

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

**S12-7, Policy Recommendation, Consent for Recording of
Class and Public Sharing of Instructor Material**

Legislative History: Amends F06-2

At its meeting of May 14, 2012, the Academic Senate approved the following policy recommendation presented by Senator Gleixner for the Instruction and Student Affairs Committee.

**Action by University President: Approved by President Qayoumi
on June 12, 2012**

**Policy Recommendation
Consent for Recording of Class and Public Sharing of Instructor
Material**

Whereas Common courtesy and professional behavior dictate that someone be notified when being recorded; and

Whereas Audio recording without consent in private settings is prohibited by California Penal code 630-635; and

Whereas Section 41301 of Title 5. Education, California Code of Regulations prohibits the unauthorized recording or dissemination of academic presentations for commercial purposes; and

Whereas Course material developed by the instructor is the intellectual property of that instructor and cannot be shared publicly without his/her approval; which is already prohibited by California Civil Code 980 a(1), and

Whereas It is desirable to allow flexibility to faculty as to when and how consent is given for recording classes or publicly sharing course material; therefore be it

Resolved That the following items be included in the list of greensheet items recommended for consideration in the Appendix of University Policy F06-2.

- “Common courtesy and professional behavior dictate that you notify someone when you are recording him/her. You must obtain the instructor’s permission to make audio or video recordings in this class. Such permission allows the recordings to be used for your private, study purposes only. The recordings are

the intellectual property of the instructor; you have not been given any rights to reproduce or distribute the material.”

- It is suggested that the greensheet include the instructor’s process for granting permission, whether in writing or orally and whether for the whole semester or on a class by class basis.
- In classes where active participation of students or guests may be on the recording, permission of those students or guests should be obtained as well.
- “Course material developed by the instructor is the intellectual property of the instructor and cannot be shared publicly without his/her approval. You may not publicly share or upload instructor generated material for this course such as exam questions, lecture notes, or homework solutions without instructor consent.”

Approved: 4/23/12

Vote: 13-0-0

Present: Steve Branz (non-voting), Bill Campsey, Yan Yin K. Choy, Victor Culatta, Caroline Fee, Stacy Gleixner, Gordon Haramaki, Rich Kelley, Art King, Marian Sofish, Vivian Souliotis, Katrina Swanson, Sheryl Walters, Ken Wharton

Absent: Arlando Smith

Financial Impact: none

Workload Impact: Minimal workload to faculty and students to request and grant consent