

Guidelines for Recording Class Lectures at Miami Dade College (MDC)

MDC students may record video or audio of class lectures in courses they are enrolled in. Effective 07/01/2021 and per Federal and State privacy laws and regulations, students may record class lectures for three reasons, as delineated in Florida [HB 233](#):

- (1) for their personal educational use;
- (2) in connection with a complaint to the public institution of higher education where the recording was made; or
- (3) as evidence in, or in preparation for, a criminal or civil proceeding.

Recordings ***may not be used*** to engage in academic dishonesty and as a substitute for class participation and class attendance.

A class lecture is defined as a formal or methodical oral presentation by the faculty member, as part of an MDC class session intended to present information or teach the enrolled students about particular subjects. A class lecture will occur more often in a course identified by the College as a lecture-type course. It may be part of an MDC Live, MDC Blended, MDC Online, and MDC In-Person course.

Students are ***prohibited from recording class activities other than lectures***, including but not limited to lab sessions, student presentations (whether individually or as part of a group), class discussion (except when incidental to and incorporated with a class lecture), clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, private conversations between students in the class or between a student and the faculty member, and guests speakers during a class session.

A class lecture does not constitute other class activities such as class discussions unless these discussions are incidental to and incorporated within a class lecture. That means that questions asked by students in the class and answered by the faculty member during the lecture portion of the class may be recorded, while the classroom discussion portion of the class after the lecture may not. Classroom activities other than a lecture may not be recorded without the express consent (a clear and direct statement of agreement) of all participants.

NOTE: Your faculty member may or may not announce when the lecture portion of the class has ended, but it is up to the student to ensure not to record at an impermissible time and portion of the class session.

Student recordings of lectures ***may not be published*** or shared without the written consent of the faculty member. In this case, the word "***publish***" means to share, transmit, circulate, distribute or otherwise provide access to the recording, regardless of the format to another person or persons, including but not limited to another student in the class. Also prohibited is the recording, or transcript of the recording, to be published, posted on, or uploaded to a media platform, including but not limited to social media, book, magazine, leaflet, picket sign, or printed anywhere. Failure to adhere to these requirements may constitute a violation of the [MDC Student Code of Conduct](#) and a violation of the law.

[HB 233](#) also provides a cause of action for declaratory and injunctive relief, damages, and reasonable attorney fees and court costs for those harmed by a violation of the Bill's provisions.

NOTE: A student may publish the recording to MDC officials or state and federal government officials in connection with a complaint made to or against the college, or the student may publish the recording as evidence during a civil or criminal legal proceeding.

If a student shares or "publishes" a recording of a class lecture without the faculty member's written consent, and, per HB 233, it is not in connection with a college complaint or as evidence in a criminal or civil legal proceeding, they could face both legal and/or disciplinary consequences. Per HB 233, a student's unauthorized use of a recorded lecture allows the faculty member to take it to court for damages, including attorneys' fees, totaling up to \$200,000.00. Additionally, a student may face potential violations of the student code of conduct.

Student accommodations to receive support services from the campus ***Comprehensive Center for Exceptional Student Services, (ACCESS) Office*** are made in advance. Recordings of class lectures or other class activities are traditionally part of the course accessibility supports provided to students with disabilities. HB233 will not impact an ACCESS-registered student's eligibility to record class lectures or activities as an approved auxiliary aid or service (i.e. accommodation). Please be sure to contact the ACCESS [A Comprehensive Center for Exceptional Student Services] Office located at the campus where your course is taking place with any questions about your auxiliary aid or support services.