

THE JOHN MARSHALL LAW SCHOOL POLICY ON RECORDING OF CLASSES

Policy Effective: November 7, 2011

Application: This policy applies to the recording of any live or online class except mock depositions, oral arguments and trials where recording is part of the pedagogical process.

Definitions:

Attendance. For the purpose of this policy, attendance means in-class presence for traditionally taught (i.e., live) courses or synchronous and/or asynchronous participation for distance education courses as required by the American Bar Association, JMLS and the course instructor.

Recording. Unless specifically noted, this policy applies to both audio and video recording on any medium through the use of any technology.

I. Recording by Students

Consistent with our mission of training lawyers who act with the highest standards of professionalism and honesty, students are not permitted to audio or video record a class, seminar, meeting or teacher conference without authorization obtained in accordance with this policy. The unauthorized or surreptitious recording, copying, uploading, downloading, distribution, or use of all or any portion of an unauthorized recording will be deemed a violation of the JMLS Student Code of Conduct. It is further prohibited for any JMLS student to record any communication with another person at the School or in connection with any School-related activity without the knowing consent of all persons who are being recorded.

II. Recording at the Request of an Individual Student

All students are expected to attend class regularly and to miss class only in exceptional circumstances. Students may request that classes be recorded only for the reasons set forth below:

- (1) absence because of serious medical situation or family emergency;
- (2) absence because of religious observance;
- (3) other exigent circumstances which does not include job interviews, vacations, minor illness, or work conflicts.

(4) as a reasonable accommodation for a student with a disability.

A student who wishes to have a class recorded for the reasons set forth in (1), (2), or (3) above shall make such request to the faculty member who is responsible for teaching the class.

Absent good reason to disapprove, the faculty member should grant such request and, in all cases, should decide such requests on a consistent and fair basis taking into account the individual circumstances.

A student who wishes to have a class recorded for the reason set forth in (4) above shall make such request to the School's Disability Accommodations Coordinator or Assistant Dean for Student Services. Such requests shall be treated in confidence and, if allowed, shall be implemented to the extent possible in a manner that is designed to protect the identity of the student requiring the accommodation. The faculty member teaching the class must abide by the decision of the Disability Accommodations Coordinator or Assistant Dean for Student Services.

A student who is permitted to record a class under this provision shall not copy, share or distribute the recording or any portion thereof to other persons not authorized to receive it.

III. Recording by a Faculty Member or Administrator

A faculty member, or JMLS administrator, with the faculty member's permission, may record his/her own class or classes for a legitimate purpose related to the School's educational mission. A faculty member's consent is not required if the recording is necessary to comply with the School's obligation to provide reasonable accommodation.

A faculty member who records a class and provides it to one or more students for a reason other than the four reasons set forth in section II., shall make the recording available to all students enrolled in the class. Students are prohibited from recording, copying, uploading, downloading, distributing, and/or sharing the recording or any portion thereof to persons not authorized to receive it.

IV. Retention of Recordings

Except for distance education courses, the default rule is that class recordings will be made available to students only until they have taken their final exam or submitted their final semester project in that course.

Recording may be retained for a longer period only if a faculty member specifically asks the Associate Dean of Academic Affairs to retain the recording for a longer, reasonable period of time.

V. Notice and Consent to Recording

JMLS students will be informed at registration every semester that live and online classes may be audio recorded for legitimate educational purposes without further notice and that any student who objects to being audio recorded should inform the Assistant Dean for Student Services. The Assistant Dean and faculty member will work with the student on alternative arrangements.

VI. Recording for Security Purposes

Nothing in this policy shall prohibit or restrict the Administration from video recording any School-related activity for security purposes or require the Administration to provide notice or obtain consent prior to such recording.

VII. No Transfer of Property Rights

Nothing in this policy is intended by the School to waive or transfer any of its interest in copyrighted material or works for hire.