

Michigan State University Classroom Use of Kaltura, other recording technologies, and the Family Educational Rights and Privacy Act (FERPA)

If any student is identifiable in a recording of a class or other educational event, it may constitute an education record protected under FERPA. Several MSU classrooms are equipped with cameras to facilitate this type of recording through the use of Kaltura. Additionally, MSU provides instructors with access to technologies such as Zoom and Teams, which provide for virtual classroom recording.

To ensure FERPA compliance, follow these acceptable practices:

1. Inform students that a recording is being made, 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 education record and not subject to FERPA.
3. Should a student appear in a recording, limit access to the video to other students currently enrolled in the same class. MSU's lecture capture system automatically does this for the instructor by saving the recording inside their D2L 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 MSU's current policies and procedures.
4. If a student is permitted to review a recording in which other students are identifiable, the syllabus should prohibit the student's capture or copying of the recording by any means and sharing with others. Students violating this prohibition may face disciplinary action. A sample statement for including on a syllabus is provided below.
5. Should you wish to use the recording outside of the current D2L course (in any venue, including future courses), you may:
 - 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 education 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 recording. 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 herein, contact the Office of the Registrar 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 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 prior to any disclosure. In addition, the consent must specify the records that may be disclosed, the purpose of the disclosure, and identify the parties to whom disclosure may be made.
3. Students who don't wish to appear in a recording must be provided the same educational experience as students willing to be recorded. Requesting that students not ask questions or must sit in certain seats is inappropriate.
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 herein 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 may be recorded. The recordings may 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 may result in disciplinary action. If the instructor or another University office plan 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:

Institutional Data Policy:

<https://tech.msu.edu/about/guidelines-policies/msu-institutional-data-policy/>

Student Privacy Guidelines and Notification of Rights under FERPA

<https://reg.msu.edu/ROInfo/Notices/PrivacyGuidelines.aspx>

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 Michigan State University (MSU) official before the start of the event. I hereby permit MSU to release education 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, but not limited to, for institutional review of instruction and the education of other students. I understand this means that only other MSU 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 MSU 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 MSU as authorized.

I understand that my consent here is independent of and separate from any other directive or consent I may have given to MSU with regard to the release of my voice or likeness.

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 _____

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