

Colby College Recording Policy

Approved by:	Office of General Counsel
Responsible Office:	Office of General Counsel
Responsible Administrator:	Will Saxe, Assistant General Counsel & Director of Risk Management
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Additional References:	

Summary

This policy sets forth guidelines regarding audio and visual recordings on campus, including the recording of classes, meetings or other conversations at Colby College, at College organized events, and over the phone between members of our community. It seeks to strike a balance between the legitimate uses of audio and visual recordings, and considerations such as compliance with the law, privacy interests, and protection of intellectual property. In an effort to promote the freedom to share ideas and to respect the privacy of community members, the recording of meetings, conversations, phone calls or classes without the consent of all parties who are subjects of the recording is prohibited.

Prohibition of Recording without Consent

Recordings may serve many legitimate academic and workplace purposes. However, faculty, students, and staff must respect the privacy of other individuals in the workplace and in educational settings to encourage an environment of trust, the sharing of ideas, and collegiality. Thus, the recording of any telephone conversation or meeting occurring at the College or on property owned, managed or controlled by the College, as well as meetings and discussions between and among students, faculty, and staff, without the consent of all participants is prohibited. Likewise, community members are prohibited from arranging for others to record such conversations or meetings. This requirement differs from Maine law, which generally permits recordings without the consent of all participants. It is also a violation to knowingly share, transmit or publish recordings

made without the prior consent of all participants (unless with consent of the faculty member/instructor as outlined below), even if you are not the person who recorded such activity. Specific provisions below address permissible recording of classroom and education activities.

Recording of official College proceedings, including investigative sessions or hearings, does not require the consent of those participating in such proceedings, because such recording is permitted pursuant to terms and conditions set forth in the Student, Faculty or Staff Handbooks or other College policies, or required by law. Likewise, consent is not required for third parties using College property, such as the City Council and other governmental entities, which are required by law or policy to record their proceedings.

As a general rule, it is permissible to record or photograph others in open common areas and spaces typically understood as places where members of the community can gather together in groups and at events where the general public or entire Colby community is invited, such as athletic events, performances and presentations, forums and guest lectures, and ceremonial events such as Convocation and Commencement for one's private use. In instances of those public events where recording or photography is prohibited or restricted, an announcement should be made prior to the start of the event. Those situated in such open campus spaces or attending public events should be aware that they may be recorded. To the extent practicable, requests from others that they not be recorded should be respected.

Whenever possible, consent for recording required pursuant to this policy shall be obtained and preserved in writing.

Permissible Recording for Academic Purposes

Classes may be recorded by the faculty member/instructor, or by a student in the class for personal use with the prior written consent of the faculty member/instructor. If a faculty member/instructor intends to use recording as part of class coursework, the faculty member/instructor shall use best efforts to ensure that such recording is noted in the syllabus. Likewise, students should generally be informed when a class may be recorded. A faculty member/instructor may decline a request for recording if the recording would fundamentally alter the course's academic integrity or classroom experience.

Recording of lectures and other faculty member/instructor content may also be considered intellectual property. Therefore, even if a recording is authorized by the faculty member/instructor, students may not share, transmit or publish the recording without the prior written consent of the faculty member/instructor. Student recordings of classes permitted by the faculty member/instructor must be destroyed or deleted at the conclusion of the course.

Additionally, under the Family Educational Rights and Privacy Act (FERPA), the College may not disseminate recordings of classes to anyone other than the participants in the class, without the consent of all students who can be reasonably identified in the recording.

The College's Academic Testing Center features video and audio recording for the sole purpose of preserving the integrity of testing. Use of the Testing Center constitutes consent of monitoring and recording.

Accommodations

The identity of students who are granted permission to record classes as a result of an accommodation should not be disclosed by faculty members/instructors. Students with concerns or objections to their inclusion in a recording should discuss them with their faculty member/instructor.

Violations

Violation of Maine or federal law governing unauthorized recordings may lead to criminal sanctions and/or exposure to civil liability. Violation of this policy by a student constitutes a violation of the Student Code of Conduct and may lead to disciplinary action. Violation of the policy by an employee may lead to disciplinary action including termination.

In rare circumstances, the College may grant amnesty to a person who makes a recording without consent, if it was made to record a situation involving serious harm, damage or injury or imminent threat of serious harm, damage or injury to the person making the recording or to another person, including the person's property or the property of another.

This policy does not apply to recording for purposes of campus safety by Colby's Security Department or law enforcement. Questions about campus safety recording should be directed to Campus Security at 207-859-5530.