

Chapter 3 - General Institution

AP 37XX Video Conferencing (New)

References:

Education Code §38131 and 78907; Civil Code §3344(a): Porat v. Lincoln Towers Community Association, No. 04 CIV. 3199 (LAP), 2005 WL 646093 (S.D.N.Y. Mar. 21, 2005) aff'd, 464 F.3d 274 (2d Cir. 2006); Chancellor's Office Legal Opinion 2020-12

Because of issues of privacy, security, potential disruption of campus activities, and implied endorsement, the following guidelines have been established to clarify the rights and responsibilities of College guests, students, faculty, and staff relating to virtual conferencing. Virtual conferencing is defined as real time audio or video communications between two or more people.

For simplicity, all references to video conferencing in this policy are meant to include all video conferencing platforms and applications including but not limited to WebEx, Microsoft Teams, Zoom, Skype, Google Hangouts, Google Duo, and the like. Video, audio, and written communication across these applications and platforms may be recorded.

General Provisions

Video conferencing must be consistent with College policy and its mission; it must not interfere with College operations, including but not limited to, educational operations and previously scheduled College events. In addition, video conferencing must not create a security risk to members of the College community and must be performed in an authorized on-campus or remote work location.

A. The following guidelines are applicable to ALL video conferencing participants

1. In particular, consent from classroom instructors must be obtained prior to the use of electronic listening or recording devices, with the exception of reasonable auxiliary aids and academic adjustments for students with disabilities.
2. Video conferencing must be in accordance with College policy and shall not disrupt the academic learning environment.
3. Video conferencing shall not interfere with the ongoing operations of the College, including, but not limited to, educational operations and College events.
4. Video conferencing shall not create a security, health, or safety risk to any members of the College community or anyone involved in the project.
5. Video conferencing participants may not record, stream, reproduce, publish, or further distribute audio or video conference content.
6. Video conferencing shall be conducted in a professional, ethical, and legal manner.

B. Video Conferencing Technical and Personal Etiquette Protocols

1. Visibility of Remote Work Locations: Participants should use a virtual background feature, when available, if they do not want to have their surroundings visible. Managers should avoid requiring staff to use meeting settings that leave staff living areas visible.
 - a. Select only appropriate virtual backgrounds.
 - b. Be mindful of others in your remote location who may not wish to be visible or recorded in the background.
 - c. Consider if there is a need for all participants to be visible, limiting the meeting to a single video stream can ease bandwidth concerns for participants.
 - d. Ensure sensitive conversations and work cannot be overheard or observed by unauthorized persons.
2. Screen Sharing Privacy:
 - a. Protect confidential data on your device from being viewed. Close all applications, emails, and documents that are not a part of your presentation prior to using the screen share feature.
 - b. Manage the screen share feature by selecting the “host only” setting to prevent others from sharing their screens. If it is necessary for others to share their screen, select the “one participant at a time” screen sharing option. The host should remind presenters to close materials that are not a part of the presentation.
3. Managing Participants:
 - a. Meeting IDs should not be posted in public forums. Personal meeting IDs are not recommended, use a unique meeting ID. A new meeting access code should be used for each meeting.
 - b. Monitor participant list for unwanted attendees and removing unwanted participants.
 - c. Recommended options to assist with managing participants include:
 - i. Limiting attendance to participants who are signed in to the meeting using the email listed in the meeting invited
 - ii. Setting up the waiting room function
 - iii. Protecting meeting access by requiring a password
 - iv. Locking meetings once they start
 - v. Muting participants who are not presenting
 - vi. Disabling private chat
4. General Best Practices:
 - a. Test your technology before the meeting to ensure it is working correctly.
 - b. Briefly explain technology features available such chat pods, raising hands, sharing documents, etc.

- c. Host should start and end on time, virtual time is just as important as "real" time. Have an agenda, and if possible a moderator to help participants stay on track and engaged
- d. Wear work-appropriate clothing and be sure your work space is orderly.
- e. Have the right light and be cognizant of back lighting and distracting glares.
- f. Look directly at the camera, maintain eye contact, be present and stay seated.
- g. Speak clearly, do not shout and keep body movements minimal.
- h. Be aware of outside noise and when possible. Attend virtual meetings in a quiet space.
- i. Remember that mics and cameras are live. Mute your mic when you are not speaking.
- j. Be courteous to other participants, avoid distractions such as cell phones, side conversations, eating, etc.
- k. Use the established meeting cues to avoid interrupting the presenter.
- l. Turn your camera on if other participant cameras are on.
- m. Use your first and last name, not a nickname or handle as your participant name.
- n. Mute your audio and disable your camera if you are interrupted by a call, child, etc. Return discretely to the video meeting without unnecessary explanation.

C. Recording of Virtual Conferencing

California is a "two party" or "all party" consent state, which generally requires the permission of both or all parties involved in a recording. Consent shall be obtained through the following methods:

1. Written waiver
2. Electronic consent (e.g. Zoom pop-up recording consent box)

Meeting hosts should always inform attendees at the start of the meeting or in advance of the meeting if they are going to record a meeting. Video conferencing may automatically notify attendees present at the start of a meeting if the meeting is being recorded. However, meeting hosts should also verbally notify attendees that a meeting will be recorded.

Inform meeting attendees, prior to a recorded meeting, how you intend to record, use, and share video. You may also consider giving attendees options to opt-out of the meeting, participate without having their image or voice recorded, such as allowing them to attend with no video or audio, and the option to pose questions only in the text chat window. Because you can start and stop recordings at any time, you can choose to include unrecorded time throughout your session, giving attendees an opportunity to discuss topics or ask questions that they do not wish to have recorded.

As a general rule, staff meetings should not be recorded absent an articulated business purpose (including as a reasonable accommodation) that requires recording of the meeting. Generally, you should not record a meeting if the same meeting would not be recorded if it occurred in person.

Virtual conference recordings are a College record that must be stored and retained appropriately and may be subject to disclosure upon request (e.g., in response to a request under the California Public Records Act or California's Information Practices Act). If you believe it is necessary to record a meeting, but one or more participants object to the recording, please consult Human Resources.

F. Disability Accommodations

For guidance regarding accessibility, students may contact the Accessibility Resource Center at access@mtsac.edu or (909) 274-4290. Questions regarding employee disability accommodations may be directed to Human Resources at HRAccommodations@mtsac.edu or (909) 274-4225.

G. Instructional Uses

1. Faculty should not require or grade on whether students keep their cameras on during a synchronous class, with exceptions including: presentations with audio, video, and/or skills demonstration requirements; course safety needs; certification or accreditation requirements; and proctored exams.
2. Disciplines with essential audio and visual requirements including recording shall give adequate notice to students (in syllabus), clearly identify situations in which video will be required, and encourage the use of electronic video backgrounds.
3. Recording Considerations:
 - a. California is a "two party" or "all party" consent state, which generally requires the permission of both or all parties involved in a recording. Consent shall be obtained through the following methods:
 - i. Written waiver
 - ii. Electronic consent (e.g. Zoom pop-up recording consent box)
 - b. Students who do not consent to being recorded shall be offered:
 - i. the ability to turn off their audio and video; or
 - ii. an alternative assignment
 - c. Recording shall display the instructor and participants who have provided consent
 - d. Only record shared screen or shared screen with active speaker in order to avoid recording students' faces.
 - e. If faculty share their recorded lectures and instructional activities, and the recordings do not include students, faculty may use the recordings within their courses and share them with their colleagues.

If faculty share their recorded lectures and instructional activities that include students from one section (one CRN) with another section, faculty shall secure student consent from those recorded prior to recording, and faculty should inform students of how the recording will be used (e.g., in other classes offered at Mt. SAC).

Class recordings may in some cases be made available to the entire class via the Canvas course site. Please note that faculty members and administrators of the sites reserve the right to remove any links from course websites at any time. No

person is permitted to post, distribute, or otherwise make available any recordings without written permission from ____.

Faculty should not publicly share recordings that include students on the Internet (e.g., YouTube, Vimeo) due to student privacy, accessibility, copyright, and other issues associated with sharing video publicly.

- f. In the event a grade dispute or grievance is filed concerning a recording produced by faculty, a student may request a copy of the recording by sending a written request to the professor and/or Student Life within a reasonable time. If the recording is still readily available by the faculty member, the faculty member shall produce a copy of the recording to the student and/or Student Life within five business days during a primary term. If the student's request is received outside of a primary term, the faculty's response to the request may be delayed until the subsequent primary term.
4. Determining Student Engagement Activities During Synchronous Sessions Without a Camera:
- a. To judge attention and attendance, form breakout rooms and visit each of them, include research presentations, or ask for answers in chat. Plan exchanges at regular intervals (every 5-20 minutes).
 - b. Encourage students to ask questions and share insights using chat, audio, or polls.
 - c. Assign a pre-reading or an activity before the session, ask students to prepare a question, quotation, or talking point for the session, and use the session for conversation.
 - d. Schedule student presentations. Whether individual or group, student-student presentations should be captioned. Options include FlipGrid, VoiceThread, Screencast-o-Matic, and YouTube. Contact the FCLT to determine how to integrate these options into your class.
 - e. Have a different student monitor the chat each session.