

William & Mary Classroom Use of Panopto, Other Classroom Recordings, and FERPA (Family Education Rights and Privacy Act)

If any student is identifiable in a recording of a class or other educational event, it may constitute an educational record protected under FERPA. Several W&M classrooms are equipped with cameras to facilitate this type of recording through the use of Panopto.

To ensure FERPA compliance, follow these acceptable practices

1. Inform students that a recording is being made, and for what reason(s) the recording may be reviewed, and by whom. This should be done in the syllabus as well as in specific class sessions or prior to an event. FERPA applies equally to recordings made outside of a particular course, such as guest lectures or presentations.
2. Avoid recording students. If the recording (audio and video) includes only the instructor, it is not a student educational record and not subject to FERPA guidelines.
3. Should a student appear in a recording, limit access to the video to other students currently enrolled in the same class. William & Mary's lecture capture system automatically does this for the instructor by saving the recording inside the Blackboard course. Under FERPA, no additional student consent is required for this use of the educational record. Following the course, the portion of the recording containing student information should be maintained in accordance with William & Mary's current policies and procedures.
4. If students will be permitted to review a recording in which a student is identifiable, the syllabus should prohibit student's capture or copying of the recording by any means, and sharing with others. Students violating this prohibition may face honor or disciplinary actions. A sample statement for including on a syllabus is provided below.
5. Should you wish to use the recording outside of the current Blackboard course (in any venue, including future courses), you may either
 - a. edit the recording to remove any portion in which a student appears or blur the student's image and distort the student's voice. The recording will no longer be an educational record and therefore not subject to FERPA; or
 - b. obtain individual written consents from the students in the recording which allow use of this portion of the recordings. This can be requested of all students at the outset of a class or event. A template for consent for educational use is provided below. Should an instructor wish to obtain consent beyond the uses described here, contact the Compliance and Equity Office for further guidance.

Please note:

1. A student's consent to appear in a recording must be both informed and voluntary. The request for consent must inform the student of all of the intended uses of the recording. Voluntary means that a consent is freely given without persuasion or coercion and that the student receives neither advantage nor disadvantage by providing consent.
2. The student's consent must be in writing, signed, and dated. In addition, the consent must specify the records that may be disclosed, the purpose of the disclosure, and identify the parties to whom disclosure must be made.
3. Students who don't wish to appear in a recording must have the same educational experience as students willing to be recorded. Requesting that they not ask questions, or must sit in certain seats is not appropriate.

4. If a student refuses to provide consent, a recording may still be made as long as it contains no record of that student.
5. The practices here pertain specifically to FERPA related issues. Other considerations and constraints on use, such as guidelines relating to the use of Human Subjects for research, may still apply.

Recommended Syllabus Statement

Class Recordings. Meetings of this course might be recorded. Any recordings will be available to students registered for this class. This is intended to supplement the classroom experience. Students are expected to follow appropriate university policies and maintain the security of passwords used to access recorded lectures. Recordings may not be reproduced, shared with those not in the class, or uploaded to other online environments. Doing so would be a breach of the Honor Code. If the instructor or a William & Mary office plan any other uses for the recordings, beyond this class, students identifiable in the recordings will be notified to request consent prior to such use.

Related Policies:

Data Classification and Protection:

<http://www.wm.edu/offices/it/about/policiesstandards/data/dataclassificationandprotection/index.php>

Privacy and Confidentiality:

<http://www.wm.edu/offices/compliance/topics/privacy/>

Student Records Privacy Policy and Notification of Rights under FERPA

<http://www.wm.edu/offices/registrar/studentsandalumni/studentrecords/confidprivacy/ferpa-b/>

Lecture Capture Consent Form

I, (the undersigned), understand that I am attending class sessions or events that may be audio or video recorded. I was informed or made aware of this by the instructor or by a university official before the start of the event. I hereby permit the College of William & Mary to release educational records that consist of my voice or likeness as I participate in these classes or events. I am consenting to allow these materials to be used for educational purposes, including for institutional review of instruction and for the education of other students. I understand this means that only other William & Mary students, faculty and staff will be permitted access to the recordings. I understand that I will receive no money or remuneration of any kind from the university related to this consent and release, or the materials covered by this consent or release. I acknowledge that I do not have the right to approve any materials developed by the university as authorized.

I understand that my consent here is independent of and separate from any other directive or consent I may have given to the university with regard to the release of my voice or likeness (such as for the release of Directory Information).

I understand my consent and release are voluntary and not a condition or requirement of my participation in this class or event.

____ I agree to the above terms

____ I do not agree to the above terms.

Course Number and Semester (or Event) _____

Course Instructor _____

Student name (please print) _____

Student signature _____ Date _____

Parent/guardian name if under 18 _____ Date _____

Parent/guardian signature if under 18 _____ Date _____

Complete this form and submit it to your instructor or to the university official hosting the event. The original form will be retained by the appropriate administrative office.