



Boar d

Unauthorized Recording Policy

Purpose

Eastern Suffolk BOCES is dedicated to fostering a work environment that encourages the free exchange of views and ideas. This policy is designed to respect individuals' privacy while on ESBOCES property and prevent any deterrent to open communication that may arise from fears of undisclosed recordings. By addressing these concerns, we aim to promote a culture of trust and transparency, encourage open communication while protecting sensitive information, and maintain workplace productivity and integrity. This policy applies to all physical spaces owned or leased by ESBOCES, including but not limited to, classrooms, offices, meeting rooms, and common areas, as well as to all remote or virtual meetings and events conducted by or on behalf of ESBOCES.

Policy

Except as specifically set forth in this policy, no person shall make or manipulate, publish or distribute any photograph, video recording, or audio recording (collectively, "Recordings") capturing the image or voice of any other person on ESBOCES premises (a "Recording Subject") without the express prior permission of the Recording Subject.

Recording refers to the act of capturing audio, video, or other forms of data through various methods, such as photographs, films, videotapes, and digital recordings. This includes any technique used to document an event or interaction, whether it occurs in public or private settings, and may involve both visual and auditory components.

Violations of this policy shall be subject to the following potential consequences:

1. in the case of violations by staff, disciplinary action as permitted by law and subject to the terms of any applicable collective bargaining agreement; and
2. in the case of violations by visitors, ejection from ESBOCES premises and other appropriate action.

Exceptions

The following Recordings may be made without the prior consent of a Recording Subject, subject to any further privacy protections provided by applicable laws and regulations, and provided, further, that no otherwise-permitted Recording shall be distributed or disseminated for the purpose of annoying, intimidating or harassing any Recording Subject:

1. Recordings made by or on behalf of ESBOCES for inclusion in ESBOCES publications and newsletters, or for dissemination to the news media for the purpose of publicizing ESBOCES programs or events;
2. Recordings made by representatives of news media, parents, and other persons lawfully on ESBOCES premises to attend ESBOCES events open to the public, including dramatic productions, athletic events, meetings of the Board of Education, and other meetings open to the public on ESBOCES premises; provided, however, that Recordings may be limited in the case of performances of copyrighted material;

3. Recordings made in connection with certification and other credentialing processes applicable to administrators, teachers, teaching assistants, and other staff;
4. Recordings made with the prior approval of the Chief Operating Officer, District Superintendent, or designee for the purpose of assessing or improving the quality of instruction;
5. Recordings made by faculty members for educational purposes with the intention of helping a specific student or students, or for dissemination only in the faculty member's classroom or building, including, but not limited to, recording of remote learning instruction;
6. Recordings made for use in connection with class photographs, student publications and yearbooks;
7. Recordings (audio) made by a parent/person in parental relation of their child's Committee on Special Education or other meetings pertaining to the provision of special education services;
8. Recordings made and maintained by ESBOCES for security purposes;
9. Recordings of interior or exterior scenes where the presence of Recording Subjects who have not given consent is merely part of an incidental background;
10. Recordings made during certain activities as may be protected by applicable State labor laws; and
11. Such other Recordings as are approved in advance by the Chief Operating Officer, District Superintendent, or designee.

Modification of Recordings Use of Artificial Intelligence

When Recordings are authorized to be made pursuant to this Policy, such Recordings shall not be altered from their original versions in any way. Moreover, the use of Artificial Intelligence tools and/or software for recording, transcribing, and/or summarizing meetings is strictly prohibited without the express written authorization of the Chief Operating Officer, District Superintendent, or designee. This includes, but is not limited to, Artificial Intelligence powered note-taking apps, voice recognition software, and/or automated transcription services. Violations may result in consequences as set forth herein.

References:

- Family Education Rights and Privacy Act
- Individuals with Disabilities Education Act
- Public Employees' Fair Employment Act § 202
- New York Education Law 2-d
- Part 100 of the Regulations of the Commissioner of Education
- *New York City Transit Authority*, 19 PERB ¶¶3021 (1986)
- *New York City Transit Authority (Alston)*, 20 PERB ¶¶3065 (1987)
- *Niagara County, Department of Social Services*, 20 PERB ¶¶ 4522 (1987)
- *Appeal of Epstein*, Dec. No. 13,412 (1995),
- *Appeal of a Child with a Handicapping Condition*, Dec. No. 12,425 (1990)
- *New York City Transit Authority*, 45 PERB ¶¶4564 (2012) (ALJ)
- *New York City Transit Authority*, 30 PERB ¶¶4564 (1997) (ALJ)

- Policy 1430 Regular Board Meetings
- Policy 5113 Telecommuting/Working Remotely
- Policy 5165 Disciplining of Tenured Teachers and Certified Personnel

First Adopted: 11/13/2024

Informed Consent for Audio Recording

I am requesting your permission to record _____. The purpose of this recording is to _____.

- No recording will be done without your prior knowledge and consent.
- This audio recording will be kept confidential and will not be shared with anyone without your prior knowledge and written consent.
- This audio recording will not be edited or manipulated in any manner.

Consent:

By signing below, you agree to the recording as described above. You acknowledge that you have read and understand the information provided and that you voluntarily agree to being recorded. You have the right to withdraw your consent to be recorded at any time without any consequence.

Participant signature:

_____ Date: _____

Person requesting Consent:

I confirm that I have provided all necessary information regarding the recording and have completed this form to the best of my ability and agree to adhere to the guidelines above.

Requestor signature:

_____ Date: _____