

IOWA STATE UNIVERSITY

Office of the Associate Provost for Academic Programs

TO: ISU Faculty and Instructors Fall 2020

FROM: Academic Continuity Working Group

DATE: August 18, 2020

SUBJECT: FERPA Implications for Virtual Learning and Classroom Video Recordings During COVID-19

CC: Provost Council, Academic Associate Deans, and Fall Planning Executive Committee

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The changes in delivery modality for many Fall 2020 courses have raised some questions from faculty regarding FERPA compliance requirements. The guidance below was developed in consultation with the Office of University Counsel and addresses the most common questions related to virtual learning.

The overarching expectation is that course materials (e.g. online class meetings via WebEx, lectures captured during a live, in-person class, videos of laboratory activities, etc.) are only shared with other students enrolled in the course. These materials **may not be made available** to individuals or entities who are not directly involved in the course. If you are planning to do lecture capture or video recordings that will include students, you should inform students ahead of time, so they are aware.

FAQs

Am I required to allow a student to take a course anonymously if they have opted out of allowing directory information to be public?

- No. Under FERPA, a student may not use their right to opt out of directory information disclosures to prevent school officials from identifying the student by name or disclosing the student's electronic identifier or institutional e-mail address in class. This includes a student's name associated with their presence in class via a WebEx, Zoom or another video conference platform.

Can I use a classroom/lab video recording that includes only the instructor (including TAs, RAs in that capacity)?

- Yes. This is not a student record and FERPA does not apply.

May I use a classroom recording that includes the instructor and includes students asking questions, making presentations, engaging in class/lab work, and it is reasonably possible to identify the student(s)?

- Yes, an instructor may distribute the recording to the other students in the course/lab. FERPA does not limit or prevent such a limited distribution, and no written consent from the students is needed. This allows instructors to create access for students in the class to watch or re-watch past class sessions or remote class sessions.

When FERPA Compliance Becomes an Issue

If an instructor wants to grant access or distribute a class/lab recording which includes students to others outside the specific course, then FERPA is applicable and some action to comply with FERPA is required. Compliance options include:

1. The instructor may obtain individualized FERPA consent from the students. A written consent form could be obtained on a case-by-case basis from students actually identifiable in the recording or from all the students proactively at the outset of a class/lab. The **FERPA Student Consent Form: Classroom Recordings** will be available on the Office of the Senior Vice President and Provost Academic Programs website.
2. Edit recordings to: a) omit any student who has not provided FERPA consent; or b) de-identify the student by removing any mention of the student's name, blurring the student's image, etc.
3. Recordings can be pre-planned so that students are not shown in the video or referred to by full name, so they are not identifiable.

Note: The university cannot compel or require students to sign a FERPA consent, so if a student refuses to sign, we must respect that and take precautions to avoid identifying that student, or post-editing will be required to de-identify the student before distribution. If a student refuses to sign a consent form, it does not mean that the student cannot appear briefly or tangentially in a recording. Such a student could appear in the background or in passing, or their voice can be heard briefly, in such a recording.

Additional Resources

[U.S. Department of Education Protecting Student Privacy FAQ page](#)

[U.S. Department of Education FERPA and Virtual Learning During COVID-19, March 30, 2020 \(PDF\)](#)