

NJIT Policy for Recording Classes

4-13-21

Endorsed by the TLT Committee on 3/25/21

Endorsed by Faculty Senate on 4/6/21

Endorsed by Provost Deek 4/8/21

- I. **Policy:** This policy provides guidance on the recording of class sessions. As such, it applies to all modes of instruction. This policy does not apply to multimedia learning objects or online proctoring.
- II. **Definitions:**
 - Class recording - Class recordings are being defined as recordings of class sessions where students are present either physically or online. Recordings can refer to video, audio, or screen recordings.
 - Multimedia learning objects - Multimedia learning objects are defined as video, audio, or screen recordings that instructors create outside of class.
 - Personally identifiable information - FERPA defines “personally identifiable information” as identifiable information that is maintained in education records and includes both direct identifiers (such as a student’s name or ID number) and indirect identifiers (any information which can be used to trace a student’s identity, such as date of birth).
- III. **Purpose:** This policy will provide guidance to instructors and students on when class recordings can be created, how recordings can be used, and how to increase awareness of this policy.
- IV. **Recording Class Sessions:** At NJIT, it is the instructor’s decision whether they will record a class session. Instructors may elect to record all classes, a single lecture, or a portion of a lecture. Class recordings can be a valuable resource that students can use to:
 - Review and improve their understanding of the course material.
 - Watch recordings of classes that they were unable to attend. This can be particularly useful for students who missed a class due to technical difficulties or illness.
- V. **Guidelines:** If an instructor plans to record a lecture:
 - **Advanced Written Notification:** Instructors must let students know in writing that class session(s) may be recorded. This can be a one time notification for the semester. It is recommended that they add language to the course syllabus indicating such. Alternatively, if language was not included in the syllabus, instructors may send an email or make an announcement in the Learning Management System (LMS).
 - **Verbal Notification:** Instructors should tell students when a class session is being recorded.
- VI. **Recommendations:**
 - **Student Discussion** - If a class session includes student discussions, instructors may choose not to record that portion of the class. Students may find the

recording of discussions to be intimidating and may be less inclined to participate.

- **Instructor Alternatives:** Instructors should consider making multimedia learning objects if they want to reuse lectures across semesters.
- **Student Alternatives:** Students should be told they can keep their webcams off, and to participate via chat, if they would prefer to not be recorded for distribution.

- VII. **Privacy Concerns:** Many times class recordings include identifiable information about the students registered for the course. This can include names, images, videos, voice, as well as text chat/questions. This information is protected by the Family Educational Rights and Privacy Act (FERPA). Therefore, if a class recording has any identifiable information, it should only be used for that specific semester/course. The only exceptions would be if the instructor collects signed release forms from all of their students or they make sure there is no student identifiable information included in the recording. See Appendix A for more information.
- VIII. **Hosting Recordings:** It is recommended that class recordings be stored on NJIT video conferencing platform, media repository, or LMS, as opposed to an outside service (e.g., YouTube, Discord, etc.). Using NJIT tools will ensure that the terms of service and privacy policies do not violate the students' privacy or the instructors' intellectual property rights.
- IX. **Student Recordings:** Unauthorized student recordings of class sessions are prohibited. If a student needs to record a class because of an accommodation, they need to reach out to the [Office of Accessibility Resources and Services \(OARS\)](#).
- X. **Sample Language:** The following language can be added to course syllabi to let students know that classes may be recorded and that an unauthorized recording of class is prohibited and subject to sanctions as outlined by the [NJIT Code of Student Conduct](#). Adding this language will raise student awareness of this policy.
- Class Recordings:** Class sessions may be recorded by the instructor. These recordings shall only be used as an educational resource and are not to be distributed or used outside of this class. Information on how to access recorded lectures will be made available by your instructor. Any recordings that contain identifiable information about students will not be used beyond this semester.
- Class Recording Etiquette:** Students are expected to respect their fellow students' privacy and freedom to learn without disruption. Students are not allowed to capture or reproduce anyone's name, image, or voice without permission. They must be polite and respectful in the online chat. Informal chat is okay, but typing is restricted to things that one would say out loud in front of the entire class. Students must always conduct themselves on their webcam video as they would in person in a classroom.
- XI. **NJIT Use:** NJIT will not use an instructor's recording of a live class without their written approval.

Questions about this policy, or securing content, should be directed to the Office of Digital Learning.

Appendix A

Guidelines for Class Recordings

In 2020, the U.S. Department of Education (DOE) clarified that it is permissible under FERPA to record classes and share the recording of the virtual class to students who were unable to attend. In doing so, the DOE reminded institutions of their continuing obligations under FERPA to protect student education records. NJIT permits the making and use of class recordings where limited to the purposes of aiding or supplementing students' coursework. Any questions or concerns about FERPA or class recordings should be referred to the Office of Digital Learning to ensure ongoing compliance with teaching faculty obligations. The following is provided as guidance on compliance with the university's FERPA Policy and Class Recordings Policy.

Are class recordings considered “educational records” under FERPA?

Class recordings are considered education records protected by FERPA if they contain personally identifiable information (PII) about students. An education record can be of any medium in which PII relating to a student is captured, such as video recordings, audiotape, transcripts, chats, emails, and any other record maintained by NJIT.

What is considered “personally identifiable information”?

FERPA defines “personally identifiable information” as identifiable information that is maintained in education records and includes both direct identifiers (such as a student's name or ID number) and indirect identifiers (any information which can be used to trace a student's identity, such as date of birth).

Does FERPA apply to recordings showing only instructors?

If a recording is without any PII relating to a student and includes only the instructor(s), FERPA does not apply.

Can a class recording including the instructor and students be created for use by other students in the course?

A class recording that includes students' participation or presence, such as making presentations or asking questions, may be distributed to other students currently taking the same course during that specific semester. FERPA doesn't require a written consent where access is limited to students in the same course/semester.

How does FERPA apply to class recordings distributed to students or others outside the course?

If the instructor intends to distribute a class recording to those outside the specific course, FERPA requires certain actions to protect student information contained within the class recording:

1. the instructor may obtain written FERPA consent forms from all students actually identifiable in the recording or from all the students proactively at the outset of a class; or
2. the recording should be edited to:
 - a. omit any student who has not provided written FERPA consent; or
 - b. prevent identification of students by removing any mention of students' name, blurring the students' images, distorting students' voices, etc.

Can a general statement in the syllabus or an announcement during class serve as a consent notice?

It is recommended that instructors let students know in the course syllabus that class session(s) may be recorded, and that consent forms be collected at the start of the semester. Students may not be compelled or required to sign a FERPA consent form, so if a student refuses to sign, all references to the student must be avoided or post-editing must be done to ensure none of the student's PII is included in the class recording.

How long are FERPA consent forms effective?

Class recordings containing PII must be protected as an education record. As such, instructors must retain copies of signed FERPA consent forms for as long as a class recording is retained and/or distributed.

Appendix B

NJIT Converged Classroom Release

Converged classes may be recorded by the instructor(s) for the purposes of allowing students to review the recorded class at a later time. Due to the nature of these recordings, your voice, image, notes/documents presented in class, and/or discussions may be recorded, broadcasted, and distributed in order to fully capture the classroom experience. These recordings may be used for this semester as well as future classes. By signing this document, you are consenting to such recording. If you do not consent to the recording, please discuss with the instructor prior to the start of the recording.

I acknowledge that I am over the age of 18 and that I am voluntarily participating in the converged classroom course _____ (“Course”). I agree that my participation in the Course constitutes a learning experience and confers upon me no rights of ownership or compensation. By enrolling in this Course, I authorize NJIT, its officers, employees, and representatives (hereinafter “NJIT”) to use for academic purposes and without restrictions, all materials produced pursuant to my participation, including but not limited to any photographed or recorded image/video/audio of either me or property belonging to/made by me (“Materials”). NJIT shall solely own all copyrights in all Materials and will retain said Materials in accordance with the university’s records management policy. In consideration for being allowed to participate in the Course, I hereby release NJIT from any and all claims or liabilities that may arise from my participation in the Course and/or in relation to use of the Materials by NJIT. I confirm that any and all documents, aids, and material furnished by me for this Course is either my own or otherwise authorized for such use without obligation to me or to any third party.

I understand that I may withdraw consent to this Release at a later date by submitting a withdrawal request in writing to the class instructor. Further, I understand that any such withdrawal of consent will apply only to class recordings made after the receipt of the written revocation of consent.

I expressly understand and agree this Release is intended to be as broad as permitted by law and that this Release shall be governed by and interpreted in accordance with the laws of the State of New Jersey. By signing below, I acknowledge that I have carefully read and understand this release, and agree to its provisions.

_____	_____	_____
Signature of Student Participant	Print Name of Student Participant	Date

_____	_____	_____
Signature of Guardian (if minor)	Print Name of Student Participant	Date