

Policy GA-LA-PO5 Electronic Recording of Oral Communications and Administrative Meetings

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I. Policy

Prohibition of Recording

The State of Texas is a one-party consent state concerning the recording of oral communications, meaning an individual may record an oral communication if the individual is a party to the communication or obtains permission from one party to the communication in advance. Despite this, to ensure an atmosphere of trust and honesty during conversations and meetings, electronic recording of oral communications of UTA employees or students, or of a UTA administrative meeting is prohibited except in specific circumstances set forth in this policy.

Faculty maintain the academic right to determine whether recording of classroom and online lectures is permitted by students. Prohibition of classroom recordings must be specified in the course syllabus. Recordings of classroom lectures may only be used for academic purposes related to the specific course and may not be used for commercial purposes or shared with non-course participants except in connection with a legal proceeding.

Exceptions to Prohibition

Recording of an administrative meeting relating to the affairs of UTA may be permitted when the active participation of one or more of the scheduled host sites of a conference is prevented because of a technical problem prior to or during the event.

Recordings subject to open meetings laws are permitted when the choice of official record as a digital file is permitted.

Video conferences for which a written request to record has been submitted and consent has been received from the meeting chairperson. The person requesting the meeting be recorded must submit a written request, including justification, at least three business days in advance to the chairperson of the video conference. The request will not be unreasonably denied by the chairperson.

Recording of an administrative meeting when all participants are notified and agree to the meeting being recorded.

Recording of any academic course or meeting pursuant as part of an ADA accommodation.

Recording of a meeting as part of an investigation as directed by UTA's Chief Legal Officer or UT System Office of General Counsel.

Recordings made by security cameras installed by the UTA Police Department.

Processes and Procedures Required if an Administrative Meeting is Recorded.

Maintenance of Recordings

A recording of an administrative meeting by an employee is a State record and property of UTA. The holder of the recording must follow consistent standards in ensuring the integrity of the recordings and maintaining access to them in accordance with the state-certified UTA Records Retention Policy. Personal devices may be used to make a recording, provided that the recording is timely transferred to a UTA owned device. Any authorized recordings must be maintained by the department pursuant to UTA's record retention policy.

Requesting Technical Assistance in Recording an Administrative Meeting

If an administrative meeting is being recorded with the assistance of technology personnel, the request to record the event must be made in writing by the meeting chairperson or the department director or equivalent at least three business days in advance. The request will not be unreasonably denied by the chairperson/director. The request must include:

- justification for the recording;
- an acknowledgement of the risk of maintaining such records, including the risks of the creation of copies of such records.
- an acknowledgement that recordings made of a UTA administrative meeting may be subject to the Texas Public Information Act.

Announcement by Chairperson.

If a recording will be made, the chairperson will inform all participants before the official start of the meeting and before recording begins that a recording will be made and explain the purpose for the recording. The chairperson will inform the participants that the recording may be subject to the Texas Public Information Act.

Recordings for Minutes to be Transcribed

If a recording is created for later transcription of the minutes, the recording is to be erased after the minutes are in final form. The transcribed minutes then become the official State record.

II. Definitions

Administrative Meeting: a meeting to conduct or discuss any business of UTA, even if the meeting is only between two individuals. This definition excludes meetings conducted for the purpose of instruction or training (classes).

Recording: a digital copy of a visual or audio event for the purpose of rebroadcast.

Oral Communication: a conversation, dialogue, or utterance of an individual.

State Record: any written, photographic, machine-readable, or other recorded information created or received by or on behalf of a State agency or an elected State official that documents activities in the conduct of State business or use of public resources. The information must be readily located and accessible for production.

III. Relevant Federal and State Statutes

Texas Government Code, Chapter 551, Open Meetings

Texas Government Code, Chapter 552, Public Information

IV. Relevant UT System and UTA Policies, Procedures, and Forms

UTS 139 Compliance with the Texas Public Information Act

UTS 115 Records and Information Management

UTS 112 Electronic Recording of Administrative Meetings

UTA Public Information Policy

UTA Records Retention Schedule

V. Who Should Know

Faculty and staff who wish to record administrative meetings.

VI. UTA Officer(s) Responsible for Policy

UTA Chief Legal Officer and University Attorney

VII. Dates Approved or Amended

March 20, 2020

VIII. Contact Information

Questions and comments regarding this policy should be forwarded to the Office of Legal Affairs.