

UIC JOHN MARSHALL LAW SCHOOL



Pilot Class Recording Policy (Effective through August 16, 2020)

1. Reasons for and Applicability of Pilot Policy:

- a. **Applicability:** This pilot policy covers only class recordings for student use. It does not govern recordings of events other than classes, recordings made for a faculty member's own pedagogical or scholarly use, or recordings made by or for the Law School for institutional purposes.
- b. **Reasons for pilot:** The Law School understands that (a) some students have legitimate reasons to miss a class, and recording class may help students understand the material covered in classes they missed, and (b) listening to classes multiple times may assist some students gain a better understanding of the material. For these and other reasons, the Law School has launched this pilot under which the Law School will record most class sessions using institutional resources and allow faculty members to determine whether recordings of their class sessions should be released to the entire class. As described in Section 6 below, the Law School, in connection with the UIC Disability Resource Center, will continue to determine whether students are entitled to recordings under the Americans with Disabilities Act and other laws and whether students should have access to recordings not released by faculty for other specified reasons.
- c. **Professor opt-out:** Professors will determine whether to release recordings of their course to the entire class. Although the Law School encourages faculty to participate in this pilot, they are not required to and may opt out of this policy on a semester-by-semester and course-by-course basis. Thus, students should understand that accessing class recordings is—under most circumstances—a privilege, not a right.
- d. **Evaluating the pilot:** In Spring 2020, the Law School will collect data and information from faculty and students about this pilot policy. The Law School faculty and administration will then evaluate that information to determine whether to extend the pilot or prepare a new recording policy. The transition from the current law student information system and learning management system to those used by UIC may impact the Law School's ability to extend this pilot policy.

- e. Expiration:** If the Law School faculty does not reaffirm this policy by August 16, 2020, it will expire by its own terms.
- 2. Recorded Classes Not a Substitute for Class Attendance:** Accessing class recordings is not a substitute for attending class, and students will not be able to substitute reviewing a recorded class for actual class attendance absent extraordinary circumstances approved in accordance with Section 6 below.
- 3. Recordings by Students Prohibited:** Although the Law School's prior pilot policy, which has been superseded by this pilot policy, allowed students who had permission to record certain class sessions using their own equipment, individual student recordings are no longer permitted unless granted as an accommodation under the ADA or as extraordinary relief as described in Section 6 below.
- 4. Certain Courses Will Not Be Recorded:**
 - a. Recording clinical classes prohibited:** Because of the potential to divulge information protected by the attorney-client privilege, neither the Law School nor an individual student may record, or seek permission to record, a class session associated with a clinical program.
 - b. Recording classes in courtrooms outside the Law School prohibited:** Because recording is prohibited in most courtrooms in state and federal buildings, neither the Law School nor an individual student may record, or seek permission to record, a class session held in an off-premises courtroom, or other room or area within a courthouse.
- 5. General Class Recording Protocol:**
 - a. Institutional recording:** The Law School will use its equipment and resources to record most regularly scheduled, on-campus, non-clinical class sessions, provided class sessions occur in a room with the appropriate technology. Virtually all rooms in which classes are scheduled have the necessary recording equipment.
 - b. Information captured:** Recordings will typically consist of audio and screen capture but in spaces with video cameras, video of the podium area also will be captured.
 - c. Start and stop times:** Recordings will be scheduled to begin and end at the exact start and stop times of the scheduled class.
 - d. Make-up and review sessions:** Recordings of make-up class sessions and review sessions will be scheduled, pursuant to procedures set by the Registrar's Office.
- 6. Student Access to Recordings**

a. Access for the entire class: Unless a faculty member opts out of this policy, course recordings will be made available to all students enrolled in the course. The Vice Dean or Vice Dean's designee will notify teaching faculty before a semester begins about the out-out option, and each faculty member will be given a reasonable time to respond. Failure to respond means that these recordings will be made available to the entire class. Students will be able to access the recordings through the course page in the Law School's learning management system (Moodle). Access to recordings is for students' personal, educational use. Recordings may not be copied, shared, transmitted, downloaded, uploaded, or otherwise distributed.

b. Access to Recordings for Individual Students—Seeking

Authorization: If a professor opts out of this policy, the Law School may still make recordings available to individual students under certain circumstances, or may allow a student to record class sessions using non-school equipment. When a student is authorized to access a class recording, the student will receive information about how to access the recording and other matters, such as how long the student will have access to the recording. Similarly, if a student is authorized to record classes, the student will be provided with information about the proper use and destruction of the recordings.

i. Authorizing recordings:

- a) If a student's situation falls into subsections (a), (b), or (c) of 6(b)(ii) below, the student should work directly with the Student Life Coordinator. To ensure that recordings are made available in a timely fashion, students should contact the Student Life Coordinator at least five business days before the first class session the student seeks to have recorded.
- b) If a student's situation falls into any other subsection in 6(b)(ii) below, the student should complete the online [Class Recording Request form](#). Recordings will be made available to the student only if and after approval is granted by the Vice Dean. In the Vice Dean's absence, the Dean, Associate Dean for Academic Programs, or their designee may grant approval.

ii. Bases to access individual recordings: The authorized Law School official, as noted in subsection 6(b)(i) above, may authorize an individual student to make or receive class recordings in the following circumstances:

- a) To provide a reasonable accommodation for a student with a documented disability;

- b) The student will miss class due to a documented, serious medical situation;
- c) The student will miss class because the student is the victim of criminal assault, mugging, robbery, serious accident, or similar traumatic experience that interferes with the student's ability to reach campus and attend classes;
- d) The student will miss class due to the death of a person in the student's immediate family or other person with whom the student has a similarly close relationship (examples would include spouses; partners; fiancées or fiancés; children including step-children and foster children; parents including step-parents; siblings including step- and half-siblings; grandparents; and great-grandparents);
- e) The student will miss class because of documented, serious illness of a person in the student's immediate family or other person with whom the student has a similarly close relationship;
- f) The student will miss class because the student or the student's significant other has given birth to or adopted a child;
- g) The student will miss class because of a sincerely held religious belief or observance;¹
- h) The student will miss class because the student has jury duty;
- i) The student will miss class because of an unavoidable military commitment;
- j) The student will miss class because the student is participating in another activity for academic credit or for an academic program in which the student's attendance also is required (e.g., court appearance for a clinic; representing the Law School in an off-campus advocacy competition; mid-term examination in a dual-degree program); and

¹ Under UIC policy, students who wish to observe their religious holidays must notify the faculty member by the tenth day of the semester of the date when they will be absent unless the religious holiday is observed on or before the tenth day of the semester. In such cases, the students must notify the faculty member at least five days in advance of the date when he/she will be absent. <https://oae.uic.edu/disability-accommodations/religious/>. The Student Request Reasonable Accommodation Based on Religious Reason form is located at <https://oae.uic.edu/wp-content/uploads/sites/32/2019/07/StudentReligiousAccommodationRequestForm.pdf>. Please supply a copy of that form to the Vice Dean if requesting class recordings based on a religious belief or observance.

k) The student will miss class for another comparable reason, as determined by the Vice Dean. In the Vice Dean's absence, the Dean, Associate Dean for Academic Programs, or their designee may make this determination. Job interviews; employment obligations; travel, vacation, and social plans; and foreseeable child- or elder-care issues will not be acceptable reasons to access recorded classes under this provision.

c. Access for Entire Class Permitted by the Law School: On rare occasions, the Law School will make the recording of a single class session available to all students enrolled in that class, even if the professor has opted out of this policy. For example, the Law School may opt to make a recording available to all students enrolled in the class when severe weather makes it difficult for large numbers of students to come to campus safely. Release under this provision will be approved by the Dean or the Dean's designee, after consulting with either the Vice Dean or the Associate Dean for Academic Programs, and when possible, the Director of Information Technology Services and the faculty member.

7. Recording Limitations and Retention:

a. This policy is not a guarantee of a successful or an entirely audible recording. Recordings may be limited by available technology, by equipment or technology failure, or by human error. Students who miss a class are encouraged to seek notes from classmates and visit the professor during office hours if they have questions about concepts they missed.

b. Recordings typically will be deleted one year after the end of the semester in which they were made. Although some recordings may be retained for a longer period, recordings will be periodically deleted without notice, and indefinite archiving of particular recordings cannot be accommodated, even upon request.

8. Recordings by Faculty Members: Nothing in this policy bars a faculty member from using non-school equipment to record, stream, download, or distribute recordings to registered students in the faculty member's own classes. If a faculty member records or distributes a recording, the faculty member may impose restrictions on the extent that students may retain or share the recordings. In the absence of written permission from the Dean, the faculty member may not use the recordings for commercial purposes or distribute them to individuals who are not registered students.

9. Consequences for Students Who Violate This Policy: A student who records or distributes a class recording in contravention of this policy, who lies about the reason the student is requesting access to a recording, or who otherwise violates this policy, may be subject to discipline. In addition, students should understand

that making secret recordings can violate state and federal laws, including wiretapping statutes, and that distributing recordings without permission may also violate state and federal laws, such as privacy and copyright laws.

10. No Expectation of Privacy in Classrooms or Other Public Spaces: Students, faculty, staff, and visitors to UIC John Marshall Law School should not have an expectation of privacy in classrooms or any other public space within the Law School. All classrooms, other rooms used for classes, commons areas, and other public spaces may be programmed to be audio- or video-recorded at any time when classes or events are or may have been scheduled to occur. For example, automated recordings will continue to run in classrooms where a class session has been canceled or re-scheduled. Accordingly, private conversations may be inadvertently recorded and accessed pursuant to this policy, even when those conversations occur in an empty classroom or space. In addition, class sessions are not considered to be private conversations.

Faculty policy approved May 8, 2017; supersedes language in faculty and staff handbooks concerning the ability of individuals to opt out of being recorded. Effective May 18, 2017; extended by faculty vote on May 4, 2018; administrative updates adopted August 7, 2018; proposal to revise policy approved by faculty vote on May 13, 2019 and updates effective as of August 1, 2019.