

K. Class Recording and Disclosure Policy

Adopted September 2020

The Family Educational Rights and Privacy Act (FERPA) and applicable federal and state privacy laws protect the educational records and privacy of students at Mount St. Joseph University (the “University”) from disclosure. “Education records” under FERPA, with certain exceptions, are records that are directly related to a student and maintained by the educational agency or institution or by a party acting on behalf of the educational agency or institution. Certain privacy laws protect the image, likeness, and voice of individuals from use and third-party disclosure without consent. Generally, a student’s education records may not be disclosed or released and a student’s privacy rights cannot be waived without that student’s written consent.

Faculty at Mount St. Joseph University (the “University”) are permitted, in their sole discretion, to record their classes via Zoom (or another University-approved video or audio conferencing platform) and to make those recordings available to the students in their classes through Blackboard if all the following parameters are met in advance:

- All students in a class have executed the “FERPA Consent Form and General Waiver for Class Recordings” (the “Consent Form”), which provides consent and waives claims under FERPA and applicable privacy laws, prior to the disclosure of a class recording to any student.
- No faculty member may disclose any class recording to students unless and until all students in a class execute the Consent Form. Consequently, if any student in a class chooses not to execute a Consent Form, the faculty member may not record and disclose a class recording to any students.
- The University has an approved form of Consent Form that is the only acceptable form to use under this policy.
- Electronic consent is permissible, and the University will make the Consent Forms available for students to e-sign and for faculty to track through Blackboard.
- Faculty are responsible for tracking the receipt of Consent Forms from all students through Blackboard. Faculty are also responsible for confirming that all students in a class have executed the Consent Form prior to making any class recording available to any student.
- Recordings may only be made available via Blackboard to students enrolled in the class.
- The Consent Form executed by students includes an acknowledgement that disclosing recordings to anyone outside of that particular class is strictly prohibited. That prohibition also applies to faculty. If a faculty member believes that a recording should be disclosed to someone outside of a particular class, please contact the University’s General Counsel at 513-244-4393.

Any failure to follow these parameters may expose the University to unnecessary legal risk and may result in discipline of the faculty member who failed to adhere to this policy.

This policy is separate from and does not impact the University’s Student Disability Accommodation Policy. The University may provide accommodations to permit a qualified student to record a class for individual use consistent with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended in 2008.