

GCSU Senate Motion 1112.APC.001.C Supporting Document

Email exchanges

From: Mark Vail
Sent: Friday, January 20, 2012 9:48 AM
To: Sandra Jordan
Cc: Amy Pinney; Tom Ormond; Marc Cardinali
Subject: RE: Following up on student video recording in classroom

Dear Dr. Jordan and Mr. Cardinali:

Thank you for your prompt and detailed response. Amy and I will present this information to the full committee at our next meeting.

Best regards,

Mark Vail

From: Sandra Jordan
Sent: Thursday, January 19, 2012 6:51 PM
To: Mark Vail
Cc: Amy Pinney; Tom Ormond
Subject: FW: Following up on student video recording in classroom

Hello, Mark (Amy and Tom)

Mr. Cardinali and I discussed this issue in some detail and I agreed to provide response to your questions.

Please see the responses below....

From: Mark Vail
Sent: Wednesday, January 18, 2012 2:34 PM
To: Marc Cardinali
Cc: Amy Pinney; Tom Ormond
Subject: Following up on student video recording in classroom

Mr. Cardinali:

I wrote to you late last semester regarding the legal implications of students' unauthorized video and/or audio recording of classroom activities. As a member of the Academic Policy Committee, I brought this issue before the full committee recently and shared with them your response to my initial inquiry (copied below). The committee raised some questions regarding the information that you provided to me and requested that I contact you for additional information.

1. Does Georgia College currently maintain a formal policy regarding this matter? No, we do not have a "policy" on this. Instead, it is a decision that each instructional professional is allowed to make based upon his/her comfort with taping.

2. In your response to my initial inquiry you wrote, "The major reason for not allowing such recording is FERPA protection since fellow students can be recognized during the taping thus violating their privacy rights. The decision, then, belongs solely with the professor (except under the ADA)." There was concern among committee members that if an instructor granted permission to a student in a non-ADA context to record a class session, the instructor would be violating the FERPA rights of other students in the classroom. If this is the case, would instructors be required to obtain signed waivers from all students in the class granting permission for the non-ADA recording of classroom activities by the non-ADA student(s) making the request to record? Can an instructor legally request that any student who records classroom activities (ADA or non-ADA) sign an agreement to not publish or distribute electronically (via YouTube, etc.) the recordings?

Regardless of whether a faculty member does or does not allow students to tape record or video a class, best practice suggests that the faculty include a statement in the syllabus (see a suggested statement below) that makes it clear that this is a decision made by the professor. There is an important exception to this, however.... students with identified ADA issues who qualify for accommodations and whose accommodation includes permission to make recordings to aid learning (which is a typical and reasonable accommodation for several recognized disabilities), cannot be denied the accommodation by the professor.

If Georgia College does not currently maintain a policy regarding this matter, the committee agreed that given the proliferation and growing cultural acceptance of covert digital recording, our students may not be aware of the potential legal ramifications related to the unauthorized recording of classroom activities. The committee also agreed that it should draft and forward to ECUS a policy addressing this issue for inclusion in both student and faculty handbooks and the "Required Statements" portion of faculty syllabi. The committee respectfully requests guidance from the Office of Legal Affairs in this effort.

Mr. Cardinalli suggests the following language in the syllabus: "In some instances, a student may request to videotape and/or tape record class sessions. Whether that is permissible is at the sole discretion of the professor except in cases of disability as authorized by the DRC. This is to let you know that by agreeing to be in this particular class, you are agreeing to permitting a fellow classmate to so record class sessions. Such recordings are not to be disseminated in any form or format to any

other student, person or entity by any media. Such dissemination may be grounds for removal from the class and referral for judicial proceedings." I think this is a very well-written statement which covers all the bases!

Please let me know if you require additional clarification....and I welcome any advice you can provide to me concerning how you think we (the university) should proceed.

Thanks for following up on this important issue!

~Sandra Jordan

Thank you for your consideration of this matter.

Sincerely,

Mark T. Vail, Ph.D.

Prof. Vail:

As a rule, professors must give permission to any student video or tape recording a class except in the case of a disability requirement under the ADA. IF the student is claiming a disability need to record, please refer that student to Disability Resources for an evaluation.

The major reason for not allowing such recording is FERPA protection since fellow students can be recognized during the taping thus violating their privacy rights. The decision, then, belongs solely with the professor (except under the ADA).

Thank you for contacting my office with this question. Please feel free to let me know if you have any further questions or need additional information.

Marc Cardinali