

**University of Windsor
Senate**

*5.2.2: **Policy on Audio-Recording of Lectures by Students with Disabilities**

Item for: **Information**

Forwarded by: **Academic Policy Committee**

PREAMBLE

The Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act (Bill 118), and the University of Windsor's Student Disability Services Policy place an ethical and legal responsibility on all faculty and staff to ensure that students with disabilities are not at a substantial disadvantage in comparison to students who are not disabled. This includes a responsibility to make reasonable accommodation in order to remove any disadvantage that may exist, if such accommodation is reasonable, necessary, and supported by documentation on file with Student Disability Services.

For some students with disabilities, audio-recording of lectures is a useful and necessary accommodation that enables them to gain full advantage of a course or lecture that might not otherwise be accessible to them. Such recording is allowable under existing Canadian copyright legislation, due to the exception of 'fair dealing'. For more information about copyright law as it relates to "fair dealings and exceptions" please follow the hyperlink below to the Canadian Intellectual Property Office website at:

http://strategis.ic.gc.ca/sc_mrksv/cipo/cp/copy_qd_protect-e.html#section06

PERMISSION TO AUDIO-RECORD CLASSES

- Permission to audio-record classes will only be granted through Student Disability Services to students who have submitted appropriate documentation that identifies this accommodation as supportive of their disability
- The need for this accommodation will appear on the Introduction Letters that students present to their instructors at the start of the term
- Students for whom this is an approved accommodation will be required to complete the Audio Recorded Lecture Policy Agreement with their Student Disability Services Advisor, confirming that the recording will be used exclusively for the purposes of private study
- If a student has permission to audio-record a class, the course instructor is responsible for informing all Teaching Assistants involved in teaching that student. The name of the person who will position the audio-recorder should be given to each relevant member of the teaching team. This would normally be the name of the student himself/herself, except in cases where the student has requested confidentiality. In these circumstances, the name of the person assisting the student will be given.

Classes that involve self-disclosure from students:

In some cases, instructors may object to the use of an audio-recording device in classes (or portions of classes) that involve personal discussion and self-disclosure by students, fearing that audio recorders will inhibit the free exchange of information and potentially violate students' right to privacy. However, because the use of a recording device is necessary as a substitute for note-taking by the accommodated student, it would be unfair to require the accommodated student to stop recording while allowing other students to continue taking notes. Therefore:

- At the discretion of the instructor both note-taking and audio-recording may be prohibited during classes or portions of classes which involve personal discussion and self disclosure.
- As an alternative in such cases, the accommodated student may be provided with copies of notes made immediately subsequent to such discussion by a designated note taker. Such notes should refer only to principles, theories, and techniques demonstrated within the context of those discussions, and not to specific content or personal details that may have been shared in such a forum.

Other alternatives:

If there are specific circumstances in which it is deemed inappropriate to audio-record a particular class (or portion of a class), students should be made aware of this well in advance, or at least within the first two weeks of the course.

- The duty to ensure that all students have full access to all lectures/tutorials *etc.* still remains and alternative means of enabling this should be negotiated with the student(s) concerned.
- If a student is able to access written material, options may include the services of a note-taker or the provision of a full transcript of the lecture (not just copies of the presentation itself).
- If it is essential for the student to receive information in an audio-format, options may include the provision of the full transcript in electronic format (enabling the student to use text-to-voice software, if applicable) or having lecture-notes dictated onto magnetic tapes or digital recording devices.
- The specific alternative that may be appropriate in an individual case should never be assumed but should be discussed by the lecturer, student and the Student Disability Services Advisor. All parties should be clear on which provisions are being made well in advance of the class itself.

Visiting Lecturers:

Visiting lecturers are considered to be ‘agents’ of the University. As such,

- They should be notified by the inviting party that a student has been given permission to audio-record classes in order to prevent them from being at a substantial disadvantage for reasons related to a disability or impairment.
- If the visiting lecturer does not grant permission, the responsibility remains with the University to ensure that any existing disadvantage is alleviated. In such circumstances, alternative options, such as those listed above, must be considered.

AUDIO RECORDED LECTURE POLICY AGREEMENT:

I understand that because of my disability I have the right to produce audio recordings of class lectures for my personal study only.

I understand that the recording is intended for my appropriate use as a student, and no other purpose. I understand that therefore I may not share the audio recording with people outside of the course without the consent of the lecturer.

I understand that information contained in the audio-recorded lecture is protected under federal and international copyright legislation, and may not be published or quoted without the lecturer’s explicit consent and without properly identifying and crediting the lecturer.

I understand that violating this agreement may result in the withdrawal of the authorization to audio-record, as well as to a review of access to similar services in the future.

I have read and understand the Policy on Audio-recording of Lectures by Students with Disabilities, and I agree that I will follow the terms of this agreement in accordance with the spirit of the policy.

Student’s Signature

Date

Student Disability Services Advisor’s Signature

Date