



UNIVERSITY OF DENVER
POLICY MANUAL
RECORDING CLASSES

Responsible Department: Office of the Provost
Recommended By: Provost and Executive Vice Chancellor, Vice Chancellor and General Counsel, Executive Director of Enterprise Risk Management, and Vice Chancellor for Information Technology and Chief Information Officer
Approved By: Chancellor

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11/__/2022

I. INTRODUCTION

Instructors and students engaged in the instructional process have a reasonable expectation of privacy. There are privacy concerns for the general audience, identifiable individuals, and student work or presentations classified as “education record” under the [Family Educational Rights and Privacy Act](#) (FERPA).

The purpose of this Policy is to set forth the terms and conditions under which an instructor, other employee, or student of the University may record class sessions – traditional face-to-face and synchronous remote class sessions – and how such recordings may be used and stored under federal and state law.

II. POLICY OVERVIEW

- A. Recording of any class session, regardless of modality, shall comply with FERPA and is at the discretion of the instructor of record for the course, except that the instructor may be required to record a course as a reasonable accommodation when authorized through the University [Disability Services Program](#).
- B. No student is permitted to record a class session without prior written permission of the instructor and fulfillment of other requirements determined by the University, except when authorized by the [Disability Services Program](#).

III. PROCESS OVERVIEW

A. Recording of Class Sessions by Instructors

1. When instructors choose to record a class session, they should communicate this to the students both in writing through the course syllabus and verbally.
2. Except as permitted by FERPA, instructors must edit out any portions of recordings that are saved beyond the current academic term that contain images, questions, or commentary/discussion by students. Recordings are retained in accordance with University Policy RISK 1.10.025 – *Records Management* and the University's Record Retention Schedule.
3. Instructors who plan to record portions of their class must include the following statement on their syllabus:

“This class or portions of this class will be recorded by the instructor for educational purposes. Your instructor will communicate how members of the class can access the recordings. Portions of the course that contain images, questions, or commentary/discussion by students will be edited out of any recordings that are saved beyond the current academic term.”

4. If a recording only includes the instructor, it is not an education record under FERPA and may be posted in Canvas, Kaltura, or other approved University Information Systems, where it may be available to all students enrolled in the specific class session. At the instructor's discretion, access may be granted to all students enrolled in the course, irrespective of class section, subject to the requirements of FERPA. The instructor shall make the recording available as required by the University [Disability Services Program](#).
5. If an instructor chooses or is required to record a class session that will include student or authorized guest participation, the instructor is required to notify all students and authorized guests that a recording will be made as an academic resource and that it is not to be shared outside of the class session. At the beginning of each recorded class session, the instructor shall orally remind students and authorized guests, if applicable, that the session is being recorded. This oral reminder must be captured on the audio recording. The oral reminder shall inform the students and guests that continued presence and/or their participation in the class session will constitute consent to recording of the class session. Instructors are encouraged to provide such advance notice to students in the syllabus. Automatic notices of recording may be made available through certain University-approved technology.

6. If a student appears in a recording of a class session, or makes any digital contribution to a class session, the recording becomes an education record under FERPA, and access to the recording shall be limited to only those students currently enrolled in the same class section.
7. In general, and in accordance with FERPA, an instructor should not use a recording in which a student or authorized guest appears in any other class session. However, if the instructor elects to do so, the instructor must:
 - a. Edit the recording to remove any portion in which a student appears or otherwise de-identify each student who appears; or
 - b. Obtain individual written consents from the students 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 shall be signed and dated.
8. If a student is uncomfortable being recorded, the student and instructor should, prior to the first recording, discuss ways to accommodate the student through an acceptable de-identified modality while still seeking to ensure that the student has the same educational experience as students willing to be recorded. Refusal to be recorded cannot supersede any course or class academic requirements or University educational purpose, nor can it supersede the University's obligations under federal and state law.
9. Instructor recordings of class sessions may only be stored in University-approved information systems and retained in compliance with University Policy RISK 1.10.025 - *Records Management*.

C. Recording of Class Sessions by Students

1. Student recording of class sessions is prohibited except as authorized under an accommodation through the University [Disability Services Program](#).
2. Students requesting the use of assistive technology as an accommodation should direct such requests to the University Disability Services Program at [Accessibility at DU](#).
 - a. A student with a disability may record the audio of class sessions, or an instructor may be required to record class sessions, once the University Disability Services Program determines that class session recording is a reasonable accommodation.
 - b. Any such recording that serves as a reasonable accommodation may only be used for the personal study by the student permitted to make

the recording, although the instructor may decide to make such recording available to the entire course section. The student may not share, replicate or publish the recording, in whole or in part, or use the recording for any other purpose, without the written permission of the instructor, all other students and/or authorized guests captured in the recording.

3. All instructors should include the following statement on their syllabi:

“Unauthorized student recording of classroom or other academic activities (including advising sessions or office hours) is prohibited. Unauthorized recording is unethical and may also be a violation of University policy and state law. Students requesting the use of assistive technology as an accommodation should contact [Accessibility at DU](#). Unauthorized use of classroom recordings – including distributing or posting them – is also prohibited. Under University Policy ORSP 2.40.010 – Intellectual Property, faculty own the copyright to instructional materials – including those resources created specifically for the purposes of instruction, such as syllabi, lectures and lecture notes, and presentations. Students cannot copy, reproduce, display, or distribute these materials. Students who engage in unauthorized recording, unauthorized use of a recording, or unauthorized distribution of instructional materials will be referred to the appropriate University office for follow-up.”

IV. DEFINITIONS

- A. **“Instructor”** means any faculty, adjunct or visiting faculty, teaching assistant or University employee providing class instruction to student(s) at the University.
- B. **“Class session”** means the meeting of a particular course section on the scheduled day and/or time designated in the course schedule, regardless of modality.
- C. **“Course”** means an academic offering described in the University catalog and included in the curriculum offered at the University.
- D. **“Student”** means any person attending the University. Attendance includes individuals attending the University in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom.

V. RESOURCES

A. [Office of Teaching and Learning](#)

B. [Protecting Student Privacy – FAQ's on Photos and Videos under FERPA](#)

C. [Technology Resources for Working and Teaching from Off Campus](#)

Revision Effective Date	Purpose