

ORANGE COAST COLLEGE

Academic Senate Meeting | 11/24/20 | 11:30 am - 12:30 pm | Zoom Meeting

Academic Senator Attendance

Jessica A. Alabi, <i>at-Large</i>	Present	Lee Gordon, <i>at-Large, Vice President</i>	Present
Carol Barnes, <i>Counseling</i>	Present	Marilyn Kennedy, <i>Lit & Lang, Secretary, PDI Chair</i>	Present
Jamie Blair, <i>at-Large</i>	Absent	Jodie Legaspi, <i>Athletics & Kinesiology</i>	Present
Tyler Boogar, <i>Math & Sciences</i>	Present	Doug Lloyd, <i>at-Large, Parliamentarian</i>	Present
Sean Connor, <i>at-Large</i>	Present	Leland Means, <i>Visual & Performing Arts</i>	Present
Eric Cuellar, <i>at-Large</i>	Present	Jeanne Neil, <i>Business & Computing</i>	Absent
Tina De Shano, <i>Consumer & Health Sciences</i>	Present	Charles Otwell, <i>Curriculum</i>	Present
Jodi Della Marna, <i>Library</i>	Present	Max Pena, <i>at-Large</i>	Present
Matt Denney, <i>Technology</i>	Present	Clyde Phillips, <i>at-Large</i>	Present
Rendell Drew, <i>at-Large</i>	Present	Loren Sachs, <i>at-Large, President</i>	Present
Cyndee Ely, <i>Part-Time Faculty</i>	Present	Jordan Stanton, <i>Social & Behavioral Sciences</i>	Present
Diogba G'bye, <i>Part-Time Faculty</i>	Present	Stella Tsai, <i>SGOCC Representative</i>	Absent

Guests (Optional & Voluntary Sign-In): Anna Hanlon, Kate McCarroll, Jaki Kamphuis, Bob Fey, Steve Tamanaha, Arabian Morgan, Jaime Rossiter, Rebecca Morgan, Pam Walker, Rob Schneiderman.

1. Preliminary Matters

A. Call to Order: President Loren Sachs called the meeting to order at 11:30 A.M.

B. Approval of the Minutes – November 17, 2020:

Motion 1: Senator Barnes moved to approve the November 17, 2020; motion seconded; motion approved.

C. Opportunity for Public Comment: Jessica Alabi, Cyndee Ely, Eduardo Arismendi-Pardi, Rendell Drew, Lee Gordon, Clyde Phillips.

D. For the Good of the Order Announcements:

Senator Barnes: Asked if there are attendance requirements for student representative to the Academic Senate as the current representative has only attended four out of the past twelve meetings since September. If we are valuing students' opinion, we are not getting students' opinion if they are not attending. Perhaps we need a different representative who can attend if the current representative is very busy, which is understandable.

President Sachs: He stated he would contact the president of Associated Students and find out who will be attending for the spring semester. We have had representatives who attend frequently and those that do not.

Parliamentarian Lloyd: There are no attendance requirements specifically for the student, a non-voting member. It would be good to reach out to Associated Students as perhaps they have their own rules about electing their representative. If there is a change in a representative, it would have to come from them.

Senator Kennedy: Yes, the student representative is a member but non-voting, so we have not put any stipulations on them. Additionally, we want to make sure that we are respectful to the students' comments, as they are members/equals in the meeting.

Last week, there was an email FACCC about an infusion to the budget and I forwarded this to the E-board. There seems to be a little bit of hope things will be a little better. That email will be forwarded to Senator Ely for her feedback.

President Sachs: Bob Fey shared that with him and he will speak later to it.

Online Coordinator Jaime Rossiter: There is a change to Canvas that will be starting next semester. More detailed information will be coming out shortly. The change is that Canvas shells are automatically published now. This does not mean any faculty member is required to use Canvas in any way. A faculty member can still alter the start date to make it available to students earlier or later. Empty Canvas Shells contain a page that says, "this course is under construction or your instructor is not using Canvas this semester, please contact your instructor for questions and comments." This will also allow instructors to email their students through Canvas before the beginning of the semester.

2. Consent Agenda

No Consent Agenda.

3. Officer, Senator, & Committee Reports

A. President's Report – President Loren Sachs:

Budget and College Council: There was a campus wide budget meeting last week and a District subcommittee meeting of the budget on Friday. Both of those were follow-ups to the material from last Tuesday, not a lot of differences there. There was also a College Council meeting last week which did not bring anything new to the table that the Senate had not already discussed. There are a couple of things that are potentially in the works. Those will come out in the next couple of meetings or in the spring.

B. Academic Rank – Chair Loren Sachs:

The academic rank changes are coming out as there were quite a few folks requesting rank changes this year. The messaging will be going out to the campus administration, as well as the deans, to share. If for some reason somebody got excluded, reach out directly to President Sachs and Beatriz Rodriguez, Assistant to the Academic Senate, and it will be rectified.

C. Guided Pathways Reporting – GP Onboarding Coordinator Alabi:

The Onboarding Design Team met last week, and Professor Hanlon shared that there was a request for faculty to join the Student Success and Enrollment Committee; none of the faculty on the Onboarding Design Team wanted to join. We should think about creating a new committee if we are going to do shared governance work after the Task Force. Maybe that committee should be half Instructional and half Student Services instead of trying to move faculty into a Student Services committee. That was some of the discussion at the Design Team. A lot of the discussion was that there are a lot of people on that committee; it is good to hear from all the different areas on that committee, but because there are a lot of different people sometimes it is difficult to do action items. Sometimes people do not voice what they really want to voice because it will impact somebody else's area; we had no faculty member interested in being on that committee.

- D. Statewide Guided Pathways – Representative Anna Hanlon:** The Guided Pathways group did meet last Wednesday. They talked about how to start moving forward in terms of getting more campus wide involvement, in addition to what Senator Alabi already stated. There will be another meeting next week.
- E. Union/Bargaining Unit Report – CFE Executive Director Bob Fey:** Reported that he received some information from CFE's state organization, the California Federation of Teachers, a Legislative Analyst Office prediction or look at the predicted shift that is going to be announced in January by the Governor. There was another one from the California Community College Chancellor's Office. [Bob Fey lost internet connection.] **President Sachs** noted that one of the good takeaways from last week is that some of the early revenues from taxes are much higher than anticipated. One of the takeaways is that this is still going to be a very mobile budget for the rest of the year. As we alluded to earlier with Dr. Arismendi-Pardi's questions in public comment, we are definitely going to revisit the budget in the spring and questions can be brought up there or sent to Senator Ely now and she can forward them.

4. Unfinished Business

A. Zoom Recording Follow-Up – Online Coordinator Jaime Rossiter:

Coordinator Rossiter informed the Senate that there is going to be a change to Confer Zoom, called Coast Zoom, starting after the end of this semester. Faculty's accounts will be automatically carried over so there is nothing faculty have to do. It is an improved version in Canvas that is much easier to use and the added bonus of that is that if you have problems with Zoom now, it can be handled locally.

If there is some feature in the Zoom marketplace that you would like to be able to use in your class, you will be able to go through a process to request it be added. Also, if you save your recordings to the Zoom server, which many people do, there would be very limited circumstances in which administration could access those recordings. Dr. Serban was going to come to the Senate at some point with those protocols. There is also an alternative to store your recordings on the Google Drive system, which does not have that District access if faculty prefer.

There will be announcements coming out in the next few days about the changes to Zoom with guidance on how to move those recordings off of Zoom or record to your local desktop hard drive and then upload to another space. If you have privacy concerns, if you do not want them to be on a server that administration could potentially have access to, then you still reserve the right to that option.

Senator 1: What would prompt administration to access those recordings? Perhaps maybe a student discipline issue? By law, by Ed code, it is only the professors who can post the grades and change the grade. Are you talking about that?

Coordinator Rossiter: In the case of a student discipline issue, the way the protocol is written now, the instructor would have to give permission to access that recording. There is a chain of command that it has to go through in order for somebody to access that recording. It is only two or three people who even have the capability to go in and do it and can only do it if it is done through this chain of command. You can also request access to your recordings if for some reason you cannot get them, somebody can also recover them for you. Dr. Serban has that protocol in the case of student discipline. She may come talk to the Senate about it. The District also wants to ensure confidentiality because this holds true not just for teaching, but for confidential meetings that

administration is having so now those exist with access on a local level that did not exist before. The change to Zoom is necessary and it is a vast improvement for faculty.

Senator 1: Is it anything tied to the current governmental edicts about the COVID-19, quarantine, and things like that? It almost seems like a Big Brother kind of thing.

Coordinator Rossiter: It is nothing like that. In terms of access nobody is going to go in and just survey the recordings. It is nothing like that. If something happened in your class where a student was a problem all of the protocols that exist in place for student discipline still exist. It does not change those at all. You do not have to store your recordings on Zoom. You can record to your local hard drive and then upload them to Google Drive. I believe we get unlimited storage practically on Google Drive. You do not have to have them there. There is no requirement that they have to even exist there. If you are uncomfortable in any way, you can take them off of there and store them somewhere else.

CFE President Rob Schneiderman: I do not want to talk about student discipline, but there are many more investigations by HR because of accusations of age discrimination, inappropriate comments, whatever that may be. Does the same protocol apply to recordings based on other complaints?

Coordinator Rossiter: Yes, but in the same way that all of our standing protocols are still in place we have to go through a chain of command. Dr. Serban would be the correct person to talk about the protocols.

Senator 2: We are only talking about people who choose to record their lectures, correct? There is no automatic backup of Zoom. We are specifically selecting the record button in the first place.

Coordinator Rossiter: It is only if you are recording. Very often faculty record their lectures and then they are on the Zoom cloud. They use that link into their Canvas shells. There is a setting in Zoom that gives you the option to "record to your local hard drive" so you record to your local computer; you do not have to put them on the server. I just want people to be aware that that access now exists.

Senator 3: What particular law or regulation would control this type of thing?

Coordinator Rossiter: I do not know what particular law other than the protocol that is in place of when they could be accessed. The people who have access to them are not the people who would go "surfing" to look at lectures. That would be a tech issue. I cannot imagine a situation where they would just go and start watching Zoom recordings. There would be disciplinary action if that happened. That exists in the protocol, as well.

Director of Human Resources Rebecca Morgan: We already have an AP and a BP that addresses the situation: AP and BP 3720. It states we respect your privacy as far as everything is concerned, electronic emails, your shared drives, etc. We do not access Zoom recordings. When I say "we," it is not me. I do not have access to anybody's information. We would ask the user to access that information should we have a concern that is unlawful in nature. A student complaint does not rise to the occasion of us looking at Zoom information without you even knowing. It has to be a very high level like harassment or discrimination complaint. The last four years that I have been here, I have never had the need to access anybody's electronic files, nor have I asked for it to complete any investigation. I just wanted to make sure that I think people are concerned and that they should not be.

Coordinator Rossiter: The reason for the access at the local level is that we cannot do this Zoom change without it.

Senator 1: Did you say that the Vice Chancellor is going to come to the Senate? I think that we should have a thorough review of these policies because it directly impacts us.

Coordinator Rossiter: My understanding was that Dr. Serban was going to come talk to the Senates about it, but I am happy to also pass that message along to her.

Senator 1: Is there something that she can forward to us that maybe we can get a look at before the next senate meeting or whenever she is on the agenda? It is important to have that. I appreciate what Rebecca Morgan is saying, because in order to access complaints of sexual harassment, discrimination, etc., you have to have those things in order. I just want to look at where we are going with this because you are talking about a whole new different system. Now you go from Confer Zoom to Canvas Zoom. You are creating new policies, we are taking over, etc. This directly impacts us.

Coordinator Rossiter: It is not that we are creating our own Zoom; it is just that it is going from the state level to the district level. Confer Zoom was happening at the state level. If we wanted to make any changes to Zoom before, it had to happen at a state level. If we wanted to have some tool in Zoom or some plugin, we could not do anything with it. Now this allows us, as a District, to have local control over our own Zoom, which is great. I will ask Dr. Serban if this protocol is in a place where I can share it with the Senate. All of the existing policies and procedures are still there. This supersedes nothing. It was just that with this local control, there needs to be some protocol in place regarding that local control. We need to have a protocol in place that does not erase any other protocol or policy that is already here.

President Sachs: Senator Kennedy is our representative on the District Consultation Council's AP/BP (BPAP) subcommittee. I would assume that the procedure that we are talking about is going to come down as a new BP or at the very least an addendum to the existing AP because that is where it would go. We can reach out to Dr. Serban. I would encourage Jaime Rossiter and Senator Kennedy to each work on this from each of their sides to we cover all bases. I am confident the policies go through the AP/BP process before going to the Board. This is going to be far reaching enough that it is going to have to go through those processes. The good thing is that we are in front of the situation, such as with Credit for Prior Learning. We are trying to help formulate the direction before getting told what other people are envisioning things would look like. Having these discussions for both Jaime Rossiter to have information and Senator Kennedy to bring back to the table is benefiting us.

5. New Business

A. Zoom Recording Policy Update/Feedback – Marilyn Kennedy:

Senator Kennedy thanked Coordinator Rossiter for clarifying things, and informed that Senator Kennedy had researched different policies within our state and out of state because California has the strictest privacy law in the United States. That is touching on some of the Zoom camera policies that we are talking about.

Senator Kennedy referred to the document titled, Orange Coast College eLearning System 11-22-2020 [see the full document in the appendix of these minutes but note that the line numbering is different], which is an adaptation of the University of Missouri System's E-Learning policies with direct lifting of language from most of the questions and

answers, but not all of them, as some were adjusted after information was provided from different people on campus to match OCC policies. This is a draft. It is going to go through our BPAP committee, but there is only one meeting before the break and that is December 4.

We should try and get something worked on here ahead of time to avoid an emergency situation where we receive a policy that we have to adjust after the fact, not before. Therefore, this draft policy was forwarded to Dr. Serban ideally for her to include in the dialogue and drafts at the next meeting. Other faculty were consulted on this, as well.

The **Academic Freedom** section in the document refers to the instructor's rights in the classroom, teaching, research, but it also refers to setting pedagogical rules to meet the needs of the learners in a virtual setting or a regular classroom, important because it affects every student in the class. That needs to be the guiding focus. What the State Chancellor put in his report in reference to a particular legal case made it seem as if academic freedom might take a back seat to some issues. I did not see that in the case he cited and other faculty have emailed me with the same interpretations and concerns.

One of the big acknowledgements with this draft policy is that we all teach different kinds of classes so differently. If you are teaching dance or a physical activity in a classroom, you are looking at students' movements; if you are teaching a singing or performance class your needs with the camera are obviously going to be different than a large lecture class that is almost all lectures. We are experts in our classrooms in what we do in our classrooms based on our academic freedom and expertise. For example, the person who does the evaluations in the English department noticed that the teachers who had camera-on policies had a more profound student engagement during discussion portions of their classes compared to instructors who did not have those policies.

The **Notice Requirements** section of the document states that faculty should put any policies they have about cameras, Respondus, Proctorio, etc. in their syllabi and explain the protocol clearly to students initially. Some students might want to ask about flexibility in response or even consider going to a different class.

The **Flexibility/Significant Barriers/Equity/Special Circumstances** section addresses if students have issues with access, technology, or verified disability or they are homeless or they have what is called "prohibitive living environment" as per state privacy laws, faculty will need to be flexible in dealing with those issues. There are many ways to do this, depending on the class. If the faculty and students cannot find a way to mutually agree to resolve that, then the recommendation is that they confer with the dean. For example, years ago when I was first teaching here, I had a student who was sent to my class, with my consent, from another class because of some problems the student was having there. It had nothing to do with privacy issues, but those things are done sometimes, anyway. Also, we should remind students that OCC has tablets, Chromebooks, iPads, and WiFi, so they know they have a chance to access technology.

Special Circumstances states emergency situations such as what happened to us with COVID or cases like that with a sudden shift during the middle of a semester and to add that type of language to our syllabi.

The **Academic Dishonesty and Disclosure of Video/Audio Records** section in the document, Online Coordinator Rossiter touched on most of that pretty well. FERPA, which is nationwide, not just statewide, and touches on confidential student information. For those of you who save your recordings and want to share them with your students,

there are very strict limitations that require that that no student's comments, voices, or visuals are identified.

Below that section are a lot of questions and answers from the University of Missouri System addressing questions about those concerns. The one thing that we have added specifically at the end of the questions was about OCC clinical assignments and private health information. That was 100% updated by Professor and President Sachs because that is his area of expertise.

So, this is a rough draft that I sent over to Dr. Serban for our committee, but there is other information coming from other sources and parties, too. I wanted to use this as a beginning step for faculty to give me input to take to the meeting. I would like to open it up with President Sachs' permission and for him to guide that discussion.

President Sachs: Thank you. I'd like to spend about three minutes due to another item on the agenda that is time sensitive and we will bring this back next week with feedback from you and your constituents. We have time for a short question.

Senator 1: I'd really like to take a look at the policy because just looking at it the first reading, my big concern is the flexibility that faculty could have and how to address instances where we want to record, but have one or two students who say "no." How do we address those instances? I think that the policy is going in the right direction to some great extent because I have also talked to my students about the recording issues. You cannot have a policy that is going to be so restrictive to put everybody in the same box; we are all doing things differently.

President Sachs: That was the E-board concern, that this had to be rather broad to allow for those variations. I do want to address a comment that a senator had shared and that is that is we have students with disabilities, and we have to be sure that we are accommodating those students according to the accommodation letters. When this was originally brought up a couple of weeks ago from the Chancellor's Office regarding the requirement for cameras, there was a second directive that talked about transcription. This is still something I do not think we are going to get solved in the next two weeks. That's a bit of a different discussion because those are things that are mandated by law and we are going to have to be creative and figure those out.

Online Coordinator Rossiter: Thank you, Senator Kennedy, for putting this together. As far as the live captioning goes, I just want to put out there that DSPS has been able to accommodate people to live caption or sign everybody who has requested the semester. There are ways to do that if it is needed. We have been able to do that.

B. Student Legal First Name on Faculty Roster – Vice President Madjid Niroumand:

VP Niroumand stated that this issue was discussed in the District meetings of the joint Vice Presidents. This request initially came from Golden West faculty that they would like to have the students' legal names on the roster, as well. Before any decision was made at the District, we wanted to bring it back here to the faculty for your review and consideration because it was discussed and advocated for here when the determination was originally made to only include students' preferred names on the roster. If we were to deviate from that, it was important that it would be discussed with faculty.

I know the intent and the timeline is to implement this for intercession rosters for faculty. I bring this to you not just from Student Services rather but also collectively with Dr. Walker from the instructional side to see if you would like to consider endorsing including

students' legal name. The reason this came up from Golden West faculty is that due to the remote environment right now, they wanted to make sure that they were able to verify students if they needed to, hence the request for students' first legal names on the roster, as well.

VPI Pam Walker: Thanks everyone for taking some time to look at this. I think Golden West has asked us to reconsider something so please take your time and do that.

Senator 2: I have no problem with putting the legal name on there as long as it is in addition to and not instead of the way it used to be. It is very frustrating when you are doing grades and all of a sudden, at the end of semester, you look at the grade roster and you have seen names you have never seen before which is the way that it used to be. I think having both on there is totally fine, as long as it is done in a way where it is very clear, this is their legal name, but this is what they would like to be called. I do not want to be in a position where I am calling a student by a name that they do not want to be called; I do not want to make that mistake. It is very frustrating when you are trying to start matching up on Canvas with what is on OCC's Banner. It would be ideal to add both names and make it very clear that this is the column for preferred and this is the column for legal.

Senator 1: I am looking at my roster and I see the students' legal names, but I do not see any of the preferred names. I do agree with my colleague that I have no problem with using both names if they want to do it that way. I think that coming from a legal background myself, it is very important to maintain that legal name and from there you can add the preferred name. I strongly endorse that because I know exactly what the senator is talking about when I am dealing with large lectures and with the student names changing.

Senator 3: I agree with the last two senators who spoke that I think we could use both names, but maybe they could put the preferred name in italics or in quotation marks or something that is a different font. I have had the same issue and not only that, but if somebody gets married or legally changes their name, it would be really helpful if there was an official notice sent to us. I have had to seek it out myself a few times.

Coordinator Rossiter: The only comment that I would have about this is that we consider our transgender students. By putting both names on a roster, you are potentially announcing and touching on privacy concerns if they have not gone through a legal name change process. There is a sensitivity issue there that I ask the Senate to consider.

Senator 1: They cannot have it both ways because they need to indicate to us what they prefer to be called. I am sure there is a protocol to use your preferred name if they give permission. We are not trying to read anything into it. All I want to do is just make sure I have the right student, especially when you have somebody with the same last name, that is a problem.

Coordinator Rossiter: The preferred name is showing up in Canvas, but it is not showing up in Banner, that is the issue?

VP Niroumand: Yes, thank you for the clarification. I just wanted to mention the request is to have both names on the roster. If a student has selected a preferred name, that only the preferred name now is on the roster, but the request was to have both. In Banner, I believe the students' legal names are there, as well. I know our Dean

Capoccia is on this call, I am going to ask her if she could confirm the answer to that question.

Dean Capoccia: The legal name does not show in the roster through MyCoast, only the preferred name. I would need to go back and check the mapping requirements on Canvas unless perhaps that is something that Dean Taylor can address. The MyCoast rosters, which are also the formal grade rosters, just indicate the preferred name at this time. I think that is the piece that we are looking at modifying through the suggested proposal.

Coordinator Rossiter: It seems like the impetus is not so that Canvas matches Banner, it is so that people can legally identify people.

President Sachs: I asked the GWC Academic Senate president at our bi-weekly meeting where was the specific concern. He indicated that with one of the testing products, Respondus or Proctorio, when you show your ID, the IDs were not matching, and students were not able to take tests. That was creating problems. That is what was explained to me. There seems to be a "mechanical issue" that is binding things up.

Senator 4: For simplicity's sake we should stick to what is legal on paper because like Senator 1 is saying, the confusion comes when people have multiple names. Now, we do have a lot of foreign students that may have an English surname. That is a different issue in itself. When you have transgender issues, I think for simplicity sake, we have to stick with what is on record because when they graduate whatever they will want to have on record for them that should be what we should have on record for us.

President Sachs: Noted the meeting was running over time and that this will be back on the agenda next week.

6. Adjournment of the Regular Meeting

President Sachs adjourned the meeting at 12:32 P.M.

7. Approval of the Minutes: December 1, 2020

MINUTES: First draft written by Beatriz Rodriguez, Administrative Assistant to the Senates. Revision of first draft and Senate-approved drafts written by Senate Secretary, Marilyn Kennedy, who also distributes the final Senate-approved version to the Chancellor, Board of Trustees members and secretary, union presidents, GWC and Coastline Academic Senate presidents, OCC College President and faculty as per OCC Senate bylaws.

Voting Tallies Chart

Motion 1	Senate Membership
Minutes 11/17/20	
Aye	Alabi, Jessica A.: Senator-at-Large (2020-2023)
Aye	Barnes, Carol: Counseling Senator (2018-2021)
Absent	Blair, Jamie: Senator-at-Large (2018-2021)
Aye	Boogar, Tyler: Math and Sciences Senator (2020-2023)
Aye	Connor, Sean: Senator-at-Large (2020-2023)
Aye	Cuellar, Eric: Senator-at-Large (2018-2021)
Aye	Della Marna, Jodi: Library & Learning Support Senator (2020-2023)
Aye	Denney, Matt: Technology Senator (2020-2023)
Aye	De Shano, Tina: Consumer Health Sciences Senator (2020-2023)
Aye	Drew, Rendell: Senator-at-Large (2020-2023)
Aye	Ely, Cyndee: Part-Time Senator (2020-2021)
Absent	G'bye, Diogba: Part-Time Senator (2020-2021) 11:48 arrival
Aye	Gordon, Lee: Vice President, Senator-at-Large (2019-2022)
Aye	Kennedy, Marilyn: Secretary, Lit and Lang Senator (2019-2022)
Aye	Legaspi, Jodie: Athletics and Kinesiology Senator (2020-2023)
Aye	Lloyd, Doug: Parliamentarian, Senator-at-Large (2020-2023)
Aye	Means, Leland: Visual and Performing Arts Senator (2018-2021)
Absent	Neil, Jeanne: Business and Computing Senator (2019-2022)
--	Otwell, Charles: Curriculum Chair (Non-Voting) (Open)
Aye	Pena, Max: Senator-at-Large (2019-2022)
Aye	Phillips, Clyde: Senator-at-Large (2020-2021)
Aye	Sachs, Loren: President, Senator-at-Large (2019-2022)
Aye	Stanton, Jordan: Social and Behavioral Sciences Senator (2019-2022)

APPENDIX

Orange Coast College eLearning Policies Video, Audio, FERPA, Privacy, Academic Freedom, and Equity/Access Issues

The following policies and guidelines are intended to provide guidance to Orange Coast College (OCC) faculty members regarding the use of video in their courses.

Academic Freedom

Academic freedom is bedrock principle of the college and university system. The American Association of University Professors (AAUP) maintains that "Academic freedom is the indispensable requisite for unfettered teaching and research in institutions of higher education." Faculty members and instructors retain the right to set instructional rules and make informed pedagogical decisions to meet the needs of learners in a virtual setting.

Notice Requirements

Faculty and instructors should communicate clearly and in advance of any possible requirements or expectations regarding the use of video in the course and clarifying their essential nature for instruction and learning, even the right to modify based on class circumstances or needs; these class policies should be noted in the course syllabus. Notice should also include information regarding any specific protocols students will be expected to follow including those used for a video proctoring system such as Proctorio or Respondus.

Flexibility/Significant Barriers/Equity/Special Circumstances

Faculty are encouraged to be flexible if a student faces a significant barrier to utilizing video for instructional or proctoring purposes.

- **Significant or Equity barriers** include, but are not limited to, not having a working webcam, having an unreliable internet connection, having limited access to the appropriate hardware or software, having a verified disability as per DSPS, being homeless, or having a prohibitive living environment that prohibits privacy.
- **Flexible** includes faculty working with student(s) to find mutually agreeable alternatives that allow for continuation of the course. In cases where agreements cannot be reached, the faculty member will confer with the dean to make a determination on alternatives. OCC has "Tablets, Chromebooks, and iPads are available to students in need. Even better; if you do not have access to reliable internet connection, we have devices that have built-in WiFi—while supplies last.": [link](#)
- **Special Circumstances**, including emergency or other extraordinary events like a sudden shift to remote learning or extended campus closure, require faculty to provide alternatives that enable students to complete the course.

Accommodations: Students may also request formal accommodations through OCC's Disabled Students Programs and Services: [Visit the web page for more details.](#)

Academic Dishonesty and Disclosure of Video/Audio Records

In cases of suspected academic misconduct, faculty and instructors may disclose relevant video/audio recordings or proctored assessments to relevant administrators involved in the student judicial process. The accused student will have the opportunity to view the video/audio records supporting the allegation and may sign a FERPA release to allow others to be present for such viewing.

Confidential Student Information

Faculty and instructors using video/audio recording systems (i.e., Zoom, Proctorio, Respondus) may be exposed to confidential student information. Faculty are expected to protect any such information pursuant to the requirements of the Family Education Rights and Privacy Act (FERPA).

FERPA Compliance when Recording Class Meetings

Recordings are sometimes used to allow students to watch a missed class session, to review an earlier session, or to share with next year's class. Depending on how the recordings are created or edited,

they may constitute educational records that are protected under FERPA. This guidance, though not exhaustive, explains acceptable practices for utilizing video and audio recordings in the classroom setting. The FAQs below are not exhaustive but are designed to eliminate some of the guesswork associated with recording class meetings. Additional information about photos, video, and audio recording under FERPA can be found on the [US Department of Education FAQs on Photos and Videos under FERPA](#).

--Are video or audio recordings of lectures a protected student record?

If a recording includes only the instructor, it is not a student record and FERPA does not limit its use. If the recording includes students asking questions, making presentations, or leading a class and it is possible to identify the student, then the portions containing recordings of the student do constitute protected educational records.

--Can I record my class/lecture/zoom session and share it with the students in that course without needing to have the students sign consent forms?

Recent Department of Education guidance indicates that, yes, you can record, as long as the recording is only shared within the Learning Management System for that specific course in that specific term, and only if the recording does not contain personally identifiable information from student education records. This, then, constitutes a FERPA-permitted use of educational records, if that recording falls within the category of educational records. Student names (on screen or in the chat) are typically considered directory information, as opposed to personally identifiable information from student education records, which means that the recordings can include student names as long as the recording is not shared outside that particular course.

--What settings should I use to record a Zoom session that does not include student participation?

- Local Recording: For most instructors, recordings may be kept on their local computer or Google Drive. Remember that the administration will have access to the Cloud storage of classes after December 2020.
- If video is desired, enable *Record active speaker* with shared screen
- Disable *Display participants' names* in the recording
- Enable *Require password* to access shared cloud recordings
- Enable *Multiple audio notifications of recorded meeting*, which plays an automated message whenever a recording is started, or a participant enters a session that is already being recorded.

--Can an instructor publicly share a screen capture of a Zoom session or recording?

No, unless FERPA compliance through use of consents has been given. Screenshots should not be shown on Facebook, Twitter, or any other public platform.

--Can students publicly share class recordings or screen captures of a Zoom session or recording?

No. Instructors should tell students that they should not share the link to any class sessions or take screen captures of Zoom sessions. Students that violate this request can be subject to the student code of conduct. In order to make this clear to students the following statement should be included in the syllabus as a Course Policy on Recording:

"It is vitally important that our classroom environment promote the respectful exchange of ideas. This entails being sensitive to the views and beliefs expressed during discussions whether in class or online. Please speak with me before recording any class activity. It is a violation of Coast Community College District (CCCD) to take or distribute such recordings without my authorization and the permission of others who are recorded."

--Can the instructor show recordings from last year's class to the current class?

Under FERPA, this situation must be treated as if the recordings were being shown to a third-party audience which requires FERPA compliance through use of consents or de-identification of any students depicted.

--If the instructor wants to allow access to a video (that includes student participation) to others outside of the class, is this permitted?

Possibly. There are several ways to use recordings that include student participation. Instructors may obtain individualized FERPA consents from the students in the recording which allow use of this portion of the recordings. This type of consent can be obtained on a case-by-case basis or from all the students at the outset of a class.

Recordings can be edited to either omit any student who has not consented to the use of their voice or image, or be edited 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, altering voice recordings, etc.).

Recordings can also be planned so that students (such as those asking questions during a class) are not shown in the video or referred to by name (another way to de-identify the student).

--What is the easiest way to comply with FERPA if I am video recording my class sessions and students will be asking questions and doing presentations?

Plan the recordings so that they do not show students who are asking questions, don't refer to the students by name and avoid repeating the student's question in the recording (de-identifying the students removes the need for a specific consent from each student depicted). If a student happens to appear on camera, their identity can be edited out or a written consent can be obtained.

Because student presentations make it more difficult to de-identify the student, the instructor should obtain a FERPA consent from the student making a presentation. For any video projects, such as student-made films, you should obtain a written consent.

--What if I am using Zoom for Telehealth or Clinical Remote Instruction where Discussion of Patient Data is Possible?

As we move to include remote instruction via Zoom, we need to be ever mindful of the security of our electronic patient health information in our clinical education experience.

Having ePHI on personal devices is never permissible or compliant with College or District policies on ePHI and HIPAA. This includes the recording of clinical rotations by faculty, staff, and students.

Works Cited

American Association of University Professors. "Protecting Academic Freedom," *American Association of University Professors*, AAUP, <https://www.aaup.org/our-work/protecting-academic-freedom>

University of Missouri System. "eLearning Policies," The Curators of the university of Missouri, University of Missouri System, 18 Oct. 2020, <https://www.umsystem.edu/ums/elearning/policies>