

Rutgers University Senate
Instruction, Curricula and Advising Committee

Audio-Visual Recording of Lectures and Presentations

Charge S-1105: Recording of Presentations: Examine Rutgers' position, policies, and practices on recording in-class, seminar, online, and other presentations. Recommend guidelines for the responsibilities faculty have for controlling such recording (e.g., related statements in syllabi), and for students who want to record these presentations. Respond to Senate Executive Committee by October 2011.

While the ability to record classroom lectures has been available for decades, until fairly recently this was primarily a matter of students bringing tape recorders to class. Students could then use the recording as an additional study aid, or as an alternative to taking notes. Now the technology exists for students to video tape a lecture on their personal digital recording and communication devices and potentially upload it to the internet. Recent advances in cloud computing (YouTube, Dropbox, Vimeo) make it easier than ever to upload and share audio and video online. Some colleges and universities have instituted formal programs of taping course lectures for coursecasting, even in instances where the instructors did not agree or want to be videotaped.¹ Many faculty have concerns² relating to intellectual property rights, copyright³, and privacy; some are also concerned about potentially embarrassing video clips appearing on YouTube. Some on the other hand see this as an opportunity for information sharing, information commons, and networked learning.

There are also concerns about recordings potentially being uploaded to sites such as Course Hero (<http://coursehero.com>). Touted as "the largest collection of study materials online," Course Hero is a fee-based site comprised of student-contributed materials including study guides, exams, lecture notes, syllabi, and video lectures. Students joining the site are expected to contribute course materials; sufficient contributions result in reduced fees. Currently there are some 37,000 Rutgers course related items on the site. (See Appendix A). Print makes up the majority of Course Hero items, however there are video lectures available and certainly the possibility of more being added. Clearly a large percentage of the materials available here are the intellectual property of individual faculty members and such public distribution is a violation of copyright.⁴

¹ Cochrane, Mary. "Senate Discusses Videotaping in Classroom," *UB Reporter*, November 16, 2006. (<http://www.buffalo.edu/ubreporter/archives/vol38/vol38n12/articles/FSEC.html>)

² Young, Jeffrey R. "More Professors Could Share Lectures Online. But Should They?." *Chronicle of Higher Education*, March 7, 2010. (<http://chronicle.com/article/College-20-More-Professors/64521/>)

³ "Are Lectures Given at a Public University Copyright Protected?" (<http://www.avvo.com/legal-answers/are-lectures-given-at-a-public-university-copyright-209992.html>)

⁴ Rutgers University Copyright Policy states that "Faculty, teaching assistants, and graduate assistants also own copyright to pedagogical materials, including materials in electronic format or posted to a website, that they develop in the regular course of their teaching duties using resources ordinarily available to all or most faculty members (as described in the section of this policy concerning Use of Substantial University Resources)." (<http://policies.rutgers.edu/PDF/Section50/50.3.7-current.pdf>) The Committee is indebted to Janice Pilch, the

Materials used in a classroom or online presentation (video, graphic, photograph, etc.) may also have their own copyright which may be violated by being recorded and distributed. Sect 110.1 of the U.S. Copyright Law <<http://www.copyright.gov/title17/92chap1.pdf>> allows faculty to show almost anything in a face to face classroom; Sect 110.2, which governs the hybrid or online environment, while much more restrictive, allows for the use of most materials provided that a number of conditions are met. While presentations and displays are generally allowed when reproduced in the classroom, copyright law does not extend this privilege to second-level reproductions. Students redistributing such materials outside the class environment are generally unaware that they may be held liable for copyright infringement. While the student would be directly liable, the faculty member who allowed taping while knowing there was a possibility that the recording could be posted publicly could also be liable for contributory infringement.

There are also issues, both pedagogical and legal, with the audio/video recording of students in a classroom. Most instructors look to engage with students in the classroom; classes in which the instructor lectures for the entire period without an opportunity for students to interject questions or comments, or ask for students responses, are the minority. For some students, the knowledge that they are being taped may have a chilling effect on their willingness to ask questions or participate in discussions.

However any redistribution of a recording that includes student participants may also invoke serious privacy concerns—students need to have given written permission to appear in the recording.

Rutgers University does not currently have a general policy on the recording of lectures and class presentations. The only exception applies to students who have been granted specific accommodations by the Office of Disability Services; they may use a digital recorder to tape course lectures, presentations and discussions after presenting a Letter of Accommodation to the instructor.⁵ Some departments, New Brunswick Computer Science for example, routinely record lectures and make them available to students in that course.⁶ Some instructors specifically forbid any kind of recording of their classes; some require students receive written permission to record; some explicitly allow students to record.

Copyright and Licensing Librarian at the Rutgers University Libraries, who provided much of the information on copyright and copyright-related issues.

⁵ Instructors still have the right to indicate that portions of classroom discussion—which may be of a particularly sensitive nature—not be recorded by electronic devices or by taking notes.

⁶ Only the lecture portion of the class is recorded.

A number of academic institutions have adopted formal policies regarding the recording of classroom lectures.⁷ In other cases, decisions regarding such recording rest solely with individual faculty who usually indicate their policy in their syllabus or course site.

While the Committee concurs that ultimately this should indeed be a matter of faculty prerogative, this prerogative should reside within the framework of University policy. In light of the potential legal issues involved, most of us also believe that offering blanket permission to record in a course is not in the best interest of either the faculty member or the students. Faculty should be conscious of their legal rights and risks. For their own protection, faculty using a permission form to grant permission to individual students to record in a course should retain a copy of that form (see Appendix C for sample form) in their own records.

Therefore we recommend the following be adopted:

Recommendations:

A. Student Recording

1. The University should prohibit the audio-visual recording, transmission, or distribution of classroom lectures and discussions unless expressed written permission (on syllabi, course sites, or by signed form, for example) from the class instructor has been obtained and all students in the class as well as guest speakers have been informed that audio/video recording may occur.
2. When granting permission for a student to record class lectures or discussions, instructors should be mindful of—and convey to the student requesting permission—issues relating to student privacy and the possible chilling effect on class participation on the part of some students as a result of being recorded.
3. Any recording of lectures or class presentations should be authorized solely for the purpose of individual or group study with other students enrolled in the same class. Such recording may not be reproduced or uploaded to publicly accessible web environments.
4. Recordings of classes or of course materials may not be exchanged or distributed for commercial purposes, for compensation, or for any other purpose other than study by students enrolled in the class.
5. Violation of this policy may subject a student to disciplinary action under the University's Code of Student Conduct.
6. Instructors should indicate their policy regarding the recording of classroom lectures and discussions on their syllabi or course sites.
7. Information on copyright and the potential consequences of distributing copyrighted materials should be provided during Orientation.


⁷ See, for example, the recent policy from the University of Virginia: <https://policy.itc.virginia.edu/policy/policydisplay?id=PROV-016>; and the very basic policy at Washington and Lee University: <http://www.wlu.edu/x55214.xml>

8. Instructors should retain copies of any permission forms that they have granted.

B. Faculty Recording

1. Instructors may record, or have recorded, their own classes for their personal use or for the purpose of exchange with colleagues, e.g., for the purpose of developing or demonstrating pedagogical skills. In such cases all students in the class should be informed that audio/video recording may occur.
2. Instructors may make audio and video recordings of student classroom presentations for instructional purposes related to a course. The intent to record should be indicated on the course syllabus or course site. The recordings may not be shown or distributed to any other individual or group without the written permission of the students being recorded.
3. Instructors may record their own lectures and post or distribute those for use by their students or the general academic community. If done within a class setting, recording should be limited to the lecture portion of the class.

Appendix A: Some Rutgers Course Materials at Course Hero



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Find below a list of sample documents for Rutgers HISTORY 373 course.


<div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>December 4 - Working Class and Socialism Rutgers HISTORY 373 Fall 2007</p> <p>State and Society in Imperial Russia December 4, 2007 Working Class and Socialism The physiognomy of the Russian Peasant/Worker Profile on working class o Numerically small compared to other European countries</p> </div> <div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>December 6 - The Revolution of 1905 Rutgers HISTORY 373 Fall 2007</p> <p>State and Society in Imperial Russia December 6, 2007 The Revolution of 1905 Actors in 1905 o The Tsar and his advisors o Zemstvo leaders, professional unions o Radical parties Social Democrats (SD) Socialist</p> </div>	<div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>Final Exam Rutgers HISTORY 373 Fall 2007</p> <p>Michael Locke December 18, 2007 History 510:373 Final Exam Section I Between Tsar Alexander Its "Great Reforms" and the demise of the Romanov dynasty, Imperial Russia pursued a policy of rapid</p> </div> <div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>Midterm Study Guide Rutgers HISTORY 373 Fall 2007</p> <p>Important Dates 1147 founding of Moscow Ruler Ivan IV The Terrible: 1533-1584 Peter the Great: 1682-1725 Catherine I: 1725-1727 Peter III: 1727-1730 Anne: 1730-1740 Ivan VI: 1740-1741 Elizabeth:</p> </div>
<div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>November 6 - Alexander II and the Great Reforms Rutgers HISTORY 373 Fall 2007</p> <p>State and Society in Imperial Russia November 6, 2007 Alexander II and the Great Reforms Outline o Alexander's Personality o The need for reform o Emancipation Act Actors Chronology Significance:</p> </div> <div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>November 13 - Russian Industrialization Rutgers HISTORY 373 Fall 2007</p> <p>State and Society in Imperial Russia November 13, 2007 Russian Industrialization: 1890's explosive growth 8% o Railroads +40%: 1881-1894 +90%: 1895-1905 Massive foreign investment o Mostly Belgian</p> </div>	<div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>November 15 - The Cherry Orchard</p> </div> <div style="border: 1px solid #ccc; padding: 5px;">  <p>November 29 - Russian Art Rutgers HISTORY 373 Fall</p> </div>

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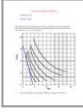


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ECON 220 MONEY AND BANKING RUTGERS

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<div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>hw19 answer Rutgers ECON 220 Spring 2008</p> <p>Money and Banking Homework for Chapter 19 Instructor: Lili cai 07/11/07 MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question. 1) The equation of exchange states that</p> </div> <div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>test1-2 Rutgers ECON 220 Spring 2008</p> <p>MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question. 1) Money has a major impact on: 1) _ D_ A) the business cycle. B) inflation. C) interest rates. D) each of the above. E)</p> </div>	<div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>test 9-2 Rutgers ECON 220 Spring 2008</p> <p>MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question. 1) Banks acquire the funds that they use to purchase income-earning assets from such sources as 1) _ A_ reserves.</p> </div> <div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>Review%20problems%20for%20Rutgers ECON</p> <p>REVIEW PROBLEM 1 Economics 102 Professor Blair Ms. Anthrope has a disposable income of \$10 per week and spends it all on fish and bread. Currently the price of fish is \$2 per pound and the price of bread is 60 per</p> </div>
<div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>Lecture%20%20January%20Rutgers ECON</p> <p>Syllabus available up front (Please: For newcomers only) Digital version always available on Sakai Need me to figure out your iClicker's ID? Bring it to my office hours upstairs (room 401) right after class. Today's Agenda</p> </div> <div style="border: 1px solid #ccc; padding: 5px; margin-bottom: 10px;">  <p>Answers%20to%20Review%20Rutgers ECON</p> <p>Answers to Review Problem 2 Economics 102 Professor Blair Ms. Anthrope has a disposable income of \$10 per week and spends it all on fish and bread. Currently the price of fish is \$2 per pound and the price of bread</p> </div>	<div style="border: 1px solid #ccc; padding: 5px;">  <p>Lecture%20%20February%20Rutgers ECON</p> <p>Today's Agenda Supply and demand with international trade. Elasticity</p> </div> <div style="border: 1px solid #ccc; padding: 5px;">  <p>Answers%20to%20Review%20Rutgers ECON</p> <p>ANSWERS TO REVIEW PROBLEM 1 Economics 102 Professor Blair</p> </div>

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Appendix B

SAMPLE POLICY STATEMENTS FOR SYLLABI OR CLASS SITES

Audio/Video Recording

Students may not use audio or video devices to record classroom lectures or discussions.

Students with special needs who wish to use recording devices must present a signed Letter of Accommodation from the Office of Disability Services. See: [How Do I Request Accommodations?](http://disabilityservices.rutgers.edu/request.html) < <http://disabilityservices.rutgers.edu/request.html>>

Students found in violation of this policy may be subject to disciplinary action under the University's Code of Student Conduct.

Audio/Video Recording

Students wishing to use audio or video devices to record classroom lectures or discussions must obtain written permission from the instructor.

Such recordings are to be used solely for the purposes of individual or group study with other students enrolled in this class. They may not be reproduced, shared with those not in the class, or uploaded to publicly accessible web environments.

Students found in violation of this policy may be subject to disciplinary action under the University's Code of Student Conduct.

Appendix C

Permission to Record Class Lectures

_____ is permitted to record lectures for

Course Title: _____

Course Number: _____

Instructor: _____

Semester: Fall ___ Spring ___ Summer ___ Winter ___ 20 ___

I understand that lectures and course materials, including power point presentations, tests, outlines, and similar materials, are protected by copyright law.

I will not use the recordings for any purpose other than my individual learning in a private or collaborate format, and will not share them with, or distribute them to, anyone outside the course.

I understand that violation of the above policy may result in both legal sanctions for violations of copyright law, and may subject me to University disciplinary action under the Code of Student Conduct.

Student Signature _____ Date _____

Instructor Signature _____ Date _____

Copies: Student
 Instructor