding that:

- Listening to an audio does not constitute attendance and the absence of the student in class will be recorded as such unless previous arrangements have been made with the professor.
- The professor or student recording the session will not be held responsible for the quality of the audio.
- The audio will only be heard by the student making the petition and will not be distributed nor posted anywhere.
- It is within the sole discretion of the professor to grant or deny the petition. For example, the professor might deny the petition to safeguard anonymity of other students' contributions to class discussion or if the content being covered is of a sensitive nature that requires moderation and guidelines.

B. Hearings and Related Recordings

All hearings, pre-hearing conferences, conduct meetings, and witness and party interviews may be audio and/or video recorded only by the Office of Vice President & Dean of Students and Office of Title IX members or those designated by those offices to make recordings or those conducting investigations or hearings at the request of those offices to the extent such recordings are expressly permitted by policy or required by law. The recordings are maintained on a campus computer, server, or another storage medium consistent with retention practices for other documents in an investigation or conduct file. Deliberations are not recorded. **No other recordings are permitted.** All Student Accountability and Title IX and hearing recordings shall be the exclusive property of the College. However, the Office of the Vice President and Dean of Students shall arrange access to the recording(s) to a student filing an appeal.

Violation of Maryland law may lead to criminal sanctions and/or exposure to civil liability. Further, violation of this policy by a Goucher College student may lead to disciplinary action through the student code of conduct. Violation of the policy by an employee may lead to disciplinary action up to possible termination.

IV. RESPONSIBLE OFFICE

The official responsible for administering this policy is the Office of the Dean of Students:

deanofstudents@goucher.edu

Any individual who has reason to suspect a violation of this policy should report it for investigation and appropriate action to deanofstudents@goucher.edu for a student violation; hr@goucher.edu for a staff violation; and officeoftheprovoost@goucher.edu for a faculty violation.

V. HISTORY

Adopted: March 2022, Updated January 2023