

## Recording of Meetings Policy

### Policy/Procedure

#### **Purpose**

The purpose of this policy is to set forth expectations regarding the recording of classes, meetings, telephone calls, discussions or other conversations (herein collectively referred to as ‘meeting(s)’) at the College, offsite at College organized events, or via telephone or video conference (such as Zoom or Microsoft Teams) between members of our community. The intent of this policy is to strike a balance between the legitimate uses of audio and video recordings, and concerns including compliance with the law, privacy, and protection of intellectual property.

#### **Prohibited Activity**

In an effort to comply with state and federal law, promote the freedom to share ideas and to respect the privacy of community members, the secret recording of meetings is prohibited. Employees and students are also prohibited from arranging for others to record meetings regardless of whether it is for work, educational or recreational related activities, unless specifically permitted under this policy. Neither can they knowingly receive or download recorded conversations, upload them to the internet, or otherwise share, transmit or publish such recordings except as permitted herein.

#### **Consent to Record**

There may be a legitimate educational or practical reason to create a recording of a College meeting. When a legitimate reason exists, one must be knowledgeable about how to record meetings while remaining in compliance with this policy and relevant laws. Pennsylvania is one of many states which requires consent from both the recording party and the recorded party or parties before a meeting can be recorded. When recording is to occur during any College meeting, all parties must be notified either prior to or upon the commencement of the recorded session. This requirement applies to any recording method which results in any video and/or audio recording of the session, regardless of whether the recording is accomplished by a feature in a video conferencing application or by the use of another program or device.

This notice could be included in a meeting invitation, agenda, in a course syllabus, in a separate communication, or could occur upon the commencement of the recording. The notice might also be readily observable, such as a video camera at an athletic event or College-sponsored play. The notice needs to be clear, readily apparent, easily understandable, and needs to allow a party who does not consent to the recording to refuse to participate. Please note that a refusal to participate does not mean that a party can refuse without the possibility of a negative outcome. For example, participation in a recorded meeting could be a term and condition of ongoing employment. Participation might also be a requirement to be enrolled in a specific course, in which case a party who refuses cannot participate in the course unless the individual has received special permission to participate with measures in place to ameliorate the perceived negative

impact of the recording on that individual. Because consent is specific, receipt of a notification does not establish a license for others participating in a meeting to also create their own recording. Neither does it guarantee access to any recording.

Some meetings may include the presentation of copyrighted works, such as a film or television show, under an applicable exception to copyright law. While the presentation of the material may be appropriate, duplication of copyrighted works is a violation of the Digital Millennium Copyright Act when that duplication circumvents an access control (i.e. the encryption on a DVD). In order to avoid creating a prohibited duplication of the material, the portion of the meeting which exhibits the work should be excluded from the recording. However, the copyrighted works in question may need to be provided to individuals in need of an accommodation in a different format or mode other than by virtue of a recording of the works. Employee accommodation requests should be directed to Human Resource Services (HRS).

In the case of an academic course meeting, students can request an accommodation from Access and Disability Services (ADS) to produce recordings of course sessions for their own academic use. If a student does not have an accommodation from ADS, the student may not record course sessions unless they have received permission from the course professor and all other course participants. Depending upon the circumstances, course sessions that will be recorded may be indicated in the course syllabus, in an email, or upon the commencement of a recorded session. A syllabus notation that course sessions are recorded is not a license for students to create their own recordings without approval from the course professor or ADS. Professors can evaluate requests to access existing recordings on a case-by-case basis.

Below is a sample statement that professors desiring to place a 'recordings' notice into a syllabus can utilize (they can also utilize a different statement as long as it contains substantially similar elements to this one):

**Statement on Recorded Material:** Classes within this course, including lectures, classroom discussions and laboratory sessions, may be audio and/or video recorded by the professor or designee. By enrolling in this course, you hereby consent to these recordings. This class may also be recorded by those students who have an accommodation to do so as granted by Access and Disability Services (ADS). Recording of any session in this course by anyone other than the professor or designee or by an individual with an expressed written consent from the professor or ADS is strictly prohibited. Students may not share, send, post, publish, make public, or duplicate any recordings without the written authorization **of all** recorded person(s) participating in the recording. Failure to abide by this rule is a breach of privacy and may be a violation of wiretapping, electronic surveillance and copyright laws. It is furthermore considered a serious violation of Dickinson College policy and subject to disciplinary action. Unless informed otherwise, students

are to destroy any recordings shared by their professors at the end of this semester. Thank you for your compliance.

### **Use and Sharing of Recordings**

In order to facilitate an unrestrained intellectual dialogue, recognizing that not all ideas expressed in a meeting are fully formed, recordings should not be shared outside of the legitimate educational or practical purposes for which they were provided/created. Recordings may be used by students, faculty and staff for reasons including, but not limited to, providing course access to a student in a distant time-zone, compliance with an academic accommodation request, or to assist someone assigned to produce meeting minutes. Depending upon their content, recordings may be subject to regulation by FERPA, intellectual property laws, and other state and federal statutes. Therefore, recordings should only be shared with students, faculty, staff and trustees in furtherance of a legitimate educational or college-related purpose. Recordings must not be posted on any public-facing internet page or shared with individuals or entities external not affiliated with Dickinson College without the approval of the General Counsel. Any violation of this policy will be considered a violation of College policy and could result in disciplinary sanctions.

### **Data Retention**

Unless specifically articulated in our [Records Management and Retention Policy](#) or in a more specific College policy or procedure that the recording is an official College record, recordings need not be maintained as an official record in accordance with our Records Management and Retention policy. As such, recordings should generally be deleted as soon as they are no longer relevant. Class recordings should be deleted no later than roll call of the following semester in which the recording occurred. This brief delay in deletion allows adequate time for any grade appeals to be properly handled. If a grade appeal is filed, consult with General Counsel before deletion of the recording to ensure there are no legal reasoning to maintain it. Recordings of meetings that are taken solely as memory aids, and for the purpose of the scribe to memorialize the meeting recording into meeting notes or minutes, should be deleted immediately after the meeting notes or minutes have been created. In some instances, it may be prudent to have the meeting notes or minutes reviewed by a relevant body or individual and the accuracy of the notes or minutes adequately confirmed before the recording is deleted. For example, a committee may decide to maintain the recording just long enough for the committee to review the meeting notes/minutes at their subsequent meeting and, once the minutes are approved, promptly delete the recording. Any questions regarding the need to maintain the recording should be addressed to the General Counsel.

### **Campus Security**

Surveillance cameras/equipment and software may be placed on campus by authorized campus personnel to prevent or deter crimes, protect public safety, and to facilitate official College investigations into criminal activities or violations of campus policy. Nothing in this policy should be read or understood to limit the ability of the Chief of Public Safety or their designee to obtain, review, maintain, and share these recordings in

any way which, in their view, furthers a legitimate public safety or investigative purpose and does not otherwise conflict with applicable state or federal law.

Nothing in this policy should be understood to limit the ability of anyone to openly record a law enforcement officer in the performance of their official duties, subject to applicable state or federal law.

### **Related Information**

### **History/Revision Information**

**Responsible Division/Office:** Office of General Counsel

**Effective Date:** August 17, 2020

**Last Amended Date:** September 2, 2020

**Last Review Date:** August 1, 2021

**Next Review Date:** August 1, 2023