

FERPA Guidelines for Distance Education Courses

McDaniel College is committed to protecting student privacy regardless of the mode of instruction. Student privacy laws and regulations such as the [Family Educational Rights and Privacy Act \(FERPA\)](#), and the [McDaniel College Student FERPA Policy](#) still apply in virtual learning environments. Primarily, it must be acknowledged that if a class meeting is recorded and kept by an instructor, it could become an educational record which would be protected under FERPA. Depending on how the recordings are created and edited, they may include personally identifiable information (PII) about students which could define the recordings as education records protected under FERPA.

Any time the instructor is recording the class, students should be notified. It is recommended that each instructor include a statement regarding class recordings within the course syllabus:

Class Recordings: *The Instructor may record meetings of this course. Any recordings will be available to all students registered for this class as they are intended to supplement the classroom experience. Students are expected to follow appropriate College policies and maintain the security of passwords used to access recorded lectures. Unless Student Accessibility and Support Services, SASS, has approved the student to record the instruction, students are expressly prohibited from recording any part of this course. Recordings may not be published, reproduced, or shared with those not in the class, or uploaded to other online environments except to implement an approved SASS accommodation. If the instructor plans any other uses for the recordings, consent of the students identifiable in the recordings is required prior to such use unless an exception is allowed by law.*

If a recording includes only the instructor or voices of students that are not personally identifiable, it is not a protected student record, and FERPA does not apply. However, if the recording includes identifiable audio or images of students asking questions, making presentations, engaging in discussion, or leading a class then the portions containing recordings of the student do constitute protected student education records. Such recordings may be used only when one or more of the following apply:

- The recording is only available to the other officially registered students within the current class for that semester/session;
- The instructor has obtained a voluntary student signed FERPA consent from any identifiable student; or
 - Voluntary means the consent is freely given without persuasion or coercion and that the student receives neither advantage nor disadvantage by providing consent. The College cannot require students to sign a FERPA consent. If a student declines to sign, this decision must be respected, and precautions taken to avoid identifying the student in any recording.
- The instructor can edit the recording to remove either any student who has not consented to the use of their voice or image or to de-identify the student in the recording (which can include avoiding or removing any mention of the student's name, blurring the student's image, or altering voice recordings).

The **FERPA Student Consent Form: Classroom Recordings (example attached)** is available to instructors on the **Faculty Forms** page in the Portal. Instructors should send the

form to their registered student prior to the first day of the semester/session. (The intention would be to have this form set up as a Dynamis Form with any completed form being sent directly to the instructor and linked to the student in Perception Content)

Faculty teaching distance education courses are expected to uphold these policies and follow these procedures:

- Teach distance education courses using BlackBoard, the College's learning management system, to ensure security of student work and grades.
- Provide other means of participation for students who do not want to be recorded by allowing (a) the submission of questions and comments through approved platforms online or via email; (b) allow students to add a virtual backdrop.
- Limit access to remote/virtual instruction to only officially registered students in the course and other officials as needed.
- Maintain copies of signed consents for as long as the recordings are retained and/or copies of the recordings are shared.
- Use BlackBoard or the College's email system for all official, confidential communication such as providing feedback on student work and releasing grade information to students.
- Keep student work and grades confidential. Students should not have access to any other students' work or grades.
- Keep your BlackBoard or McDaniel email account information secure. Do not share your login information with anyone, give anyone unauthorized access to the BlackBoard course or assign a student the role of instructor in BlackBoard.
- Only store recordings on college servers and approved applied services, Zoom, Teams, other); never on one's personal computer.
- Only use the College's secure MyMcDaniel self-service portal to report final student grades.