VIDEO AND AUDIO RECORDINGS BY EMPLOYEES

Policy Code: **7325**

The board authorizes employees to make video and/or audio recordings of students or other employees at school only in accordance with this policy. For purposes of this policy, the term employee includes all school system employees as well as independent contractors and volunteers. This policy applies to all video and/or audio recordings made by employees in school buildings, on school buses, at school-sponsored activities, or while otherwise acting in their capacity as a school system employee.

A. SECURITY CAMERA RECORDINGS

Security cameras that capture video only, or cameras that capture both video and audio , ~~but not audio~~ may be installed on school system property to help maintain a safe learning and working environment. The principal or site supervisor shall identify specific locations for camera placement, subject to the approval of the superintendent or designee. Camera placement will be limited to common areas in buildings (e.g., lobbies, hallways, gymnasiums, and building entrances/exits), parking lots and other exterior areas, and school buses. The superintendent or designee may also direct the placement of a security camera in one or more classrooms when it is determined the security camera is necessary to maintain a safe learning and working environment. The superintendent or designee will document the operational need before installing any surveillance camera that records audio. Cameras may not be located in any areas where individuals have a reasonable expectation of privacy, such as restrooms, locker rooms, nurses' offices, or lactation rooms.

The superintendent or designee shall provide notification of the use of security cameras on school system property through student and employee handbooks, the school system website, or other means, including announcements in school newsletters, orientation sessions, or other meetings. The principal or site supervisor shall post a sign at the school entrance, and in any area where audio is recorded, in a manner and location that adequately notifies students, employees, and visitors that areas may be subject to video and, when relevant, audio surveillance. If security cameras on a school bus also record audio, the transportation director or designee shall post a sign within the bus that provides adequate notice of video and audio surveillance. Any sign providing notice of audio recording shall, at a minimum, contain the following: "This area is under video and audio surveillance for safety and security purposes."

The superintendent or designee shall establish any procedures necessary for regulating the operation of security cameras and the secure storage, viewing, and destruction of resulting recordings. Surveillance recordings may be used to investigate allegations of employee, student, or visitor misconduct.

B. PUBLIC EVENT RECORDINGS

Generally, employees may record events that are open to the public, such as athletic

competitions, band and choral concerts, assemblies, presentations, and award ceremonies. If recording at an event is restricted for any reason, including due to copyright issues (e.g., a school play), the employees and all other members of the audience will be notified of the recording restrictions before the event begins.

The superintendent or designee shall establish procedures deemed necessary for the recording of official meetings of the board, board committees, or committees appointed by the board.

C. RECORDINGS OF MEETINGS OR HEARINGS

School officials may make an audio recording of student IEP meetings and student discipline hearings. The recordings must be made openly with all parties aware of the recording.

An employee may make an audio recording of a hearing before the board regarding a recommendation for the employee's dismissal, demotion, nonrenewal, disciplinary action, or regarding a grievance filed by the employee pursuant to Policy 1750/7220. ~~meeting or hearing addressing that employee's formal grievance, performance evaluation, misconduct, disciplinary action, termination, or nonrenewal.~~ The employee must provide prior notice of the intent to record the ~~meeting or~~ hearing, and the recordings must be made openly with all parties aware of the recording. Any ~~meeting or~~ hearing recorded by the employee also will be recorded by the ~~school official~~ superintendent or designee ~~conducting the meeting or hearing~~.

Employee meetings with supervisory personnel, including meetings to discuss performance evaluations, employee grievances, misconduct, disciplinary action, or personnel investigations, shall not be recorded unless the school official conducting the meeting is aware and expressly consents to the recording. Any meeting recorded by an employee will also be recorded by the school official conducting the meeting.

For any other type of meeting or hearing, the school official conducting the meeting or hearing may make an audio recording if all other parties in attendance consent to the recording. If a party refuses to consent to the recording, the school official may record the meeting or hearing only with the permission of the principal or designee for school-based meetings or the superintendent or designee for system-level meetings. The recording must be made openly with all parties aware of the recording. The school official conducting the meeting or hearing may grant a request by another party in attendance to make an audio recording, in which case the school official shall also make an audio recording of that meeting or hearing.

D. CLASSROOM RECORDINGS BY EMPLOYEES

To make a recording of students or employees in a classroom or at a school-sponsored event (other than those open to the public), an employee must receive prior permission from the principal. When seeking permission to record, the employee shall provide the principal with the following information: purpose for recording; who will have access to

the recording and for what use; any external program requirements to obtain permission to conduct the recording; and how the recording will be retained. The principal may grant an employee permission to record only for a legitimate educational purpose. The principal shall ensure legal compliance with Section G, below. In addition, depending on the nature of the recording and its intended use, the principal may require the employee to obtain written permission from the parents of the students who will be recorded and, if the recording involves other employees or visitors, the adults who will be recorded.

E. CONSENSUAL RECORDINGS OF OTHER EMPLOYEES

In situations not otherwise covered in Sections A through D, above, an employee may make a recording of another employee for legitimate educational purposes (e.g., a training video, a video to be used in a classroom to instruct students) only with the consent of the employee being recorded.

Any recording of another employee for reasons other than legitimate educational purposes must be with the consent of the employee being recorded and must not interfere with employment responsibilities or school operations.

F. SECRET RECORDINGS

Employees are prohibited from making covert or surreptitious recordings of other individuals on school property or during school-sponsored activities and may be subject to disciplinary action, up to and including dismissal, for violation of this policy.

This policy is not intended to prohibit recordings for whistleblowing purposes or to document illegal discrimination or harassment, financial improprieties, ethical violations, and other illegal practices. Employees with knowledge of illegal practices or who make a recording pursuant to this exception shall immediately notify appropriate school system personnel in accordance with existing procedures and practices.

G. RECORDING STUDENTS

In accordance with G.S. 114A-10, in no instance will a school system employee make a video or voice recording of a student without prior parental consent unless the recording will be used solely for one of the following purposes: a safety demonstration, including one related to security and discipline on educational property; an academic or extracurricular activity; classroom instruction; photo identification cards; security or surveillance of buildings, grounds, or school transportation.

H. MAINTENANCE OF RECORDS

Any recordings made by school system employees will be maintained, released, and disposed of in accordance with all applicable state and federal laws and regulations. See also policies 4700, Student Records; 5070/7350, Public Records – Retention, Release, and Disposition; 5071/7351, Electronically Stored Information Retention; and 7820, Personnel

Files.

I. CONSEQUENCES

Any employee who has been found by the superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal.

Legal References: Sarbanes-Oxley Act, 18 U.S.C. 1513(e); G.S. 15A-287; 114A-10, 126-84 *et seq.*

Cross References: Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Electronically Stored Information Retention (policy 5071/7351), Staff Responsibilities (policy 7300), Personnel Files (policy 7820)

Adopted: