

## **Can I forbid a student from recording my lectures?**

No, not if it has been approved as an accommodation as listed on the Disability Support Resources (DSR) issued memo for the student's disability to provide meaningful access to the educational experience. The recording of lectures is one of the accommodations specifically mentioned in Section 504 of the Rehabilitation Act of 1973. The issue of copyright as a concern is referenced at this link: <https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>.

### **According to the regulations**

- Students with disabilities who are unable to take or read notes have the right to record class lectures only for personal study purposes.
- Lectures recorded for personal study may not be shared with other people without the consent of the lecturer.
- Information contained in the audio-recorded lecture is protected under federal copyright laws, and may not be published or quoted without the expressed consent of the lecturer and without giving proper identity and credit to the lecturer.

### **Instructor's right to privacy / protect copyright**

If an instructor objects to the use of a recording device, it is typically because they maintain that their right to privacy of information discussed in the classroom is being violated, or because there is a concern about a breach of copyright. The instructor's right to privacy or concern over copyright does not override the student's right to accommodation. It is the responsibility of DSR to see that the instructor's concern for privacy and protection of copyright is respected and addressed while still assuring the availability of accommodation for the student. In some instances, instructors are reassured about this through the adoption of an agreement between the instructor and student that details the specific limited use of the recordings and arranges for their disposal when the purpose of the recording has been fulfilled. DSR can assist with the completion and oversight of such an agreement. Please contact DSR at 616-331-2490 or [dsrgvsu@gvsu.edu](mailto:dsrgvsu@gvsu.edu).

### **Classes involving self-disclosure from students**

Occasionally instructors object to the use of a recording device in classes that involve a great deal of self-disclosure from students as part of the class, fearing that the use of a recording device will inhibit students from freely sharing. The use of a recording device is to replace the student's note taking ability. If these open discussions are not appropriate subject matter for any student to be taking notes, it would be appropriate to issue a general announcement to the class to request that any students who are using a recording device turn it off.

### **The means of audio-recording**

On a case-by-case basis and upon request, DSR may loan smart-pens, digital recorders and/or smartphone / computer applications to students for the purpose of making audio-recordings in a lecture. In addition, there is an increasing number of apps designed for this task. Typically, students for whom this accommodation is granted are those who have difficulties listening to the lecture content and making cogent written notes at the same time. The audio recording allows the student to 'fill in the gaps' after the lecture or clarify meaning in their written notes.