

## **Campus Guidelines for Electronic Recording of IVN Events**

IVN classes or other events may be electronically recorded (web streamed, videotaped, etc) for a variety of purposes. One of the following two options will dictate the type of policy and procedure users will need to follow when electronically recording an IVN event:

### **I. Temporary Recordings**

The general rule of thumb for all temporary recordings is they are intended to overcome specific, unplanned situations that occur during the course of delivering an IVN class/event. Examples of situations that would warrant a temporary electronic recording include:

- Weather related issues – a particular site is forced to close because of weather conditions
- Technology related issues – a room system or the network is out of commission
- Student absence – illness, medical emergency, or other professional obligation

For temporary electronic recordings, the course instructor/event facilitator is responsible for authorizing all recordings and must notify the students/participants that the event may be recorded for the limited purposes identified above. The course instructor/event facilitator is responsible for ensuring the electronically recorded material is properly destroyed upon review of the recorded material.

Temporary electronic recordings are those defined for a limited, usually defined period of time (generally days or weeks, but perhaps up to a few months or to the end of a class or academic term).

A sample faculty release form for temporary recordings is provided. Note that this signed form can be discarded at the end of the semester. A student release form is not necessary for temporary recordings.

Please refer to FAQ's regarding recordings of NDUS meetings or non-profit events.

### **II. Instructional/Multi-Use Recordings**

The electronic recording of classes/events for all other purposes (except those specifically identified in Section I) fall under the category of Instructional/Multi-Use Recordings. Instructional/Multi-Use Recordings may include intermittent days or all the periods of the event. Examples of Instructional/Multi-Use Recordings include, but are not limited to:

- Future course development, including online courses
- Course evaluation, including student presentations or projects
- Archival purposes

Instructional/Multi-Use Recordings (CDs/DVDs/video streaming/other) become the property of the campus/department of the university. The use of copyright material within the IVN recordings must be cleared through the campus librarian or other designated campus official.

Recording a class for Instructional/Multi-Use Recordings:

- Only the instructor of the host campus can give permission for a class to be taped, recorded, digitized, or streamed.
- The instructor must sign a faculty release form for instructional/multi-use recordings of IVN events. The release form is an agreement between the host campus and instructor and does not involve IVN.
- All students/event participants must be informed in writing and verbally that the IVN event is subject to recordings for future applications. All students involved must also sign a released form. (See sample. The students/event participants have right of refusal for Instructional/Multi-Use Recordings.

The signed Instructional/Multi-Use Recordings release form along with the student release form(s) and any videotape, audiotape, CD/DVD, or streamed media copy/copies of the class should be kept on file with the instructor's department. Instructional/Multi-Use Recording forms need to be retained as long as the material is in use plus three years after the fact.

Please refer to the FAQ section for other situations or questions regarding student releases for multi-use recordings,

*For further information relating to this policy or for questions regarding the use of copyright material, please refer to the U.S. Copyright Office <http://www.copyright.gov/> and/or your legal counsel.*

## **FAQ's for Electronic Recordings**

*Responses prepared by Pat Seaworth, ND University System, General Counsel/Executive Secretary – November 4, 2005. Reviewed again June 2011.*

### **About Temporary Recordings**

**1. How do we define temporary? Would a one-time electronic recording which is archived for 10 business days then taken off the web server be considered temporary or archived? What if an entire semester of classes was electronically recorded – would there be a time limit for how long it could be kept?**

Temporary means not permanent, of for a limited, usually defined period of time (generally days or weeks, but perhaps up to a few months or to the end of a class or academic term). A one-time electronic recording that is not accessible after 10 days would be temporary. An entire semester may be temporary under certain circumstances (e.g., a student has a medical emergency or is called to active duty and misses all classes over a period of two or three months).

### **Who is responsible for deciding if a class or meeting can be recorded?**

Authority to decide if a class may be recorded generally rests with the instructor, subject to any applicable campus, system or SBHE policies. The SBHE does not have any policy on this and neither does the NDUS so campuses are free to adopt campus policies.

If there is no campus (or department) policy, the instructor generally has authority to make this decision. For an NDUS (employee or staff) meeting, the person or group in charge of the meeting decides.

As a general rule, the receive site may not record a class without informing the instructor and should not record a NDUS employee/staff meeting without informing the person in charge of the meeting.

**3. If we electronically record an NDUS meeting, do we need to have a temporary release form signed by the facilitator of the event OR the person in charge of it?**

You should obtain permission but you probably don't need a signed release.

### **About Instructional/Multi-use Recordings**

**1. If a student watches a live stream from home, but calls in for a question, does the student need to sign the release form?**

Yes, if the student is identified by name. A release is not needed if the student is not identified.

**2. If one student refuses to sign the multi-use recording form, what should you do - not record the entire class?**

This creates a FERPA issue. You may go ahead and record, but access to and distribution of a recording that includes identification of students by name or other personally identifiable information is subject to FERPA restrictions.

Without written consent of all students who are identified or are identifiable, access to and distribution of the recording is limited to what is permitted under FERPA in the absence of student consent. You could perhaps get around this by editing the recording to delete personally identifiable information of students who did not consent.

**3. What if a student is missing on the date the release form is passed around - do you need to get signatures from each and every student no matter when they join the class?**

See answer to above question.

**4. One site said they electronically recorded an entire semester for a student who could not get to an IVN room. Are there any liabilities here?**

Again, you need to be aware of FERPA issues. Taping an entire semester for a student is permitted, even if other students don't consent, if access is limited to the student or, if the recording is given to the student, the student signs an agreement under which the student agrees to not disclose or distribute the recording to others, not copy the recording and return the recording to the institution or instructor.

**5. If we electronically recorded the instructor only – in other words, the students were not visible – do we still need to have the students sign the release form? Or, if the students are not seen but their voices are recorded, do we still need a release signed?**

If the students are not identified by name and the recording does not contain other personally identifying information (information by which students may be readily identified), you do not need to obtain releases from the students.

PRINT ON CAMPUS LETTERHEAD OR USE CAMPUS LOGO

**FACULTY RELEASE FORM  
For Temporary Recordings of IVN Events**

I agree and consent that a particular class period or event may be electronically recorded for the expressed limited purposes of allowing participants at a remote location(s) to review the content and material from a missed period due to such things as technical problems, weather cancellations, or professional obligations of a remote student.

The materials I use in my class are: 1) my own materials; 2) materials I have received written permission from the copyright owner for use as part of my class; or 3) allowed to be used/reproduced under the Copyright Act. I understand that the electronic recordings may not be used in any other matter beyond these stated purposes and that the recordings will be erased upon the completion of the review by the affected student(s).

I have informed the students/participants that a class period or event may be recorded for these purposes and I authorize (NAME OF CAMPUS) to create an audio/videotape or stream in the event one of the above situations occurs.

As the course instructor/event facilitator, I am responsible for authorizing all electronic recordings of any class period/event.

Date of Class: \_\_\_\_\_  
(If for entire semester, state semester and year)

Course title and number (if applicable): \_\_\_\_\_

Department: \_\_\_\_\_

Name of Faculty \_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**PLEASE NOTE**

This signed form should be placed on file in the office of the campus IVN site coordinator and/or departmental office until the end of the semester identified above. The form may be discarded at the conclusion of the semester.

PRINT ON CAMPUS LETTERHEAD OR USE CAMPUS LOGO  
**FACULTY RELEASE FORM**  
**For Instructional/Multi-Use Recordings of IVN Events**

Date of Class: \_\_\_\_\_ Department: \_\_\_\_\_  
(If for entire semester, state semester and year)  
Course Title/Course Number or Event Title: \_\_\_\_\_

In consideration of furthering the educational purposes of (NAME OF COLLEGE/UNIVERSITY), I hereby consent to any electronic recording of myself on videotape, audiotape, CD/DVD or streamed media by (NAME OF COLLEGE/UNIVERSITY) and its employees. I authorize the use of such recordings for any proper and legitimate educational purpose by the college or department – either on or off campus.

I have informed the students/participants that a class period or event may be recorded for these purposes and I authorize (NAME OF COLLEGE/UNIVERSITY) to create an audiotape, videotape, CD/DVD, or streamed media. As the course instructor/event facilitator, I am responsible for authorizing all electronic recordings of any class period/event.

**\* CAMPUS COORDINATORS: the following paragraph should be included when electronic recording(s) involve wide distribution, licensing, or program sale:**

I authorize (NAME OF COLLEGE/UNIVERSITY) ownership of the program and further agree that you may use my name, likeness and biography for the purpose of promoting the program. I assign any and all copyright rights, title and interest in the recording of my presentation, including any PowerPoint or other written materials, to (NAME OF COLLEGE/UNIVERSITY) reserving only to myself the right to use any PowerPoint or other written materials for my personal scientific, educational or research purposes.

I warrant and represent that all material furnished by me is my own or for which I have authority/right for such purposes.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
(Please print)  
Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SITE COORDINATORS PLEASE NOTE:**

This signed form should be placed on file in the office of the campus IVN site coordinator until the end of the semester identified above. Then, the IVN site coordinator should transfer it to the instructor's departmental office and there it should be retained as long as the material is in use plus three years after the fact.

In addition, the signed student release form for instructional/multi-use recordings of IVN classes or events and any videotape, audiotape, CD/DVD, or streamed media copy/copies of the class should be kept on file with the instructor's department as long as the material is in use plus three years after the fact.

*Prepared by Pat Seaworth, ND University System, General Counsel/Executive Secretary – November 4, 2005*

PRINT ON CAMPUS LETTERHEAD OR USE CAMPUS LOGO

**STUDENT RELEASE FORM**  
**For Instructional/Multi-Use Recordings of IVN Classes or Events**

Date of Class: \_\_\_\_\_

*(If for entire semester, state semester and year)*

Campus: \_\_\_\_\_

Course Title/Course Number or Event Title: \_\_\_\_\_

Department: \_\_\_\_\_

Solely in consideration of my appearance in the above class, I hereby authorize (NAME OF CAMPUS) and its designees to record on tape, Internet stream or any other electronic media created as part of, or as a result of the class, my name, likeness, voice and appearance (hereinafter referred to as the "Recordings"), and use the Recordings, the transcript thereof, and any biographical material concerning me in connection with the class and any promotional material, as well as in additional programs or products in any media in perpetuity.

(NAME OF CAMPUS) may edit the Recordings and include the Recordings or any portion thereof in the class or program at its discretion. (NAME OF CAMPUS) shall own all right, title, and interest in the Recordings, the course, the transcript, and any related materials for use in any manner or media now or hereafter known or invented throughout the world in perpetuity.

I have the right to enter into this agreement and my appearance will not conflict with any commitment I have to any person or entity.

Campus Site Location: \_\_\_\_\_

Name of Student (Print)

Signature

| Name of Student (Print) | Signature |
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