



Recording Classes: Face to Face and Distance Learning Riverland Policy #3.47

PURPOSE:

The purpose of this policy is to provide guidelines for recording lectures or other classroom activities to use later for student review or distance learning in order to support teaching and learning while complying with FERPA requirements.

APPLICABILITY:

This policy applies to any individual who records a class session, whether the class meets face-to-face or as a distant synchronous or asynchronous course. Individuals this policy applies to include, but is not limited to, instructors, students, tutors, guests in the classroom, and administrators.

DEFINITIONS: The term “same section” signifies either a single section of a class OR a combined class of merged sections that function as a single section class throughout a term.

DOES THIS POLICY HAVE A PROCEDURE? Yes

Classroom recordings must be made using MinnState sanctioned and FERPA-compliant accounts that are issued by the system. No personal accounts may be used for recordings made during in person Riverland Community College classes.

Minnesota law requires the recorder to tell students (a “Tennessee warning”) that a recording is being made, how the recording will be used, and who has access to the recording.

Private recordings (which are to be available to be viewed only in Brightspace/D2L to members of the same section) can capture student-identifying data (student images, names, and voices) without written consent. Such private recordings can be shown to members of the same section in real-time or asynchronously. This allows students in the class to watch or re-watch past class sessions as their schedule allows.

No class recordings may be posted on a website, YouTube, or anywhere the recordings can be viewed by an individual who is not a registered member of the class section that was recorded. Access to a video which includes student identifying data to others not registered for the recorded class is not permitted except when such recordings are part of the normal curriculum and teaching methodology for a discipline (some examples include small group performances, choirs, readings, lab demonstrations and other activities in Theater, Music, English and Science, etc.)

Any recordings of students used for these purposes and which contain identifying student data (including but not limited to full or partial body images, faces, voices, and names) may be viewed by individuals not registered for the class if all students whose identifying data is depicted signs the Student Release & Waiver Form for Photos, Video and Audio Recordings-(Tennessee Notice). Such written consent will include how and when the recorded information can be used.

If a class recording includes only the faculty member and is created by the faculty member, then FERPA does not apply. Recording of faculty lectures or classroom activities (whether visual or auditory) cannot be made by any other individuals without faculty and student written consent. As stated above, such written consent will include how and when the recorded information can be used (see Faculty Permission to be Recorded Waiver Form, and Student Release & Waiver Form for Photos, Video and Audio Recordings).

Any tutors or class assistants assigned to a Riverland Community College course must follow these guidelines.

LIST RELATED POLICIES, PROCEDURES OR FORMS:

Faculty Permission to be Recorded Waiver Form

Student Release & Waiver Form for Photos, Video and Audio Recordings-(Tennessee Notice)

Submit completed form and policy to the Cabinet Member responsible for the division affected by the proposal. This section to be completed by President's Office.

Date Issued: New-December2020

Responsible Division / Author: Academic Affairs/VPASA

Date Revised: Approved-December2020; Revised April2021



Student Release and Waiver Form for photos, video, and/or audio recordings (*Tennessee Data Privacy Notice*)

You are being asked to consent to the release of photos, videos, and/or audio class lecture/lab recordings for the below-stated purposes, pursuant to the consent provisions of the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13) and/or the Family Educational Rights and Privacy Act, 20 U.S.C. 1232 et seq., if applicable.

I understand that I am not legally required to provide this information and may refuse to provide some or all of the information requested. I understand that I may revoke this consent at any time. This consent expires upon completion of the stated purpose for the photographs, videos or audio recordings or upon written notice that the faculty/student revoke their consent, whichever comes first.

I understand that my consent is not required for private class recordings that are placed on D2L Brightspace, which can only be viewed by other students in my class. No class recordings may be posted on a website, YouTube, or anywhere the recordings can be viewed by an individual who is not a registered member of the class section that was recorded. Access to a video which includes student identifying data to others not registered for the recorded class is not permitted, unless I agree to it below.

I hereby grant Riverland Community College (the "college") the irrevocable right and permission to use photographic, video, and/or audio recordings of me on college and other websites and in publications, promotional fliers, educational materials, derivative works, or for any other similar purpose without compensation to me. I understand and agree that such photographs, audio, and/or video recordings of me may be placed on the Internet.

I also understand and agree that I may be identified by name and/or title in printed, internet, or broadcast information that might accompany recordings of me. I waive the right to approve the final product.

I agree that all such portraits, pictures, photographs, video and audio recordings, and any reproductions thereof, and all plates, negatives, recording tape and digital files are and shall remain the property of the college.

I hereby release, acquit and forever discharge Minnesota State, the college, its current and former trustees, agents, officers and employees of the above-named entities from any and all claims, demands, rights, promises, damages and liabilities arising out of or in connection with the use or distribution of said photographs and/or video recordings, including but not limited to any claims for invasion of privacy, appropriation of likeness or defamation. This release is binding on me and my heirs, assigns, and personal representatives.

Project/Event/Course Name:

Purpose of the photos/video/audio recordings: *(check all that you agree to)*

- For recording class sessions or events to share with other students not in this class
- For promotional purposes
- For other instructional reasons provided to me by my instructor
- Other *(list)*

These Photos, Videos, Audio Recordings May Be Shared With: *(check all that you agree to)*

- Future Riverland students, instructors and staff
- The general public
- Specific people named here: *(list)*

Time Frame for Which Consent is Valid: *(check all that you agree to)*

- One specific day only (as stated above)
- Throughout this course term
- For future courses the instructor wants to share it with for class/educational purposes only
- For as long as the college wants to use it

Limitations of Use/Other Notes:

I hereby warrant that I am eighteen (18) years old or more and competent to contract in my own name or, if I am less than eighteen years old, that my parent or guardian has signed this release form below.

Student Signature: _____

Student's Parent/Guardian's Signature *(if under 18 yrs. of age):*

Date: _____