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Responsible University Office:
Information Technology Services

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Lecture Capture Policy

POLICY CONTENTS

Scope
Policy Statement
Reason for Policy
Procedures
Definitions
Additional Contacts
Forms
History

Scope

This policy applies to all employees, temporary employees, students, contractors, and consultants.

Policy Statement

Ownership

University of Nebraska Board of Regents Policy (RP 125) stipulates that “Instructional Materials developed by a faculty member in the process of delivering a course of instruction to students shall be the property of the faculty member.” Specific to these guidelines, RP-125 also states that “Recordings of lectures shall be the property of the faculty lecturer . . .”

Advance written permission of the instructor/lecturer is required to record a class, except when UNK is required by law to provide a recording as a reasonable accommodation for a qualifying student(s) with an identified disability.

Privacy

If only the instructor is recorded and no students participate, student privacy is a lesser concern. To minimize privacy issues, all recordings for courses should be placed in the university learning management system (LMS).

There are privacy concerns for the general audience, identifiable individuals, and student work or presentations classified as “educational record” under FERPA.

- Those present in the classroom or public event should be informed the lecture will be recorded and available on the Internet.
- If the lecture will be available publicly on the Internet and includes students’ questions or discussion or a guest speaker, identifiable individuals must sign a consent form. The instructor of the course or the organizer of the event is responsible for the consent forms and must retain them for one year from the date of the lecture. Individuals under the age of 19 must have the form signed by a parent or guardian.
- If the lecture will be available publicly on the Internet and the recording includes student presentations or group discussions, students must sign a consent form. The instructor of the course is responsible for the consent forms and must retain them for one year from the date of the lecture. Individuals under the age of 19 must have the form signed by a parent or guardian.

When utilizing Lecture Capture in a classroom/instructional setting:

Faculty are encouraged to include statements regarding recording of lectures in the class syllabus and in the university learning management system, such as,

(1) “Lectures may be recorded and made available to students registered for this class using the lecture capture system. Use of lecture capture is intended to supplement the classroom experience. Duplication or redistribution of lecture capture recordings is prohibited without appropriate consent. For copyright information, see <http://nebraska.edu/docs/policies/MemorandumonCopyrightLawandCompliance.pdf>.”

(2) “Students are allowed to make audio and video recordings of classes only with advance written permission of the instructor. Recordings may be used by students for course purposes, but may not be distributed outside of class and should be destroyed at the end of the course term.”

The instructor should announce to the class that the recorder has been turned on. Students may request it be turned off for extenuating circumstances.

If the instructor plans to use the recording in a future class, consent is required from students who are recorded.

Access

Lecture capture used to record a lecture and make it available via the Internet to anyone with a mobile device or computer raises legal issues related to copyright ownership, copyrighted content, and privacy for both faculty and students.

If access is restricted to students enrolled in the course, many privacy concerns are eliminated. Student comments and material used in class remain in the classroom community, just like a course that is not recorded.

Copyright

If a recording is not limited to internal use and may be distributed to the public, consent must be obtained from the speaker or the speaker should license recordings with a creative commons license that grants such use.

If any content presented during the lecture is copyrighted, the content must meet the criteria for fair use, must be licensed for reuse, or permission must be obtained prior to distribution of the lecture to the public on the Internet.

Compliance with Policy

Failure to comply with this policy may result in disciplinary action by the University.

Reason for Policy

EDUCAUSE defines *Lecture Capture* as “an umbrella term describing any technology that allows instructors to record what happens in their classrooms and make it available digitally.” The term describes an array of capabilities from audio recordings to sophisticated webcasting platforms. This policy governs class recordings made for student use as an alternative when absent from class or to supplement content review, particularly when abstruse topics are introduced or detailed procedures are performed.

This policy does not govern recording of events outside the classroom, such as public performances, nor recordings made for the instructor’s own pedagogical purposes that are not to be made available to students.

Issues are minimal in instances when audio/visual material is captured outside a classroom, with the lecturer being the sole person recorded. Lecture Capture within a classroom setting is much more complex and is the focus of this policy.

Definitions

EDUCAUSE is a nonprofit association with a mission to advance higher education through the use of information technology.

FERPA is the Family Educational Rights and Privacy Act. This is federal law protecting the privacy of student education records and applies to any school that receives funds under an application program of the U.S. Department of Education.

Learning Management System (LMS) is software for delivering courses and course content electronically. It often includes tracking, reporting, collaboration and grading. Examples include Blackboard, Canvas and Desire2Learn.

Additional Contacts

Subject	Contact	Phone	Email
FERPA	Kim Schipporeit		schipporeitk@unk.edu

Forms

[UNK Authorization of Disclosure Consent Form](#)

History

Initial draft – October 23, 2014

Updated November, 2017 – Responsible University Administrator changed from
Assistant Vice Chancellor-IT to Chief Information Officer