

# APPENDIX G

## WHITWORTH UNIVERSITY RECORDING AND LIVESTREAMING POLICY

### Purpose

The purpose of this policy is to set forth expectations regarding the recording of classes, meetings or other conversations at Whitworth University, offsite at university-organized events, and over the phone between members of our community. The intent of this policy is to strike a balance between the legitimate uses of audio and visual recordings, and concerns including compliance with the law, academic freedom, privacy, and protection of intellectual property. In an effort to comply with Washington state law (See [RCW 9.73.030](#)), promote the freedom to share ideas, and to respect the privacy of community members, the secret recording or live streaming of meetings or other conversations is prohibited. Secret recording is a violation of trust and community that is incompatible with the respect for others expected of all members of the Whitworth community. Classes may be audio-recorded by the instructor, or by a student in the class with the prior consent of only the instructor or as an official authorized academic accommodation.

### Policy

It is expected that faculty, students, and staff will respect the privacy of other individuals in the workplace and educational setting. Consequently, the secret recording or live streaming (audio or video) of classes, meetings or other conversations, including telephone calls, is prohibited, as not compatible with the law and/or the promotion of an open exchange of ideas. Recordings may serve many legitimate academic and workplace purposes. However, the university does not condone recording or live streaming of any university activities when participants are unaware that such recordings are being made. In order to promote an environment of trust and collegiality, recordings may be made only with the prior consent of the parties involved. Covert/secret recording or live streaming of any in-person or telephone conversation or meeting occurring at the workplace, including any classroom or other educational setting, or conversations or meetings offsite that deal with workplace or educational matters is prohibited. Employees are also prohibited from arranging for others to record conversations, telephone calls or other work or educational activities, unless specifically permitted by the participants. It is also a violation of this policy to download recorded conversations to a computer, upload them to the internet, or otherwise share, transmit or publish such recordings without the prior written consent of all participants (unless the instructor has agreed in writing to such action, participants are aware of being recorded, and the recording is a recording of the instructor's class).

Classes may be audio-recorded by the instructor for instructional purposes, or by a student in the class for personal use with the prior consent of only the instructor. Class participants should be informed when a class may be recorded. However, instructors should not disclose the identity of students recording classes under an accommodation. Class recordings by students may not be downloaded to any computer, uploaded to the internet, or otherwise shared, transmitted or published without the further, prior written consent of the instructor. Class recordings by instructors may be downloaded to computers, uploaded to the internet, or otherwise shared, transmitted or published only for legitimate instructional purposes.

The university prohibits the transmission of classroom lectures and discussions by students unless written permission from the instructor has been obtained and guest speakers have been informed that audio/video recording or live streaming may occur.

Video recordings present additional privacy concerns, and potential concerns with copyright and intellectual property issues. Therefore, video recordings should only be allowed under conditions completely understood and approved in advance, in writing, by the instructor. All students and other participants in a class or educational activity which will be video recorded must be informed of the recording. Video recordings shall not be publicly shared, such as on the internet or in public viewings, except by the instructor or with the prior written consent of the instructor.

Surveillance cameras/equipment and software may be placed on campus by authorized campus personnel to prevent or deter crimes and protect public safety and to facilitate official university investigations into criminal activities or violations of campus policy. The university reserves the right to use or disclose recordings in the course of investigations or lawsuits or in response to a subpoena or request by law enforcement.

Recording of lectures or class presentations is solely authorized for the purposes of individual or group study with other students enrolled in the same class. Permission to allow the recording is not a transfer of any copyrights in the recording. The recording may not be reproduced or uploaded to publicly accessible web environments without the written permission of the instructor or appropriate Whitworth University administrator.

Recordings, course materials, and lecture notes 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. Public distribution of such materials by students may constitute copyright infringement in violation of federal or state law, or university policy.

Within Whitworth University, violation of this policy by a student may lead to disciplinary action, either under policies related to academic integrity or the student code of conduct, depending on the circumstances of the violation. Violation of the policy by an employee may lead to disciplinary action up to possible termination. Violation of Washington state law may lead to criminal sanctions and/or exposure to civil liability. Alleged violations of the policy by students should be reported either to the Dean of Students or Academic Affairs offices. Alleged violations by university employees should be reported to the Human Resources office. Those reporting alleged violations are afforded protections under Whitworth's Policy Prohibiting Discrimination, Harassment and Retaliation.

### **Exceptions**

It is not a violation of this policy for a student given official permission by Whitworth Educational Support Services to record class sessions as an academic accommodation to do so. Students are entitled to educational accommodations, to exercise any rights protected under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, including needed recording or adaptations of classroom lectures or materials for personal research and study. The restrictions on third-party web and commercial distribution apply in such cases.

### **Third Party Permissions**

Guests, including press and media, may seek prior permission to record, live stream and disseminate recordings on university property and at university events by contacting the office of University Communications.

### **Destruction of Approved Recordings**

Students must destroy recordings at the end of the semester in which they are enrolled in the class unless they receive the Instructor's written permission to retain them or are entitled to retain them as an accommodation authorized by Educational Support Services.

[Draft reviewed by Department Chairs' Group and legal counsel. Approved by President's Cabinet on November 1, 2017]

*Some sections of the above are adapted from policies at Lewis & Clark College*