



SMCCCD Academic Senate

Taskforce for Teaching & Learning

Guidance for On-Camera Requirements

Overview

On October 19, 2020, the State Chancellor's Office (CCCCO) issued a [legal opinion on privacy laws](#) with respect to online classes, addressing the specific question:

“Whether it is permissible for California community college faculty to require students to keep their cameras on during live synchronous online instruction?”

The intent of this memo is to provide a summary and general guidance to faculty in the SMCCCD utilizing such practices.

Summary

First and foremost, it is clear from the CCCCCO's legal ruling that students' right to privacy needs to be respected, both legally and in terms of their mental health and well-being. As stated in the ruling, an indiscriminate camera's on requirement risks violation of constitutionally-protected student interest in pursuing their educational goals. Furthermore, if a student is participating in a live synchronous online class from where the student lives, the student's legally-protected privacy interest is high. The home is traditionally protected most strongly by the constitutional right of privacy, and in the context of a full class of students, at issue is the sum of all attending students' privacy interests, not merely the interest of a single student. The students' privacy interests in their living circumstances is therefore balanced against an individual faculty member's academic freedom to determine the mode of instruction.

Conclusion:

Faculty cannot require students to have their webcams turned on during class. Therefore, cameras should be presumptively optional for live synchronous online classes.

So, what does this mean?

- Let's revisit how we run our synchronous time.
- Let's revisit how we proctor exams.

Synchronous Online Instruction

- No course can require that students have their webcam on during lecture/class.
 - A quick check-in with or without cameras during the class is permissible; checking in with your students helps to encourage community.
 - Activities and class policy should allow students to choose whether they want their cameras to be on or not.
- Courses where there is a synchronous performative activity (e.g. oral presentation, speech) must allow for accommodations for students who are not able to have their cameras on (e.g. internet connectivity issues, noisy environment, privacy concerns). This must be addressed in the syllabus.
 - Work with the students who express unease to find a solution that works.
 - Connect students to institutional resources that may assist.
- It is important to incorporate language in your syllabus about your camera policy--i.e., when will students need to have their cameras on, during synchronous class meetings and/or asynchronous assignments (e.g. exams, discussions).
- Encourage the use of alternative interactive technologies such as chat features, shared whiteboards, polls, Google Docs audio only, word clouds, and other student response systems for attendance and discussion. Zoom Usage Reports can also be used to document and track attendance.
- Create a safe learning environment by utilizing small group discussions and activities early in the semester in order to alleviate anxiety associated with large group contexts.

On-Camera Requirements and Exam Proctoring

- If you are using exam proctoring software (e.g. Proctorio), state guidance suggests you consider utilizing the lockdown and/or verification options rather than the video recording options.
 - Carefully tailor your settings for exam proctoring apps and software to balance privacy concerns with the needs for assessment.
 - Consider asynchronous exams that students can take over a period of days, rather than synchronous exams. Requiring the use of cameras in asynchronous exams would not be in violation of this judgement.
 - Consider using authentic assessments that need less proctoring.
 - Audio recording is not discussed in the State Chancellor's Office document. This may be an option for your assessments, but students may also feel discomfort in having the audio recorded.

Recommendations from the CCCCO Legal Opinion

Districts should adopt policies strictly limiting or prohibiting faculty from instituting cameras-on requirements in order to protect against violations of student privacy, balance academic freedom, and ensure compliance with applicable laws (FERPA, California's student privacy law, federal disability laws and their state analogs).

Colleges should adopt a cameras-optional approach that respects student concerns regarding privacy, access, and equity. Such a policy should address or include:

Cameras should be presumptively optional for live synchronous online classes.

If audio and visual student participation is essential:

- Allow faculty to require cameras to be on, but only to the extent necessary, and with adequate notice to students;
- Clearly identify the essential nature of video for instruction and consider a student's privacy or technical objections and create a confidential "opt-out" mechanism that allows a student to decline video participation [students should not be required to justify their opting out];
- Encourage faculty to consider an alternative to video participation such as audio participation;
- Encourage the use of electronic video backgrounds ([see this video](#) for instructions); and
- Allow students flexibility to turn off their cameras or mute audio unless needed.

Resources

[CCC Legal Opinion 2020-12: Online Class Cameras-On Requirements](#)