



STUDENT DEVELOPMENT AND SERVICES

Recording Course Content Policy

Preamble

The Ontario Human Rights Commission '*Policy and Guidelines on Disabilities and the Duty to Accommodate*' (2001) details the responsibility of the University to provide reasonable academic accommodations to students with disabilities. This includes providing accommodations that will allow for the removal of disadvantage to learning and the demonstration of learning. The accommodations will have been deemed to be reasonable, necessary, and supported by documentation provided to Student Accessibility Services.

For some students with disabilities, having access to course recordings is a necessary accommodation that makes course and lecture materials fully available, when it otherwise would not be. Once a student has recorded a lecture, the teaching material remains the property of the instructor and is not to be disclosed unless the professor has otherwise consented. Such recording is allowable under existing Canadian copyright legislation due to the exception of 'fair dealing.' For more information about copyright law please visit the [Canadian Intellectual Property Office](#) (CIPO) or view the [Copyright Act](#).

Specifically, students with disabilities have permission to record and, based on the terms defined in fair dealing use the material "for purposes of private study, research, criticism [or] review" (CIPO, 2011). However, the information contained in the course recording is still protected under federal and international copyright legislation and, therefore, may not be published or quoted without the lecturer's explicit consent and without properly identifying and crediting the lecturer.

Content Capture by Alternate Means

- Students registered with Student Accessibility Services (SAS) may be eligible for Note Taking Express (NTE); Transcription; Audio Recording; Smart Pen or other supports involving recording course content.
- A student is approved to record or access recordings of course content and will have the accommodation listed on their Letter of Accommodation as “Content Capture by Alternate Means.”
- This accommodation is only granted to students when the appropriate supporting documentation has been provided to SAS.
- Students for whom “Content Capture by Alternate Means” is an approved accommodation will be required to complete the *Student Accessibility Services Student Responsibilities for Note Taking Services* agreement.
- This agreement applies to the entire duration they are receiving note taking supports and/or receiving content capture as an accommodation through SAS and explicitly states that:
 - Students must comply with the professor’s instructions for the class to stop taking notes or recording to protect privacy or create a safe environment for the sharing of sensitive information.
 - Any recordings of classes are to be used for personal study only and for no other purposes.
 - The information contained in the recordings is protected under federal and international copyright legislation and may not be shared, published, or quoted without the lecturer’s explicit consent. If consent is granted, the lecturer will be properly identified and credited.
 - Any violation of these restrictions is considered an infraction under Nipissing University’s Student Code of Rights and Responsibilities and all disciplinary action will be considered.

In some cases, instructors may object to the recording of classes (or portions of classes) for a variety of reasons. However, because the accommodation of “Content Capture by Alternate Means” is necessary as a substitute for note taking by the accommodated student, the recordings should be permitted whenever the others in the class are permitted to take notes.

Alternatives to Course Recordings

If there are specific circumstances in which recording a particular class (or portion of a class), is deemed inappropriate, 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. remains in place. An alternative means of providing access 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 a student cannot use written material to access course information, it is essential for them to receive information in an audio-format such as the provision of a full transcript in electronic format (enabling the student to use text-to-voice software, if applicable).
- The specific alternative that may be appropriate in an individual case should never be assumed but should part of a discussion between the lecturer, student, and Student Accessibility Services. Whenever possible, 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 record classes 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.