

## **In-Class Recording FAQs and Protocols**

### **When can a student record?**

A student may record a class lecture for three specified purposes as outlined in House Bill 233/section 1004.097, Florida Statutes:

1. For the student's own personal educational use;
2. In connection with a complaint to the University where the recording is made; or
3. As evidence in, or in preparation for, a criminal or civil proceeding.

### **What can students record?**

Students may audio or video record a class lecture for a class in which the student is enrolled. A class lecture is defined as an [educational presentation delivered by faculty or guest lecturer] OR [faculty-delivered educational presentation], as part of a Florida A&M University course, intended to inform or teach enrolled students about a particular subject. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

### **When are students allowed to record?**

Students may record at any time during a class lecture, so long as the recording is made for one of the above listed specific purposes.

### **Do students need permission to record?**

No. Students do not need to seek permission from the lecturer prior to recording a class lecture. However, the recording must be made in accordance with the three specified purposes.

### **Can a student share a recording with another student?**

No. A recording of a class lecture may not be published without the [written] consent of the lecturer. Publish means share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of the recording, is considered to be published if it is posted on or uploaded to, in whole or part, any media platform, including but not limited to social media, magazine, newspaper or leaflet.

### **Are students required to inform faculty that they are recording a class lecture?**

No. Students may record a class lecture under the specified purposes listed above without informing the lecturer or receiving consent from the lecturer.

**What happens if a student publishes a recording without getting written consent first?**

If a student publishes a recording of a class lecture without the lecturer's written consent, and it is not in connection with a University complaint or as evidence in a criminal or civil legal proceeding, the student could face severe legal and/or disciplinary consequences. Per HB 233/section 1004.097, Florida Statutes, the unauthorized publishing of the recording allows the lecturer to take the student to court for damages, including attorney's fees, totaling as much as \$200,000. Additionally, the student may be referred to the Office of Student Conduct and Conflict Resolution for a potential violation of the Student Code of Conduct.

**Does HB 233/section 1004.097, Florida Statutes, affect a student's accommodations granted through the Center for Disability Access and Resources (CEDAR)?**

No. If a student has an accommodation through CEDAR to record class activities, the accommodation is for the student's own personal educational use. Accordingly, the student may not share the recordings without the lecturer's written consent.