

Lecture Audio Recording Agreement Form

Under Subpart E of Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act (ADA), institutions of higher education must provide auxiliary aids and services to students with documented disabilities. Institutions are prohibited from denying equal access to the institution's programs, courses and activities.

Audio recorders are a legitimate auxiliary aid to supplement or substitute note taking for some students with disabilities. Thus, audio recordings are generally considered a reasonable accommodation for students whose disability documentation calls for this accommodation and have been approved for it by Accessibility Services.

What Students Should Understand:

- The student has been approved for the accommodation to produce audio recordings of class lectures and discussions for their personal study use only, and no other purpose.
- The student understands that class lectures, as presented, are the intellectual property of the instructor, and comments made by my classmates are their own intellectual property.
- The student will not share or transfer these recordings by any method, which is currently available or may become available in the future (i.e. will not give recordings to others, upload them to file-sharing sites, post them to the internet, provide them to journalists, or share them in any other manner.
- The student may not infringe on a potential copyright or limit freedom of free speech when using the recorder -- for example, when the class content involves personal discussion and/or self-disclosure. If the student's recording of class content involving personal discussion and/or self-disclosure has the effect of limiting freedom of speech, recording may be prohibited during such portions of class, unless such a prohibition would have the effect of limiting the participation of qualified students with disabilities in the College's education program or activity.
- The student understands that violation of this agreement may result in sanctions related to the Code of Student Conduct.

What Instructors Should Understand:

- Instructors can require qualified students with disabilities who need recording as an approved accommodation to sign this agreement prior to using it.
- Eligibility for audio recording is verified via a student's Accommodation Letter.
- While the student may not infringe on a potential copyright or limit freedom of free speech when using the recorder, the College may not impose a rule prohibiting the use of audio recorders in classrooms if doing so has the effect of limiting the participation of qualified students with disabilities in the College's education program or activity.

I have read and agree to follow the terms of this Lecture Audio Recording Agreement.

Student Signature _____ Date _____

Instructor Signature _____ Date _____

Helpful Information

Classes That Involve Self-Disclosure

Sometimes postsecondary instructors may not be familiar with Section 504 or ADA requirements regarding 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.

(Source: *U.S. Dept. of Education, Office for Civil Rights; Auxiliary Aids and Services for Postsecondary Students with Disabilities*)

Copyright Questions

Accessibility Services will engage with instructors if there are concerns so that privacy and protection of copyright is respected and addressed while still assuring the availability of an accommodation for the student. If there are questions or concerns regarding the recording of lectures, please consult Accessibility Services.

Collaborative Approach

Identifying and addressing concerns early in the semester is important for the best possible outcomes for the student. If there are any questions, the student or instructor can contact Accessibility Services for help. Accessibility Services and the college Equity Compliance Officer will work with the student (and parents/guardians as applicable) to address concerns about how the accommodation is being handled.

Contacting Accessibility Services

Counseling, Accessibility & Resources Accessibility Services is in the Wynn Building on Main Campus, on the 2nd Floor, in Suite 10-209. It is open Monday through Friday from 8 a.m. to 5 p.m.

919-536-7200, ext. 1105

accessibilityservices@durhamtech.edu