



Faculty Senate

Classroom Recordings Policy Report: Executive Summary and Recommendations

(Joint Work of the Senate Appointments, Salary, & Promotion Policies, Educational Policy & Technology, and Professional Ethics & Academic Freedom Committees)

In November 2022, the Faculty Senate administered a survey of all faculty (excluding the Law School*) to assess current recording practices and gauge concerns about current policy. The relatively high response rate to the survey suggests that many faculty care about the issue of classroom recordings. Key findings from the survey are:

1. Faculty are far more likely to record lecture classes than seminar or lab classes.
2. Of those who record, most record all classes and release them to all students in the class.
3. Most respondents have not attempted any of the other recording options (adaptive release, selective recording, erasing) suggesting that more communication and instruction on these processes would be helpful.
4. A majority of faculty see value in creating recordings, especially for students with disabilities or with short-term illnesses.
5. They remain concerned about a number of factors, especially the unauthorized circulation, editing, or viewing of recordings and the negative effect of recordings on class attendance.

Representatives from the Senate's PEAF, ASPP, and EPT Committees met with Vice-Provost Emily Hammond on January 18, 2023, to clarify current university policies on classroom recordings. VP Hammond stated, among other things, that: 1) faculty retain ownership of the intellectual property contained in the recordings; 2) recordings may be reviewed without faculty consent to comply with legal proceedings; 3) the university retains legal ownership of the files that are recorded using university equipment or software; and 4) because the university retains ownership of the files, administrators have the right to review recordings without informing the faculty member.** VP Hammond offered assurance that administrators would only review recordings for "valid reasons" though that concept remained undefined. Currently, there is no formal mechanism for informing or seeking consent from regular faculty members whose recordings are under review.

In an e-mail on February 7, 2023, responding to a query from the EPT subcommittee on this matter, Yordanos Baharu, Executive Director of Academic Enterprise Applications, explained that faculty have the technical capability to erase recordings on most platforms. This capability would seem to complicate the question of ownership of files.

Recommendations: (Note: The recommendations pertain to full-time faculty only as policies for part-time faculty are covered under a collective bargaining agreement.)

1. The administration/academic technology team should work to improve faculty awareness of recording options and simplify processes for selective/adaptive release, stop/start recording, editing recordings, and erasing recordings.
2. The administration should issue a statement as well as add a pop-up box to the recording set-up protocols clarifying that:
 - a. faculty retain intellectual property rights over the content of their recorded classes.
 - b. administrators will not access classroom recordings without the instructor's consent except when there is an external controlling statutory authority.
 - c. faculty retain the right to deny GW administrators access to recordings without reprisal.
 - d. faculty retain the right to edit or erase classroom recordings.
3. The administration should inform all faculty of these policies in a dedicated e-mail sent before the start of the Fall 2023 semester.

*The Law School's recording practices and policies are administratively controlled.

** For part-time faculty, access to classroom recordings is governed by the Collective Bargaining Agreement.

**Classroom Recordings Report
Issued to Senate Appointments, Salary, & Promotion Policies, Educational Policy &
Technology, and Professional Ethics & Academic Freedom Committees**

Feb. 9, 2023

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Summary of Survey

A total of 559 faculty of all ranks filled out all or part of the survey. Nearly 43% came from CCAS and nearly 16% from SPH. The other schools each provided less than 10% of the total responses. (The survey was not circulated in the Law School because that school has a longstanding (pre-dating COVID) policy of mandatory recording and centrally controlled selective release.)

Over half the respondents (53%) were tenured or tenure-track and 34% were full-time non-tenure track. Less than 6% of respondents were part-time and less than 6% were specialized faculty.

The vast majority of respondents (74%) taught in-person classes, though 19% taught some combination of in-person and online classes.

Faculty Recording Policies

Among those who taught **undergraduate lecture classes**, over 70% engaged in some form of classroom recording. The largest group (46%) recorded all their classes and made those recordings available to all students in the class. About 10% recorded all classes but only released selectively while another 10% recorded some of their classes and a few recorded portions of classes. 28% did not record at all.

Those who taught **undergraduate seminars** were the least likely to record in any form. (58% did not record any classes). About a quarter (24%) recorded all classes and made those recordings available to all students in the class. Less than 8% selectively released recordings and less than 7% recorded only some classes.

Among those who taught **graduate lecture classes**, responses were similar to those for undergraduate lectures. A plurality (45%) recorded all classes and released them to all students and about 70% recorded in some form. (30% did not record at all.)

Among those teaching **graduate seminars**, a plurality of (48%) did not record at all while 25% recorded all classes and released those recordings to all students in the class about 15% in this category recorded some classes.

The vast majority of faculty teaching **lab classes** (71%) did not record classes at all.

For **on-line courses**, almost two-thirds (64%) recorded all classes and made recordings available to all students, while only 11% did not record at all.

(One should bear in mind that faculty who chose to respond to the survey are probably more likely to have at least attempted to record, so these percentages may not accurately reflect overall faculty practices.)

Faculty Experiences with Recording:

A full 75% of respondents reported having few problems, manageable problems, or no problems setting up recording for their classes, while only 13% reported major problems and 12% did not attempt to set up recording. (Again, one should note that faculty who did not attempt to set up recording are probably less likely to have responded to the survey.)

About two-thirds of respondents did not attempt either adaptive release (68%) or recording portions of classes (67%). About a quarter experienced few, manageable, or no problems, while very few people reported major problems, suggesting that those who attempted these processes were probably comfortable or familiar with technology to begin with.

Well over half (61%) did not attempt to delete recordings, but 36% reported few, manageable, or no problems. As with adaptive release, very few reported major problems suggesting again that only those already familiar with or comfortable with the technology attempted to delete their recordings.

Reasons for Recording:

The survey listed five reasons for recording classes and asked faculty to report whether they regarded those factors as "Very Important," "Moderately Important," "Somewhat Important," "Minimally Important", or "Not Important." The five factors were "Accessibility for Students with Disabilities," "Accessibility for English Language Learners," "Accessibility for Students with Short-term Illnesses," "Accessibility for Students with Short-term Conflicts," and "Enhanced Learning for all Students."

Two reasons were labelled "very important" by a majority of respondents. These were "Accessibility for Students with Disabilities" (56%) and "Accessibility for Students with Short-term Illnesses" (56%). A majority of faculty rated all five factors as either "Very Important" or "Moderately Important."

Reasons for Not Recording Classes:

The survey listed six reasons for not recording classes and asked faculty to report whether they regarded those factors as "Extremely Important," "Very Important," "Moderately Important," "Somewhat Important," "Minimally Important", or "Not Important." The six reasons were "Student

Privacy," "Instructor Privacy," "Unauthorized Use for P&T or Disciplinary Action," "Unauthorized Circulation or Editing," "Loss of Intellectual Property Rights," "Class Attendance Concerns."

Two reasons were rated as "Extremely Important" or "Very Important" by at least half of faculty: "Unauthorized Circulation or Editing of Recordings" (54%) and "Class Attendance Concerns" (50%). Two other reasons fell just short of the 50% mark: "Intellectual Property Rights" (46%) and "Unauthorized Use for P&T or Disciplinary Action" (44%).

CONCLUSIONS FROM SURVEY DATA:

The relatively high response rate to the survey suggests that many faculty care about the issue of classroom recordings. It is not surprising that faculty were far more likely to record lecture classes than seminar or lab classes and that, of those who recorded, most recorded all classes and released them to all students in the class as that is the easiest method. Most respondents did not attempt any of the other recording options (adaptive release, selective recording, erasing) suggesting that more communication and instruction on these processes would be helpful. A majority of faculty see value in creating recordings, especially for students with disabilities or with short-term illnesses, but they remain concerned about a number of factors, especially the unauthorized circulation of recordings and the negative effect of recordings on class attendance.

Legal Issues: Summary of Jan. 18, 2023 meeting with Vice Provost Emily Hammond on legal ownership of classroom recordings

In attendance: Vice Provost Emily Hammond; Murli Gupta, Chair of ASPP; Guillermo Orti, Chair of PEAFF; Katrin Schultheiss, Chair of Classroom Recording Subcommittee of EPT

The following summary, originally based on notes taken by Senate members, was revised and approved by the Vice Provost.

1. Copyright of Intellectual Property

VP Hammond stated that GW has a copyright policy that covers ownership of intellectual property. According to the [GW Office of Ethics, Compliance, and Risk](#): “For Faculty and Librarians, the university only claims ownership of the copyright if the work qualifies as a Work Made for Hire, or if the work's creation required Substantial Use of university resources, as defined below.” (See endnote* for definition of “Substantial Use”)

Bottom line: Full-time faculty retain ownership of IP of recorded lectures. Exceptions to this general rule are if the lectures are part of a “work-for-hire contract” or produced as part of a sponsored project.

2. Access to recordings

Can faculty deny administrators or others access to recordings of their classes?

There are a number of circumstances in which faculty cannot deny access to recordings. For example, access may be required to comply with disability laws or legal proceedings.

The university legally owns the **files**** that are recorded using university equipment or software. VP Hammond stated that there are sometimes valid reasons for an administrator to review a recording, for example, if there are factual issues about an event in a classroom that cannot otherwise be resolved, or if a student has filed a grievance about a matter in the classroom obligating an administrator to develop a full understanding of what happened. Administrators are expected to access recordings for valid, University-based reasons such as these. As a matter of practice, VP Hammond emphasized that administrators do not have the time to go on “fishing expeditions” to falsely impugn a colleague. Moreover, a number of the circumstances when a recording was viewed worked to clarify facts in favor of faculty.

We stressed that most faculty are not aware that their recordings can be accessed and that they should be explicitly informed of that fact. “Trust us” is not a reliable or even acceptable policy.

3. **Policy regarding access to recordings for part-time faculty** is governed by the Collective Bargaining Agreement which states that faculty must be notified if the administration reviews recordings. We felt that a similar policy ought to apply to full time faculty, i.e., the faculty must be notified when the administration decides to review any recordings.

4. On the question of whether faculty can voluntarily provide recordings as a mechanism for enabling review of their teaching, VP Hammond said that they believed that in-person classes should be reviewed in person in order for the faculty member to provide the very best opportunity

for a fulsome review. On-line classes could be reviewed via recordings. This appeared to be a recommendation rather than a legal stipulation.

Notes:

* "Substantial Use" of university resources is that use of university laboratory, studio, audio, audiovisual, video, television, broadcast, computer, computational or other facilities, resources and Staff or Students which:

- Falls outside the scope of the Faculty member's or Librarian's normal job responsibilities or the Student's academic program or
- Entails a Faculty member's or Librarian's use of such resources that are not ordinarily available to all or virtually all Faculty members with comparable status in the same school or department or to all or virtually all similarly situated Librarians.
- The term Substantial Use does not include the use of university provided office space, local telephone, library resources and computer equipment incidental to outside activities that are permitted under the Policy on Conflicts of Interest and Commitment for Faculty and Investigators.

** The University pays for and owns the equipment, software licenses, and servers. It also pays for the electricity, wifi, and other utilities that we use. The IP that is created with and housed in these technologies is specifically covered by the IP policy. The University is not making a claim to the IP, and the faculty are not donating it to the University. Murli Gupta noted that "the books, documents and other materials I have in university-owned facility, viz my office, are mine and not GW's." VP Hammond agrees to this.

Information on faculty recording deletion capability and university retention of recordings from Yordanos Baharu, Executive Director of Academic Enterprise Applications (Per e-mail from Yordanos, Feb. 7, 2023)

Question 1: Are faculty able to delete individual class recordings?

Platform	Can Faculty Delete?	Note
Blackboard Collaborate	Yes	Deleted file gets moved to the system trash folder for 30 days and gets permanently deleted (“hard delete”) after the 30 days.
Zoom	Yes	Deleted file gets moved to the user’s trash folder for 30 days and gets permanently deleted after the 30 days. The user has the option to immediately delete or restore a file by going to their Zoom trash folder.
Webex	Yes	Deleted file gets moved to the user’s trash folder for 30 days and gets permanently deleted after the 30 days. The user has the option to immediately delete or restore a file by going to their Webex trash folder.
ECHO360	Currently No*	-The feature is not enabled for ECHO360, as all file deletions are permanent (“hard delete”) with no option to restore accidentally deleted files.(ECHO has informed us that the option to move files to a users trash folder is on their roadmap) -Faculty can request deletion of recordings by sending an email to itl@gwu.edu . *Files that have not been accessed in 24 months will be deleted from the platform.
MS Teams	Yes	Deleted file gets moved to the user’s one drive recycle bin for 30 days and gets permanently deleted after the 30 days. The user has the option to immediately delete or restore a file by going to their One Drive recycle bin.

Question 2: How long does the university keep recordings?

In an email sent to all users on 12/19/22, the following retention plan was defined:

“Video recordings stored in web conferencing tools as of **January 1, 2023**, will be saved for **180 days**. After 180 days, recordings will be moved to the meeting host’s “Trash” folder for an additional **30 days**. Once the 30-day Trash countdown expires, the recordings will be permanently deleted and cannot be recovered. On **June 30, 2023**, all recordings that are older than 180 days will be moved to the meeting host’s “Trash” folder for 30 days. Once the 30-day Trash countdown expires, the recordings will be permanently deleted and cannot be recovered.”