

HILLSBOROUGH COMMUNITY COLLEGE

HB 233

SUGGESTED SYLLABUS STATEMENT

Students may, without prior notice, record video or audio of a class lecture for a class in which the student is enrolled for their own personal educational use. A class lecture is defined as a formal or methodical oral presentation as part of an HCC course intended to present information or teach enrolled students about a particular subject. Recording class activities other than class lectures, including but not limited to lab sessions, student presentations (whether individually or part of a group), class discussion (except when incidental to and incorporated within a class lecture), clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, private conversations between students in the class or between a student and the faculty member, and invited guest speakers is prohibited. Recordings may not be used as a substitute for class participation and class attendance and may not be published or shared without the written consent of the faculty member. Failure to adhere to these requirements may constitute a violation of the HCC Student Code of Conduct.

ADDITIONAL INFORMATION ABOUT STUDENT RECORDING CLASS LECTURES

A state college student may, without prior notice, audio or video record a class lecture in which the student is enrolled for the following purposes:

- (a) personal educational use of the student;
- (b) in connection with a complaint to the College where the recording is made;
or,
- (c) as evidence in, or in preparation for, a criminal or civil proceeding.

A class lecture recording may not be published without the written consent of the faculty member, except it may be shared with college officials or state and federal government officials in connection with a complaint to or against the College, or used as evidence in a criminal or civil proceeding. Violation of this provision may subject the student to disciplinary action by the College and/or to a legal action by a person injured by the publication.

A class lecture is defined as a formal or methodical oral presentation as part of a College course intended to present information or teach enrolled students about a particular subject. A class lecture will occur most often in a course identified by the college as a lecture type course, whether online or in-person, as opposed to a lab course or a course section identified as a discussion section. Class lecture does not include lab sessions, student presentations (whether individually or as part of a group), class discussion

(except when incidental to and incorporated within a class lecture), clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, private conversations between students in the class or between a student and the faculty member, and invited guest speakers during a class session. A recording that personally identifies a student who has not consented to being recorded will not be recognized as a class lecture for these purposes and may be subject to other institutional policies.

To publish means to share, transmit, circulate, distribute or otherwise provide access to the recording, regardless of format or medium, to another person, or persons, including but not limited to another student in the class. Additionally, a recording, or transcript of the recording, is published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited social media, book, magazine, newspaper, leaflet, picket signs, or any mode of print.

STUDENT RECORDING FAQ FOR FACULTY

What can students record?

Students may audio or video record a class lecture, defined as a formal or methodical oral presentation as part of a college course intended to present information or teach enrolled students about a particular subject. A class lecture will occur most often in a course identified by the college as a lecture type course, whether online or in-person, as opposed to a lab course or a course section identified as a discussion section.

Do students have to ask permission to record?

No, students do not need to ask for permission to record the class lecture, as long as they are making the recording for a permitted purpose.

Is there anything that students are not allowed to record?

Students are prohibited from recording class activities other than lectures, including but not limited to lab sessions, student presentations (whether individually or as part of a group), class discussion (except when incidental to and incorporated within a class lecture), clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, private conversations between students in the class or between a student and the faculty member, and invited guest speakers during a class session.

I allow my students to freely ask questions during my class lectures. Is this back-and-forth exchange considered class lecture or class discussion?

In general, class discussions are not part of the definition of “class lecture” unless the discussion is incidental to and incorporated within a class lecture. If students ask clarifying questions during the class lecture, and back and forth discussion results on that topic of

the lecture, that back-and-forth exchange would be considered incidental to and incorporated within a class lecture and properly subject to recording. If students ask questions or engage in conversation with the faculty member about the lecture topic during a distinct discussion portion of class following a class lecture, that back-and-forth exchange would not be considered part of the class lecture and not subject to recording.

What are the permitted purposes for students making the recording?

There are three permitted purposes for students making the recording: (1) personal educational use, (2) for use in a complaint against the institution, or (3) for use as evidence in a civil or criminal proceeding. Students may not record for any other purpose without the written consent of the faculty member.

Are there any restrictions to the use of the recordings?

Yes, recordings made may not be used to engage in academic dishonesty, may not be used as a substitute for participation in class, and may not be published or shared in any way without the faculty member's written consent, unless the student is sharing the recording with College officials or state and federal government officials in connection with a complaint to or against the College, or as evidence in a criminal or civil proceeding.

Does this law change how students may behave in the classroom?

No, students must adhere to classroom behavioral expectations while recording; recording that disrupts the learning environment may violate the student code of conduct.

Are there any other reasons a student may record?

Recording a class lecture or other class activities may be a part of an accommodation granted by Office of Services for Students with Disabilities (OSSD). If that is the case, you will be contacted by OSSD about these accommodations.

FAQ FOR STUDENTS

Do I need my professor's consent to record class lectures?

No, so long as you are enrolled in the class and are recording the lecture for one of the permitted purposes listed in the statute. You have the right to record class lectures for one of three purposes: (1) your own personal educational use; (2) in connection with a complaint to the college; or (3) as evidence in, or preparation for, a civil or criminal proceeding. As long as you are making the recording for one of these purposes, you do not need the faculty member's consent to record the class lecture. Keep in mind that recordings may not be used to engage in academic dishonesty, or as a substitution for participation in class.

What is a “class lecture”?

A class lecture is defined as a formal or methodical oral presentation as part of a College course intended to present information or teach enrolled students about a particular subject. A class lecture will occur most often in a course identified by the College as a lecture type course, whether online or in-person, as opposed to a lab course or a course section identified as a discussion section.

My professor usually combines class lecture with a group discussion. Can I record this group discussion?

No. The definition of class lecture does not include other class activities such as class discussions, unless those discussions are incidental to, and incorporated within, a class lecture. That means that questions asked by enrolled students and answers given by faculty member during the lecture portion of a class may be recorded, while a discussion portion of a class following the class lecture may not. A class lecture also does not include student presentations (whether individually or part of a group), lab sessions, clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, private conversations between students in the class or between a student and the faculty member, or invited guest speakers during a class session. These activities may not be recorded without the express consent of all participants. Your faculty member may or may not announce when the lecture portion of a class has ended, but it is up to you to ensure that you do not record at an impermissible time.

My friend was sick and missed class. Can I share my recording of the class lecture with them?

No, not without the faculty member's written consent. While you may record the class lecture, you may not publish the recording without permission. In this context, the word “publish” means to share, transmit, circulate, distribute or otherwise provide access to the recording, regardless of format or medium, to another person (or other persons), including but not limited to another student in the class. Additionally, a recording, or transcript of the recording, is published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited social media, book, magazine, newspaper, leaflet, picket signs, or any mode of print.

Are there any places I can share the recording without my faculty member’s permission?

Yes, you may publish the recording to College officials or state and federal government officials in connection with a complaint made to or against the College, or you may publish the recording as evidence during civil or criminal legal proceeding. If you wish to make a complaint to the College, please utilize the student Grievance Process.

What happens if I share my recording of a class lecture without getting permission first?

If you do publish your recording of a class lecture without the faculty member's written permission, and it is not in connection with a College complaint or as evidence in a criminal or civil legal proceeding, you could face severe legal and/or disciplinary consequences. Per state statute, your unauthorized use of the recording allows the faculty member to take you to court for damages, including attorneys' fees, totaling up to as much as \$200,000.00. Additionally, you may be referred to the Dean of Student Services for a potential violation of the HCC Student Code of Conduct.

How does recent legislation affect my accommodations granted through the Office of Services for Students with Disabilities (OSSD)?

If you have an accommodation through OSSD to record class activities, that will not change. However, you should not share the recordings without the faculty member's written consent. Please contact OSSD with any questions about your accommodation.