

AAUP at UT Memo on Recording in the Classroom

AAUP issues clear guidance on the issue of surreptitious recording and distribution of classroom content:

The AAUP recommends that administrations and elected faculty bodies work jointly to establish institutional regulations that prohibit the surreptitious recording of classroom discourse or of private meetings between students and faculty members.¹

Faculty and students must view the classroom as a safe space to share ideas on topics appropriate to the course without the fear of reprisal. This does not give faculty nor students carte blanche to say anything. They are encouraged by AAUP to direct classroom teaching and discussion to content appropriate to the discipline and topic of the course² and governed by university conduct policies and local, state, and federal law.

The legislature of the state of Florida recently passed a measure (HB233) which stands in contrast to AAUP guidance on surreptitious recording and distribution of classroom materials. This legislation allows the following:

[A] student may record video or audio of class lectures for their own personal educational use, in connection with a complaint to the public institution of higher education where the recording was made, or as evidence in, or in preparation for, a criminal or civil proceeding.³

There are many reasons why a faculty member and a student will agree that a lecture or discussion should be recorded. This legislation takes faculty out of the equation of consent. Students, under HB233, may record lectures and discussions without consent or notice and though there is not a blanket permission granted to share this content, the ease with which material can be shared across the Internet anonymously makes unfettered classroom recording a potential chilling effect on open academic dialog.

UT, as a private institution in the state of Florida, is not governed by HB233. It would not be unexpected for students, however, to be confused by the situation of a state law that governs classroom behavior of their peers at public institutions. We, therefore, believe it is necessary to show support to our colleagues at state schools with our advocacy, and very explicitly define a campus policy on recording of classroom content consistent with federal laws and AAUP guidelines.

¹ American Association of University Professors, "Targeted Online Harrassment of Faculty," 2017, https://www.aaup.org/file/2017-Harassment_Faculty_0.pdf.

² American Association of University Professors and Association of American Colleges and Universities, "1940 Statement of Principles on Academic Freedom and Tenure," 1940, <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>.

³ Florida House of Representatives, "HB233," 2021, <https://www.flsenate.gov/Session/Bill/2021/233/BillText/er/PDF>.

This action might not require a policy change, but more of an effort to communicate existing policy. The UT Student Handbook requires students to respect persons by not “[a]cting in a manner that invades the privacy of others. This includes recording, distributing, or viewing images, documents, recordings or audio of another person or activity without consent.”⁴ Student Disability Services mentions “permission to audio record class lectures” and provides students with a form for professors to sign.⁵ Expecting students and faculty to absorb this policy via a piecemeal approach buried across multiple websites and documents when their peers at neighboring institutions have contradictory guidance that is being published in local and national news outlets, we believe, is asking a lot of our community.

So what is the solution to this problem? Macalaster College⁶ offers a succinct summary of a classroom recording policy that is quite similar to ours in content but easily retrievable via an Internet search. They also offer guidance on common syllabus language to clearly communicate recording expectations to faculty and students. This more coordinated approach helps students, faculty, and staff stay on the same page. It is a model we should replicate at UT.

⁴ University of Tampa, *2020-21 Student Code of Conduct*, 2020, 13, https://www.ut.edu/uploadedFiles/Student_Services/Student_Conduct/UT_Conduct_Handbook.pdf.

⁵ Student Disability Services, “Faculty Guidelines,” University of Tampa, n.d., <https://www.ut.edu/academics/academic-support/academic-excellence-programs/student-disability-services/faculty-guidelines>.

⁶ Macalester College, “Classroom Recording Policy - Academic Programs and Advising,” n.d., <https://www.macalester.edu/academicprograms/academicpolicies/classroomrecording/>.