

FAQs FOR STUDENTS REGARDING RECORDING CLASS LECTURES (HB 233)

Do I need my instructor's consent to record class lectures?

No, as long as you are enrolled in the class and are recording the lecture for one of the permitted purposes listed in the statute. You have the right to record class lectures for one of three purposes: (1) your own personal educational use; (2) in connection with a complaint you make to the university; or (3) as evidence in, or preparation for, a civil or criminal proceeding. As long as you are making the recording for one of these purposes, you do not need the faculty member's consent to record the class lecture.

What is a "class lecture"?

A class lecture is defined as an educational presentation by the instructor as part of a university course intended to inform or teach enrolled students about a particular subject. A class lecture will occur most often in a course identified by the university as a lecture-type course, whether online or in-person, as opposed to a lab course or a course section identified as a discussion section.

Class lectures do not include student presentations (whether individually or part of a group); lab sessions; clinical practica and presentations that include patient histories and other protected health information; academic exercises involving student participation; test or examination administrations; field trips; and private conversations between students in the class or between a student and the faculty member. These activities may not be recorded without the express consent of all participants.

My instructor usually combines class lecture with a group discussion. Can I record this group discussion?

No; the definition of class lecture does not include class discussion unless those discussions are incidental to a class lecture. For example, if students ask clarifying questions during the class lecture, that back-and-forth exchange would be considered incidental to a class lecture and subject to recording.

If faculty question students about course material following, or in lieu of, a class lecture (e.g., use the Socratic method), these back-and-forth exchanges are not subject to recording. If students ask questions or engage in conversation with the instructor about the lecture topic during a distinct discussion portion of class following a class lecture, that back-and-forth exchange would not be considered part of the class lecture and would not be subject to recording. Your instructor may or may not announce when the lecture portion of a class has ended, but it is up to you to ensure that you do not record at an impermissible time.

My friend was sick and missed class. May I share my recording of the class lecture with them?

No, not without the instructor's written consent. While you may record the class lecture, you may not publish the recording without permission. In this context, the word "publish" means to share, transmit, circulate, distribute, or otherwise provide access to the recording, regardless of format or medium, to another person (or other persons), including but not limited to another student in the class. Additionally, a recording, or transcript of the recording, is published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to any form of social media or any mode of print media, including books, magazines, newspapers, leaflets, picket signs, etc. Sharing the recording with your friend would be considered publishing the recording and therefore is prohibited, unless the faculty member's consent is obtained.

Are there any places I can share the recording without my instructor's permission?

Yes, you may publish the recording to university officials or state and federal government officials in connection with a complaint you make to the university, or you may publish the recording as evidence during a civil or criminal legal proceeding. Per the statute, those are the only instances when it is permissible to share the recording without the instructor's permission.

What happens if I share my recording of a class lecture without getting permission first?

If you do publish your recording of a class lecture without the instructor's written permission, and it is not in connection with a university complaint or as evidence in a criminal or civil legal proceeding, you could face severe legal and/or disciplinary consequences. Per HB 233, your unauthorized use of the recording allows the faculty member to take you to court for damages, including attorneys' fees, totaling as much as \$200,000.00. Additionally, you may be referred to FSU's Department of Student Conduct and Community Standards for a potential violation of [FSU's Student Code of Conduct](#).

How does HB 233 affect my accommodations granted through the Office of Accessibility Services?

If you have an accommodation through [FSU's Office of Accessibility Services](#) to record class activities, this legislation will not change how that accommodation is implemented. However, you should be sure not to share any recordings that you are allowed under that arrangement without the instructor's written consent. Please contact the [Office of Accessibility Services](#) with any questions about your accommodation.

Does this law change how students may conduct themselves in the classroom?

No; students must adhere to both the instructor's and the university's expectations at all times, including when they are recording. Recording that disrupts the learning environment might violate [FSU's Student Code of Conduct](#) and is not permitted. In addition, students who record class lectures are asked to do so in ways that do not make others feel reluctant to ask questions, explore new ideas, or otherwise participate in class.