

Audio and Video Recording Policy

Cumberland School of Law
Samford University

I. APPLICABILITY

A. This policy governs

1. class recordings, however accomplished, in all cases except when the recording is of student performances such as mock depositions, mock oral arguments, mock trials or examinations, and
2. recordings of faculty meetings or any other events in which faculty can be expected to participate other than events which are open to the public.

B. This policy does not govern recordings made for an instructor's own pedagogical or scholarly use at such faculty member's request when such recordings are not to be made available to students.

C. Student access to class recordings is a privilege, not a right, and neither the law school nor its agents or employees shall be responsible if a class recording is not available or is of inferior quality. At the time of the adoption of this policy, not all rooms in which law classes are held have cameras installed. The law school assumes no obligation to install cameras in every room in which classes are held nor to facilitate either audio or video recording in any such rooms.

II. ACTS WHICH ARE PROHIBITED:

A. Recording of any class by anyone without prior consent of the faculty member teaching such class as set forth in paragraph III. General Provisions below, except for class recordings to accommodate a student's ongoing disability under Section IV.B.1;

B. Recording of any faculty meeting;

C. Recording of any other event in which faculty can be expected to participate without prior notice to each faculty member of the Cumberland School of Law other than events which are open to the public;

D. Student sharing, in whole or in part, of any recording by electronic means or otherwise without the instructor's express permission, failure to disclose a prior denial of a recording request, or misrepresentation in the course of requesting a recording shall be considered a violation of the Cumberland School of Law Honor Code and the matter shall be referred to the Honor Court.

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1. Upon adoption of the Class Recording Policy by the Cumberland School of Law faculty, this policy shall be reviewed by the Honor Code Committee to determine whether any amendments are needed to the Cumberland School of Law Honor Code to reflect that such conduct would fall within its prohibitions.
2. Any action taken by the Honor Court related to any violations of this policy shall not preclude additional sanctions imposed by an instructor for any such violations.

III. GENERAL PROVISIONS

A. Purpose of recordings:

Student use of any recordings must be for a purpose approved by an individual faculty member pursuant to subparagraph C of Section III of this policy, except for class recordings to accommodate a student's ongoing disability under Section IV.B.1. Any other use, whether by students or others, is strictly prohibited without the prior, express permission of the relevant instructor.

B. Notice to student speakers:

Students should assume that any class in which they are participants may be subject to being recorded subject to the terms of this policy. If they are uncertain and need clarification, they should consult the instructor in that class. It is good policy for instructors to remind students, in their syllabi or otherwise, that classes may be subject to being recorded subject to the terms of this policy if recordings are permitted in their classes under any circumstance.

C. How and Where Student Requests for Recordings Should Be Made:

1. Pre-approved reasons: Students requesting recording for a pre-approved reason (set forth in subparagraph B of Section IV) should make such requests to the Office of Student Services, not to instructors, by following the procedures outlined on the Student Services webpage on the Cumberland School of Law website or otherwise provided to students by that Office. Prior to approving student access to a recording, the Office of Student Services will verify that the student's situation satisfies one of the pre-approved reasons, normally by requiring adequate documentation from the student to support the request. A student may request a recording on behalf of another student, with the express permission of the student who needs the recording. A student who applies to the Office of Student Services for a class recording for pre-approved reasons, and whose request is denied, must disclose this fact to an instructor if the student makes a subsequent request for a recording of the same class for any reason.

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2. Other reasons: Student requests for recordings for reasons that are not pre-approved should be made directly to the relevant instructor. Instructors who approve the recording of a class for an individual student may wish to recommend that students privately record the class instead of relying upon the resources of Law School Technology Services. The Dean of the Law School, the Dean for Academic Affairs, and/or the Office of Student Services may make requests for Law School Technology Services recordings, subject to individual instructors' restrictions upon recording, in the event of an extraordinary emergency that would warrant the recording of classes for a significant number of students.

3. Timing of requests: All requests for Law School Technology Services recordings should normally be submitted to Law School Technology Services at least 72 hours (not counting weekends and holidays) before the class or classes to be recorded. This requirement may be waived by Law School Technology Services or the Office of Student Services when extraordinary circumstances so require. Law School Technology Services and the Office of Student Services may establish forms and additional procedures as needed to administer requests for Law School Technology Services recording of classes.

D. Who May Use Recordings:

1. Each professor may determine for himself or herself who may use recordings.

2. If a professor chooses to permit access only to the student on whose behalf a request for recording for a pre-approved reason was made (pre-approved reasons for recording are set forth in Section IV), then access must be handled as described in subsections E and F. However, the Director of Student Services may authorize others access to an existing recording in the case of an untimely but pre-approved request for recording.

3. If a professor chooses to permit access to any student in his or her class, then access may be handled as described in subsection E and F.

4. Access to recordings made pursuant to subparagraph B.1 of Section IV is also subject to Samford University's Disability Support Services' Audiotape Recording Policy.

E. Mode of Recording/Access to Recording:

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Cumberland will offer two methods of securing Echo360 captured content. The first method is via LDAP security using the same restrictions that allow access to library databases, such as Lexis and Westlaw. Using this method, any law student, faculty, or staff member would be able to pass authentication for secured capture(s). In order to access the capture, the individual would still need to be provided with the capture's URL. The second method of securing a capture is to make the capture available for viewing in the law library by making an appointment with the Computer Librarian or their designee. The capture would be secured in such a way that these authorized persons would be able to access the capture, but the students, faculty and staff members of the law school would not have access. Please note, the second security method, while more secure, does have a greater administrative overhead.

F. Security Methods:

Security methods are able to be placed on a course at the section level, so different sections of the same course may have a different security method. All captures within a section must share the same security method.

G. Length of Posting on Web Portal/Use of Recordings Required:

Unless an instructor designates a different time period, recordings will remain on the web portal until one week (seven days) after the end of the semester.

IV. PRE-APPROVED REASONS FOR RECORDING OF CLASSES FOR STUDENT USE:

A. Presumption that Recording is not Permitted:

Unless an instructor takes positive steps to permit recording, he or she will be deemed to not permit recording under any circumstances, and irrespective of whether any of the pre-approved reasons are satisfied except for class recordings to accommodate a student's ongoing disability under Section IV.B.1.

B. Pre-approved Reasons:

1. When recording is determined under the policies and procedures of Samford University and the Cumberland School of Law to be an advisable means of accommodating a student's ongoing disability, the Office of Student Services may authorize such audio recording as deemed advisable without authorization of the instructor, subject to the notice requirements of section IV.C. In such circumstances, the policies regulating such recordings and their use shall be governed both by this policy and Samford University's Disability Support Services' Audiotape Recording Policy to the extent applicable.

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2. An instructor may, subject to any conditions set out in an individual instructor policy (described below), authorize the Office of Student Services to direct Law School Technology Services, or its successor, to record classes for individual qualifying students, in the following limited situations (the “pre-approved reasons”):

- a) Death in the family
- b) Class conflicts caused by makeup classes necessitated by the instructor’s absence, or cancellation of classes due to inclement weather or other emergency
- c) Serious family or medical emergencies
- d) Jury duty
- e) Military obligations

3. The term “family” is to be interpreted to include spouse, child, parent, sibling, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, and grandchild of a student, or half or step relation of the same degree.

4. When the Office of Student Services verifies that a student’s request satisfies a pre-approved reason, that Office of Student Services has discretion to determine the number of class sessions that should be recorded. Whether a pre-approved reason applies is at the sole discretion of the Office of Student Services.

C. Notice to Instructors:

Whenever the Office of Student Services approves a student recording request for a pre-approved reason, it shall give the relevant instructor(s) prior notice by email or other appropriate means at least 48 hours prior to such recording of (1) the names and date(s) of the class or classes to be recorded, (2) the name of the student(s) on whose behalf the recording is being made and (3) the number of sessions approved and/or expected to be approved in the future for each class. For audio recordings authorized to accommodate a student’s ongoing disability, Law School Technology Services shall notify the appropriate faculty members at least 48 hours in advance. If a student will make his or her own recording authorized to accommodate his or her ongoing disability, such student shall notify the appropriate faculty members at least 48 hours in advance. In calculating the 48 hour period for notices, weekends and holidays are excluded.

D. Individual Instructor Policies Regarding Pre-approved Recordings:

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The Office of Student Services shall annually request that each instructor submit or update a written recording policy including whether an instructor permits recording, the modes of recording (audio and/or video) that are permitted, and whether permission of the instructor is required before releasing a recording to a student. These requests shall be made just prior to the fall term, and, for those instructors not teaching in the fall term, just prior to the spring term. Instructors who do not respond to these requests will be presumed to maintain any earlier-submitted policy; instructors who do not respond and have never provided recording policies to the Office of Student Services will be presumed to have not consented to video and audio recording of classes and there will be no audio or video recording of the instructor's classes.

V. INSTRUCTOR REQUESTS FOR RECORDING OF CLASSES FOR STUDENT USE

A. Law School Technology Services Recordings for Permissible Purposes

1. Requests to be made to Instructor:

Student requests that Law School Technology Services record a class for a reason not considered pre-approved under subparagraph B or Section IV should be made directly to the instructor teaching the course. If Law School Technology Services resources are scarce, these recordings shall receive a lower priority than recordings scheduled for pre-approved reasons. Instructors' requests for these recordings are subject to the instructor recording limits found in subparagraph A.2 of Section V below. Instructors who approve the recording of a class for an individual student may wish to recommend that students privately record the class instead of relying upon the resources of Law School Technology Services.

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2. Limits upon Permissible Requests by Instructors:

Subject to Law School Technology Services resources, each instructor may request that Law School Technology Services record for student use not more than 20% of the total number of sessions taught by that instructor in a semester, when the request is made for a permissible, rather than a pre-approved reason; there is no limitation on the number of makeup classes an instructor may ask Law School Technology Services to record for student use. The Dean of Academic Affairs may increase the number of Law School Technology Services recording sessions allocated to an instructor for good cause.

B. Non-Law School Technology Services Recordings (Private Recordings by Students)

1. **When Allowed:** An instructor may authorize a student to privately record a class (i.e., other than by Law School Technology Services) when the student must miss class for a reason deemed valid by that instructor. Neither Law School Technology Services nor the Law Library shall be involved in such recording, its storage or archiving.

2. **Express Permission to Privately Record Required:** Unless an instructor expressly authorizes recording of his or her classes, students should presume that private recording of that instructor's class is not permitted. Instructors are encouraged to address policies relating to private recordings of classes in their syllabi by directly referencing this policy and/or by providing additional specific guidelines.

3. **Conditions for Private Audio Recordings by Students Where Authorized by a Faculty Member or to Accommodate an Ongoing Disability:** Students may make audio recordings only with prior authorization by the relevant faculty member or to accommodate an ongoing disability pursuant to Section IV.B.1 and C of this policy. Students making such recordings shall not duplicate, transfer, or otherwise share the recording with others, nor permit or enable any other person do so unless expressly permitted otherwise by the relevant instructor. By the end of the semester, the student will either turn the storage media bearing the recording to the instructor if supplied by the instructor, or will erase or destroy the storage media if supplied by the student. The recording will be used only by the student for whom the class was recorded and during the semester in which the class was taught. Duplicating, transferring or sharing any such recording with others in violation of this section will be treated as an act which violates this policy as set forth in Section II and the provisions of that section will apply to any such violation along with any relevant sections of the law school's honor code.