FERPA considerations for live interaction, lecture capture and audio / video recordings of course meetings

Any audio or video of a class meeting or part of a class assignment/project that can be viewed live or recorded for later distribution containing the name, image, video or audio of one or more students is subject to FERPA. Some examples of FERPA restrictions include:

- Links to live class meetings should not be posted on a public web site or in a way that allows access by individuals not enrolled in the course.
- Recordings created for one class cannot be used as part of another class.
- Recordings should not be shared publicly (e.g., via YouTube or other services that do not require authentication).
- Recordings should not be shared in a way that allows viewers to directly obtain a copy of the source files (e.g., sharing as an email attachment or as a downloadable file);
- Recordings should not be used for other non-UNM, non-educational purposes.

If you have questions about your use case, please contact the Registrar's Office (505 277 8900) or University Counsel. Remember, when it comes to FERPA, "When in doubt, don't give it out." One of the following strategies can address FERPA considerations:

1. **Authentication and restricted access.** Use a system or tool that requires users to authenticate using their official UNM identity (NetID) and restricts access to:
   a. Students officially enrolled in the specific class.
   b. Faculty and Teaching Assistants assigned an official capacity (e.g., instructor or grader) for the specific class
   c. Support staff directly performing technical support as part of their official UNM duties.

   Many tools in the officially supported UNM Enterprise Learning Management (Blackboard Learn) system fulfill this requirement including Kaltura and Zoom. If using Zoom for a class session, be sure to require user authentication for the live session, and do not store recordings of class meetings in a format that could be publicly accessed. Zoom cloud recordings are automatically copied to Kaltura and can safely be shared with the specific class through Learn. Local recordings of Zoom sessions that are uploaded into Kaltura for later playback meet FERPA requirements.

   Using centrally supported tools when conducting official university business reduces university exposure to FERPA and other privacy violations. Centrally supported tools have institutional and end-user license agreements that have been reviewed and approved by appropriate UNM business entities during the purchase and deployment processes.

2. **Pre-informed consent and availability of an alternate path to academic progress.** Ideally, students should be informed **in advance of registering for the class** if audio or video of them, live or recorded, will be shared with anyone other than instructors and other students enrolled in the class, and an alternate path to academic progress that does not require a student to

waive their right to privacy must be available. If you intend to distribute a recording of a class session to individuals who are not registered for the class, at a minimum a signed FERPA consent form must be obtained from all students in the class prior to sharing the content. **A consent form is available for download at https://registrar.unm.edu/forms/pdf-warning.html?q=ferpa-consent.pdf. Please note this is a faculty facing form and should be provided by the faculty member to the studdent since students may not be able to access it directly. **

3. **De-identify students**.
    a. Take steps in advance to ensure that students are not identifiable in the recording or meeting. For example,
        i. In recording a lecture, it is possible to record only the image and voice of the instructor. While it is best practice to repeat a student question to ensure that both the question and answer are part of the recorded lecture for clarity, instructors should be careful to avoid referring to students by name in a recording.
        ii. In the case of a web meeting, it may be possible to record only the screen share, but care should be taken to avoid inadvertently recording the student roster or chat windows.
    b. Removing or blurring the image and altering the voice of students in recorded content.

De-identifying students in recorded content has the additional advantage of making it easy to re-use content in other courses and subsequent semesters.