Guidance on Recording Classes
Ezekiel Emanuel, Vice Provost for Global Initiatives
Laura Perna, Vice Provost for Faculty
Beth Winkelstein, Deputy Provost

September 2020

As we begin the fall semester online, this document provides guidance about some of the challenges raised by teaching in a virtual format and to students across the globe.

In order to best accommodate our students, to the greatest extent possible all online course sessions must be available via recording for students who cannot attend unless instructors have legitimate reasons for not recording a session, such as the sensitivities related to course material, in which case instructors must create other ways for students who cannot attend to engage with the course. Instructors must make sure that all students can engage with course materials, even if they cannot participate synchronously. Students who are located in different time zones may need different accommodations than students who have to miss a single session. The Center for Teaching and Learning provides guidance on engaging students asynchronously, as well as resources and guidance on video recording in classes.

This document provides guidance on several issues pertaining to teaching online:
- Rights in materials created for courses
- Prohibition on unauthorized copying and sharing of recordings
- Risks related to accessing certain online content from outside the United States

Instructors who have other concerns about recording their class should contact their program director, department chair or Dean.

Rights in materials created for courses:
The University recognizes that instructors have invested considerable time and effort into reworking their on-campus courses for remote delivery in response to the COVID-19 pandemic. Instructors are understandably interested in knowing what uses the University and others may make of the prerecorded lectures and other materials they have created for online delivery of their courses. Under the University’s Copyright Policy, instructors “own the copyright to works resulting from their research, teaching, and writing,” with the noted exceptions. Consistent with that policy, and with the exception of course, program, and school arrangements that specify a different ownership model, the copyrights in course materials an instructor creates for online delivery without substantial use of University resources are owned by the instructor. Such materials may not be copied or redistributed by the University or by students without the written approval of the instructor who created them. Recordings of synchronous class sessions made in Zoom or other applications are owned by the University, but will not be reused or further distributed by the University without consent of the instructor.

Prohibition on unauthorized copying and sharing of recordings:
Per the Faculty Handbook, “the unauthorized copying of copyrighted media by staff, faculty, or students” will not be tolerated. Students are not permitted to share, copy, or distribute recordings of live class sessions or any prerecorded class content without the permission of the University and the instructor. Students may also not make their own recording of class sessions. These actions are violations of the Code of Academic Integrity.
To make visible these expectations, in April 2020, leaders of the four undergraduate schools (College of Arts and Sciences, Engineering, Nursing, and Wharton), Graduate and Professional Student Assembly, Student Committee on Undergraduate Education, Undergraduate Assembly, and the Provost’s Office endorsed a statement of Mutual Commitment to Academic Integrity, Equitable Instruction, Trust, and Respect. This commitment includes the following expectations for students:

- “I will respect principles of academic freedom for instructors and classmates and will maintain the privacy of the virtual classroom environment: I will not record, photograph, or share online interactions that involve classmates or any member of the teaching team. I will not enable anyone who is not enrolled in the course to participate in any activity that is associated with the course. Exceptions require the instructor’s written permission.”
- “I will respect the intellectual property rights of the instructor by not making course materials accessible to anyone who is not enrolled in the course without the instructor’s written permission.”
- “I will follow the rules set forth by the instructor that concern online, device-enabled, and in-person collaboration, discussion, and sharing.”

Notwithstanding this mutual commitment between instructors and students, instructors should recognize that unauthorized sharing of electronic communication can never be completely prevented.

While copyright notices are automatically inserted when instructors use Panopto to record videos, to ensure that all students are aware of expectations, instructors are advised to add language to their syllabus and/or at the beginning of live class sessions and prerecorded videos. Here is a sample notification:

To facilitate access for all class members, these sessions, including your participation, are being recorded and the recordings will be made available to the class, for the duration of this course. These recordings, as well as previously recorded lectures and other course materials, are made available solely for your personal, educational use and may not be shared, copied or redistributed without the permission of Penn and the instructor. You are also not allowed to record class sessions yourselves. Unauthorized sharing or recording is a violation of the Code of Academic Integrity.

Risks related to accessing certain online content from outside the United States
As we engage in online teaching for Fall 2020, the University hopes and expects that instructors will teach content consistent with what they would teach if the course were in person. Penn does not support censoring or altering course content in ways that are inconsistent with core values. Instructors are reminded of the University policy on academic freedom:

“It is the policy of the University of Pennsylvania to maintain and encourage freedom of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University [emphasis added], which would restrict him or her in the exercise of these freedoms in his or her area of scholarly interest.”
Some countries, regions, and jurisdictions monitor and regulate access to certain online content. Such content may include, but is not limited to, materials that criticize a ruling party or government; contravene policy stances or territorial claims made by a state or government; or are alleged to violate prevailing cultural or moral values, such as material related to LGBTQI+ issues. Countries and jurisdictions that are known to monitor, censor, and/or control access to certain online content include Eritrea, North Korea, Saudi Arabia, Ethiopia, Azerbaijan, Vietnam, Iran, China (including Hong Kong), Myanmar, and Cuba.

Students or instructors that access, view, or even assign content deemed to be sensitive from within jurisdictions that regulate such content may face invasive surveillance, political persecution, harassment, and/or the imposition of criminal penalties by jurisdictions where content is deemed to violate local norms, laws and regulations. Compounding this is the challenge of knowing with certainty which topics or content might cross the line in a particular jurisdiction or trigger action by authorities.

Instructors can face risks if they assign content deemed to be sensitive, especially if they are living outside the United States. These could potentially include state monitoring and online harassment, even remotely while within the United States, and threats to family members living abroad.

While individual instructors must determine the best course of action for their individual courses and situations, instructors whose courses include content that may be deemed to be sensitive should consider warning their students of potential risks. Such advice may include issuing, along with the syllabus, a statement to prospective students to the following:

“I attach the syllabus for my course. Because of the current pandemic, some of you may be taking courses while living outside the US. I encourage you to review the syllabus and decide if, in light of your own country’s laws and norms, you are willing and able to take this class and complete all of its requirements.”

Instructors teaching material that could be deemed sensitive should also consider avoiding recording during discussions of these issues for the safety of students who may be participating from jurisdictions where such discussions may place them at risk. Instructors may also wish to consider assignments that might present challenges in this regard and should make students aware of plans to teach particular courses in person in future years as an alternative to taking the course remotely from abroad this semester.

Individuals must make their own determinations as to the risk they are willing to assume with respect to accessing sensitive content. No technology can fully protect users against the possibility of state monitoring or interference, nor is it legally advisable to attempt to avoid local laws pertaining to accessing sensitive online materials. However, certain methods of accessing course content, where permitted, can provide greater security against third-party monitoring and interference. These include Virtual Desktop and Virtual Private Network (VPN) tools to access potentially sensitive content. In some jurisdictions the use of VPNs may be illegal.

Laws, regulations, and norms related to online content vary widely across countries and jurisdictions, and in many cases are vague or unclear, making it impossible to issue definitive guidance. Some resources that may be helpful include:

- [Open Observatory of Network Interference](https://observatory.net): provides tools to identify and measure Internet censorship
• **UN Office on Drugs and Crime**: provides partial information on national cyber and internet laws

• Local lawyers or government offices in your particular jurisdiction

Instructors interested in using privacy tools are encouraged to contact their local School or Center IT partner to learn whether the tools are available and how to utilize this technology. Using the Penn-provided versions of platforms like Zoom, BlueJeans, etc., and using Penn-provided email addresses to register for such platforms, can provide increased protection.

Instructors with other questions about how the content of their courses fits in with global considerations can contact Penn Global at global@upenn.edu. Instructors may also consult their school’s Committee on Academic Freedom and Responsibility. Students with questions should contact their academic advisor or degree program director.