

ADA & Northeastern Illinois University - Recording Class Lectures

The Law

The Section 504 regulation contains the following requirement relating to a postsecondary school's obligation to provide auxiliary aids to qualified students who have disabilities:

“A recipient . . . shall take such steps as are necessary to ensure that no disabled student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.”

Questions Commonly Asked by Postsecondary Schools and Their Students

Q: What if an instructor objects to the use of an auxiliary or personal aid?

A: Sometimes postsecondary instructors may not be familiar with Section 504 or ADA requirements regarding the use of an auxiliary or personal aid in their classrooms. Most often, questions arise when a student uses a tape recorder. College teachers may believe recording lectures is an infringement upon their own or other students' academic freedom, or constitutes copyright violation.

The instructor may not forbid a student's use of an aid if that prohibition limits the student's participation in the school program. The Section 504 regulation states:

“ A recipient may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity. “

In order to allow a student with a disability the use of an effective aid and, at the same time, protect the instructor, **the institution may require the student to sign an agreement** so as not to infringe on a potential copyright or to limit freedom of speech.

<http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

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Recordings shall be used for private study only. Students must receive prior approval from the Office of Disability Services to use a recorder during lectures as an accommodation. Students who wish to use a device to record lectures for other uses such as: publications, transcriptions, duplications, etc. must obtain written approval from their instructor prior for that specific purpose. Any use of recordings

without the instructor's approval constitutes academic misconduct and may result in suspension or expulsion.

The **Copyright Law, 17 U.S.C. 101–1332 & CT (Legal)** protects the intellectual property of the instructor which includes: lectures, demonstrations, and performances therefore, faculty reserve the right to disallow recording of some classroom and presentations by students.

In case of a dispute, the student's request for permission to record lectures shall be directed to the chair of the department. If further action is needed, the student shall be referred to the Dean of the Department, and the Student Disability Services Director.

*****Students who violate college policy will not be allowed to use a recording device as an accommodation. *****

Agreement Form – Recording Class Lectures

In subpart E of Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act Rehabilitation Act, it is states...

“ A recipient may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity. “

Therefore to comply with Section 504, institutions of higher education must provide reasonable accommodations to a student's known disability and may not deny equal access to the institution's programs, courses, and activities. Recording lectures is a reasonable accommodation for students whose documentation calls for this accommodation.

Faculty has the right to require a student who uses a tape recorder to sign an agreement for tape recording and present the form to the instructor.

Semester: _____ NEIU ID# _____

I, _____, agree that I will not release the recordings,
(Student's Name)

or transcription, or otherwise hinder _____, ability to obtain a copyright
(Instructor's Name)

on lectures that I have taped in:

(Course Title & Course Number)

(Students Signature)

(Date)