

Ad Hoc Committee on Issues of 'Recording in the Classroom'

(From January/February 2014 meetings)

-

Members: *Choonghee Han (chair), Paul DeYoung, Mark Lewison, Jeanne Lindell, Daina Robins, Mallory Smith*

PROPOSAL: 'Recording in the Classroom' Policy Statement

Widespread availability of recording technology raises a number of issues concerning privacy in the classroom and questions about legal and ethical conduct involving the use of, and dissemination of, recorded material (lectures, labs, discussions). Appropriate legal and ethical behavior on campus is addressed in numerous Hope College documents including Faculty Handbook and Student Handbook, and those documents provide guidance for classroom conduct that respects the rights of classmates and instructors. Beyond guidance that the documents provide, here are specific points concerning "Recording in the Classroom":

- 1. The assumed norm on the Hope College campus is that a student may record classroom material as long as it is done in a way that abides by copyright law and fair use provisions, and that the student retains such recordings solely for appropriate personal use.**
 - 2. No restriction that might be placed on recording in the classroom may interfere with the federal Americans With Disabilities Act and other arrangements of accommodation for disabilities.**
 - 3. Distribution of material in any manner may violate copyright law, and the details of possible violations are documented in Hope College policies.**
 - 4. All course syllabi will include reference to this college handbook policy statement concerning 'Recording in the Classroom,' but individual faculty members also may establish additional policy as long as it abides by ADA guidelines (see Statement 2 above).**
-

Background: Ad Hoc Committee Resource Materials, Discussions Leading to Policy Statement Proposal

A variety of institutional policy statements, handbook guidelines, and professional association reports were consulted during the Ad Hoc Committee deliberations:

- “**Academic Freedom and Electronic Communications**” subcommittee report (later approved) of the American Association of University Professors
 - “**Audio and Video Recording on Campus**” guidelines, Faculty Handbook, University of Chicago
 - “**Recording of Lectures**” guidelines, Calvin College Handbook
 - “**Recording in the Classroom**” guidelines, Wheaton College
 - “**Audio-Visual Recording of Lectures and Presentations,**” Rutgers University Senate subcommittee on Instruction, Curricula and Advising
 - “**Recording Classroom Lectures Policy,**” The Catholic University of America
 - “**Lecture Capture Policies and Guidelines,**” Saint Louis University
 - “**Video and Audio Recording of Classroom Lectures,**” Ridgewater College
-

Discussion points during committee meetings:

What is going on with **classroom recording right now**, both **on this campus** and at **other institutions** of higher learning?

Many professors **already record their lectures** and put them up for students in their class to see later on, at their own convenience, and as many times as they would like

Copyright issues are a separate matter ... and already are **well-covered in the handbook** and in the courts

If teachers (or the institution?) own what they teach, then **what is the impact and legality** of someone deciding to **secretly record** a session? And then share or post it?

Do we need a policy, **what would be the reason to have one**, and what might it say?

Two reasons for most policies to exist: (1) **to stop a certain thing from taking place** and (2) **to respond (as in punish)** if certain forbidden things take place

Point discussed several times during committee meetings: Instructors campus-wide probably should **include the same language in their syllabi** about "Use of Recording Technology in the Classroom"

Discussion on: Individual **instructors could put their own restrictions** (such as **harsher/total ban**) in their own syllabi, right below the official college boilerplate sentence about "Recording in the Classroom."

Discussion on: "Fair Use" practices for many types of discourse, such as on a college campus. **A student can take "notes" any way he or she would like.** It is not illegal to have recording devices and make use of them, in general, so **what are we really addressing** in this committee?

What are the **various reasons why a college student might be recording** something?

--For **informational use**

--**Documenting progress** in a discussion-oriented class or lab

--**Norm of how class is conducted**, because some course participants have always had access to recorded lecture

Committee discussed what an **administrative headache** it would be for everyone to sign **pledge forms or permission forms or right-to-know forms**. Instead, what about the idea of having a **simple policy** of requiring that **all stakeholders in the Hope College community treat each other with respect and abide by the (new) rule** in the handbook about Recording/Not Recording in the Classroom?

Wouldn't it be so much easier to **assume that all of us could record anything, anywhere** ... and we all **take responsibility** for proper and legal behaviors?

(Note from one member: A very serious example of "level of trust" is that teens and preteens often have phone cameras in their backpacks in school locker rooms - and communities are doing a fairly good job these days of educating all parties about behaving properly ... or else the offender will suffer serious consequences under the law. Should we educate Hope community in this manner about recording in classroom?)

(Follow-up notes from one member: What about the **use/misuse of Google Glasses and smart phones** to sneak access to class notes, textbooks, and recordings during exams? An important issue, but one that seems to **fall under academic integrity**. But maybe it should be mentioned in the “Recording in the Classroom” policy, too?)

Preliminary ideas from one member: There are several **competing ideas** that play into thinking about recording in the classroom. These include **legally required accommodation** for those with needs; the idea that educating students includes the class content as well as the more informal aspects of civility, societal obligations, and courtesy; that a **“no-recording” policy will not be effective** at stopping recording; the fact that copyright and fair use **standards already exist**; enabling students to **learn in the style that best works for them**, and the recognition that **recording is already taking place** in forms that range from note taking to electronic recording.

Regardless of the nature of the recording, written notes or digital capture, students should **never post classroom material to the general public**. This is not a recording issue. This is a **copyright issue** and **issue of respect** of fellow students. Also, some students might actually **learn better by reviewing digital recording** rather than written notes. Don't we want the best learning outcomes?

Most faculty members **directly address plagiarism** in this fashion already and it is covered in the FYS sections.

Some have suggested **requiring students to sign forms** (this would entail thousands of forms).

Some have suggested it **simply not be allowed** (nearly impossible to enforce).

Some have suggested it **violates confidentiality** (confidentiality is marginal at best with any number of listeners.)

Some fear their **words and thoughts being disseminated**.

Some feel **copyright will be violated** (this can be handled within existing policy).

Let's educate about proper behavior; let's keep it simple.