

Smile — You're on Classroom Camera!: A Guide to Classroom Recordings & FERPA

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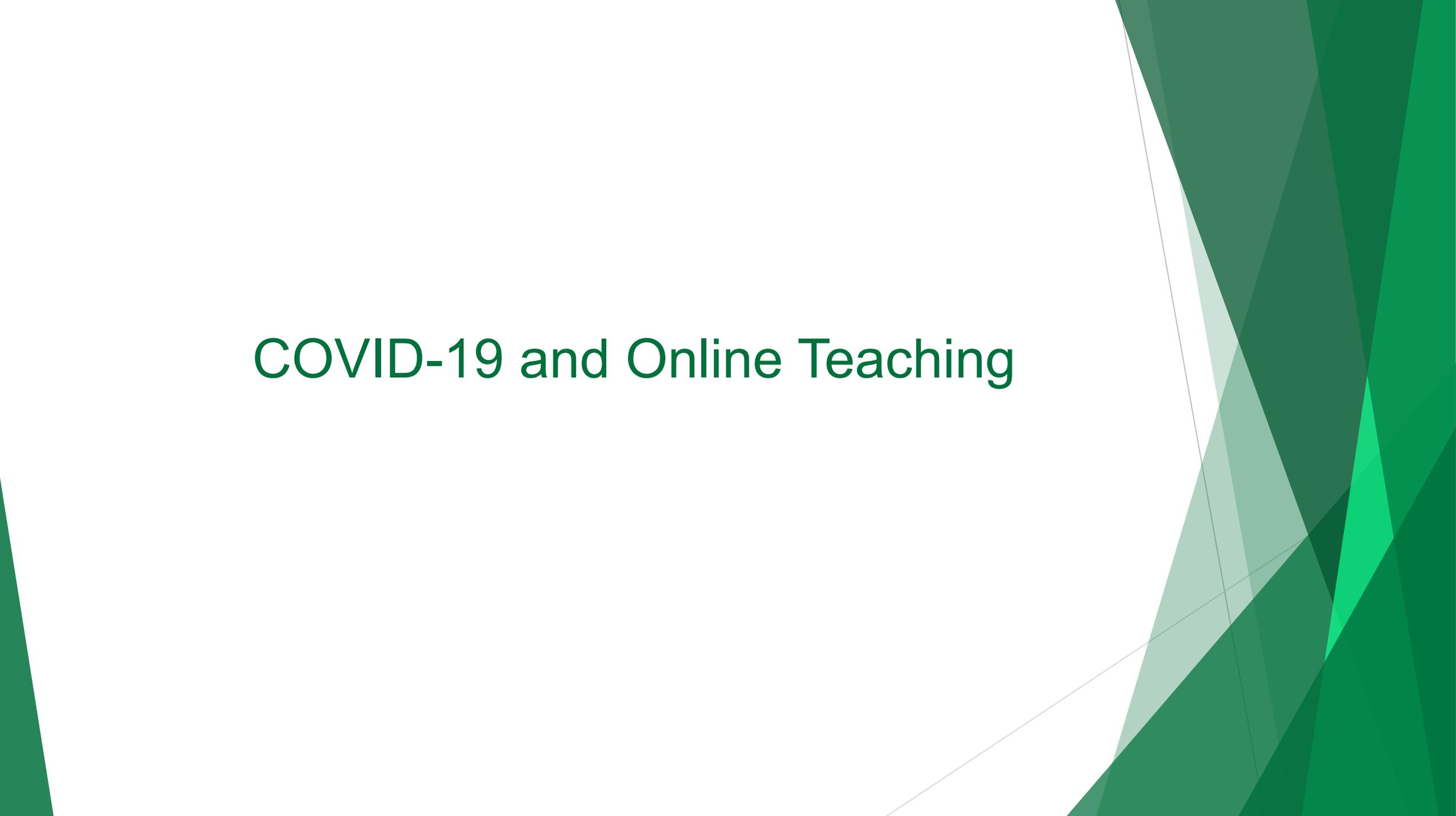
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Agenda

- ▶ COVID-19 and Online Teaching
- ▶ Review of FERPA and Updated FERPA Policy
- ▶ Classroom Recordings and FERPA: FAQs
- ▶ Questions



COVID-19 and Online Teaching

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light to dark, creating a modern and dynamic visual effect.

COVID-19 and Online Teaching

- ▶ “This is not what I signed up for!”



COVID-19 and Online Teaching

- ▶ Online Classroom Instructional Methods
 - ▶ Online Synchronous
 - ▶ Online Asynchronous
 - ▶ Hybrid
 - ▶ In Person



COVID-19 and Online Teaching

- ▶ Student participation
 - ▶ In Person
 - ▶ Video
 - ▶ Audio
 - ▶ Chats/Messaging
 - ▶ Breakout rooms



COVID-19 and Online Teaching

- ▶ Center for Teaching & Learning

- ▶ Hybrid Teaching & Learning Resources
- ▶ Online Teaching & Learning Resources
- ▶ Academic Technologies FAQs
- ▶ teaching.uncc.edu/



Review of FERPA & Updated FERPA Policy

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light to dark, creating a modern and professional aesthetic.

FERPA Review

- ▶ Family Educational Rights and Privacy Act

- ▶ FERPA is a federal law that protects students' "education records" from being disclosed without consent and permits students to have access to their own education records

- ▶ University Policy 402, Student Records

- ▶ Explains how FERPA applies at UNC Charlotte
- ▶ legal.uncc.edu/policies/up-402

- ▶ FERPA Information & Resources

- ▶ legal.uncc.edu/legal-topics/ferpa



FERPA Review

- ▶ What is an “education record” according to FERPA?
 - ▶ Information that is directly related to the student and maintained by the university.
- ▶ The University will not disclose any information from a student's education record without prior written consent of the student, except:
 - ▶ Directory Information (unless a student requests a hold—see later slides)
 - ▶ Other specific exceptions (see University Policy 402, Section II.B)



FERPA Review

- ▶ What is “directory information”?
 - ▶ Information in a student's education record that **would not generally be considered harmful or an invasion of privacy if disclosed**
 - ▶ At UNC Charlotte: student's name, major field of study, dates of attendance, enrollment status, and degrees and awards (including scholarships) received
 - ▶ At UNC Charlotte: “Limited Use Directory Information” is a subset of directory information
 - ▶ Students may request to withhold DI or LUDI from disclosure (see later slides)



FERPA Review

- ▶ What is “Limited Use Directory Information”?
 - ▶ Photographs, videos, or other media containing a student’s image or likeness (collectively, “student images”) and University-issued student electronic mail addresses (“email addresses”)
 - ▶ **Restricted use:** publication in official University publications; university officials with legitimate educational interest; externally contracted parties



Updated FERPA Policy

- ▶ “Limited Use Directory Information” in remote learning:
 - ▶ **name**, to the extent it is referenced or captured during the audio or video recording;
 - ▶ any **photograph or image** of the student captured during the audio or video recording;
 - ▶ any **audio or video recording** of the student participating in the course; and
 - ▶ any **online chats or other recorded communications** among participants in the course captured during the audio or video recording.
- ▶ **Restricted use:** may only be shared with other students enrolled in the same course (regardless of whether such students are enrolled in the same class section or break-out group) that has been audio or video recorded by the University, for instructional and educational purposes only



Classroom Recordings & FERPA: FAQs

Classroom Recordings & FERPA: FAQs

- ▶ Guidelines for acceptable practices in making and using video and audio recordings in the classroom setting
- ▶ Recordings are sometimes used to allow enrolled students to watch a missed class session or to review an earlier session they attended, to share with another currently-enrolled class or a future class, or for accreditation purposes.
- ▶ Depending on how the recordings are created and edited, they may include personally identifiable information (PII) about students and thus constitute education records that are protected under FERPA



Classroom Recordings & FERPA: FAQs

- ▶ **Is there a suggested syllabus policy that instructors can use to notify students that they will be recording class sessions?**
- ▶ “Class sessions will all be audio- and/or video-recorded for the purposes of student-participant reference and access by other students enrolled in the same course (including students enrolled in different class sections or break-out groups). Student consent to being recorded during class is a condition of class participation. If you do not consent to being recorded during class, you will need to deactivate your video camera, keep your mute button activated, and participate only via the chat feature, but please note that such actions may have a negative impact on any portion of your grade that is based on class participation. Students are not permitted to make their own recordings of class sessions or to share or distribute University recordings of class sessions. NOTE: Students with specific electronic recording accommodations authorized by the Office of Disability Services may record classes; however, the instructor must be notified of any such accommodation prior to recording. Any distribution of such recordings is prohibited.”
- ▶ legal.uncc.edu/faqs/notify-students-you-will-be-recording-class-sessions



Classroom Recordings & FERPA: FAQs

- ▶ Are instructors' video or audio recordings of classroom lectures considered student "education records" under FERPA?
- ▶ It depends.
 - ▶ If a recording includes only the instructor or voices of students that are not personally identifiable, it is not a student education record, and FERPA does not limit its use.
 - ▶ If the recording includes the names or identifiable audio, communications, or images of students asking questions, making presentations, engaging in discussion, or leading a class (other than TAs), then the portions containing that information are personally identifiable information (PII) and do constitute student education records.



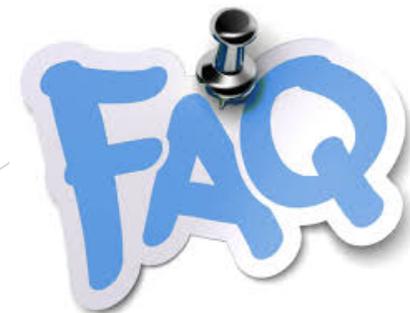
Classroom Recordings & FERPA: FAQs

- ▶ **Can instructors share classroom recordings that include student education records?**
- ▶ Within certain limits, yes. Instructors may share such recordings only in one of the following situations:
 - ▶ With other students enrolled in the same course for instructional and educational purposes only (see description of Limited Use Directory Information) — (caveat: See FAQ about students who have withheld their Directory Information from disclosure);
 - ▶ With any person, if it is edited to remove the students' names and personally identifiable audio, communications, and images;
 - ▶ With others as allowed by a written FERPA consent from each student whose identifiable information is included in the recording; or
 - ▶ With University officials who have a legitimate educational interest, or as otherwise permitted under limited FERPA exceptions.



Classroom Recordings & FERPA: FAQs

- ▶ May a classroom recording that includes student participation be shared with other members of the same class section to view or listen to?
- ▶ Yes. If access is limited to other students enrolled in the same class section (who were present for the recording or who would have been present for the recording but for an absence), FERPA does not limit or prevent its use and does not require obtaining a written consent. This allows instructors to permit students in the class to watch or review past class sessions that they may have missed or would like to view again.



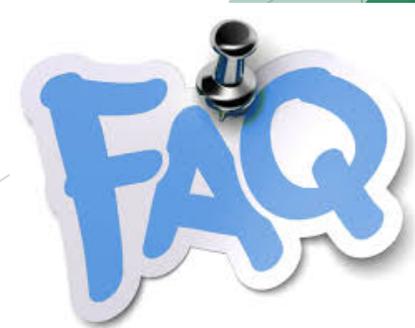
Classroom Recordings & FERPA: FAQs

- ▶ Can an instructor share a recording of one class section or breakout group with another section or breakout group in the same course?
- ▶ Generally, yes. At UNC Charlotte, an instructor's classroom recordings that contain students' names, images, discussions, participation, or written chats/communications, are considered Limited Use Directory Information that may be disclosed to other students enrolled in the same course (regardless of whether such students are enrolled in the same class section or break-out group), for instructional and educational purposes only.
- ▶ Caveat: See FAQ about students who have withheld their Directory Information from disclosure.



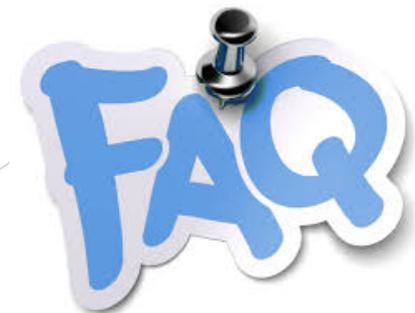
Classroom Recordings & FERPA: FAQs

- ▶ **Can students record my lectures or class sessions?**
- ▶ To protect the privacy of other students, students are not permitted to make their own recordings of class sessions or to share or distribute University recordings of class sessions. It is advisable to include a syllabus policy reminding students of this limitation.
- ▶ NOTE: Students with specific electronic recording accommodations authorized by the Office of Disability Services may record classes; however, the instructor must be notified of any such accommodation prior to recording, and any distribution of such recordings is prohibited.
 - ▶ See suggested syllabus policy: legal.uncc.edu/faqs/prohibit-student-recording-classroom-person-or-online



Classroom Recordings & FERPA: FAQs

- ▶ How do I know if one of my students has filed a request with the Registrar's Office to withhold their Directory Information from disclosure?
- ▶ Instructors should check their rosters on Banner at the beginning of each term to determine whether any of their students has opted out of sharing their Directory Information.
- ▶ See following slides for instructions...





An asterisk will appear next to the appropriate field if any of the following conditions exist: 1) If the student has more than one major or department in his/her primary or secondary curriculum. 2) If the student has a program, level, college, or degree in his/her secondary curriculum that is different from that in his/her primary curriculum.

If the word "Confidential" appears next to a student's name, his/her personal information is to be kept confidential.

You may click on the student's name to view his/her address and phone information.

To email your class, login directly to Banner Self Service and follow these brief instructions using Firefox or Chrome. Contact the IT Service Desk with questions, 704-687-5500.

Course Information

Writ & Inq Acad Context/Studio - UWRT 1104 016

CRN: 12747
Duration: Sep 07, 2020 - Dec 15, 2020
Status: Active

Enrollment Counts

	Maximum	Actual	Remaining
Enrollment: 14	1	13	
Wait List: 2	2	0	
Cross List: 0	0	0	

Detail Class List

Record Number	Student Name	ID	Registration Status	Waitlist Position	Notification Expires	Registration Number
1	Niner, Norm	Confidential	Registered	0		24

Current Program

Bachelor of Arts
Level: Undergraduate
Program: Pre-Communication Studies-BA
Admit Term: Fall 2020
Admit Type: Freshmen
Catalog Term: Fall 2020
College: Liberal Arts & Sciences
Major and Department: Pre-Communication Studies, Communication Studies

Class: Freshman

Classroom Recordings & FERPA: FAQs

- ▶ If student has filed a request with the Registrar's Office to withhold their Directory Information from disclosure, but you plan to share your class recordings that contain students' personally identifiable information with other students enrolled in the same course:
 - ▶ discuss privately with the identified student your plans to record the class sessions, and
 - ▶ offer them the opportunity to sign a FERPA consent to share the recording for the limited purpose of sharing with other students enrolled in the same course for instructional and educational purposes only.
 - ▶ FERPA Consent:
legal.uncc.edu/sites/legal.uncc.edu/files/media/LectureCaptureConsentRelease-INDIVIDUAL.pdf



Classroom Recordings & FERPA: FAQs

- ▶ If the student signs the FERPA consent voluntarily, no further action is needed, and you may share the recording, but only with others identified by and in the manner allowed by the FERPA consent.
- ▶ If the student does not voluntarily sign a FERPA consent, you should either:
 1. Plan your recordings so that the student's name and personally identifiable audio, communications, and images are not shown in the video; or
 2. Edit your recordings to remove the name and personally identifiable audio, communications, and images of the student; or
 3. Not share the recordings.



Classroom Recordings & FERPA: FAQs

- ▶ Regardless of whether the student has filed a request to withhold their Directory Information from disclosure or has signed a FERPA consent, the recording may be shared in the following ways:
 - ▶ With any person, if the recording can be edited to remove the students' names and personally identifiable audio, communications, and images; and
 - ▶ With University officials who have a legitimate educational interest, or as otherwise permitted under limited FERPA exceptions.



Classroom Recordings & FERPA: FAQs

- ▶ **Can an instructor show a classroom recording that includes student participation to students enrolled in a course that occurs in a later semester or year?**
- ▶ It depends. This situation must be treated as if the recordings were being shown to a third-party audience. There are several ways to use recordings that might include students' names or personally identifiable audio, communications, or images:
 1. Plan the recording so that students (such as those asking questions during a class) are not shown in the video or referred to by name (another way to de-identify the students). One option for lecture-style classes is to first record the lecture, and then afterwards engage in unrecorded student questions and class discussion.
 2. Obtain FERPA consents from the students in the recording.
 3. Edit the recording to either omit any student who has not consented to the use of their voice or image or to de-identify the student in the recording (which can include avoiding or removing any mention of the student's name, blurring the student's image, altering voice recordings, etc.).

Classroom Recordings & FERPA: FAQs

- ▶ **What if I want to share a recording in a later semester, but a student in the recording declines to sign a FERPA consent?**
 - ▶ Consent must be voluntary. Students cannot be compelled or required to give consent to release their student information as a condition of class enrollment or participation. If possible, you may edit the recording to omit the student or de-identify the student from the recording, but if the student cannot be omitted or de-identified, you may not share the recording with other students outside the course or with third parties, except to those with a legitimate educational interest or as otherwise permitted under other limited FERPA exceptions.



Classroom Recordings & FERPA: FAQs

- ▶ **Who can assist me with the technologies I might need to edit and de-identify recordings, if necessary?**
 - ▶ Instructors can contact the Center for Teaching and Learning or OneIT for support and assistance with instructional technology, online teaching, hybrid teaching, and other academic technologies.
 - ▶ teaching.uncc.edu/
 - ▶ oneit.uncc.edu/
 - ▶ See also FAQs on how to edit videos in Kaltura (for splicing and clipping) at spaces.uncc.edu/pages/viewpage.action?pageId=87950246
 - ▶ For assistance in blurring, adding shapes (to cover a face), or manipulating audio, contact help.uncc.edu



Classroom Recordings & FERPA: FAQs

- ▶ **Who can I consult for guidance on how to comply with federal law in my use of class-related recordings?**
 - ▶ For questions about FERPA, please contact the Office of Legal Affairs or the Office of the Registrar.
 - ▶ legal.uncc.edu/contact
 - ▶ registrar.uncc.edu/contact-us/registrar-office
- ▶ **Classroom Recordings and FERPA FAQs**
 - ▶ legal.uncc.edu/legal-topics/classroom-policies-and-practices/classroom-recordings-and-ferpa-faqs
- ▶ **Suggested Syllabus Policies**
 - ▶ legal.uncc.edu/legal-topics/classroom-policies-and-practices/suggested-syllabus-policies-notices



Questions?

