

## **Audio Recording Class Agreement**

Audio-recording class lectures is an accommodation recommended for students with verified disabilities who need audio-reinforcement or a supplement to their own or a note-taker's written notes. At SMCM, the following devices are approved to be used for audio-recording class sessions:

- Digital Recorders
- LiveScribe Pens
- Personal laptops, tablets, or smartphones with audio recording software
- Sonocent Audio Notetaking

### **Frequently Asked Questions:**

#### **Can I refuse this accommodation?**

No. If the student has a verified disability, and it is determined that this is a necessary accommodation to address that student's specific educational needs, the student must be permitted to audio record classes; this accommodation has been regularly upheld by the Department of Education, Office of Civil Rights, which is responsible for the implementation of the Americans with Disabilities Act, Section 504 of the Code of Federal Regulations. Only for very specific reasons (typically isolated to sensitive issues in class discussion) can the recording be refused/stopped (see below).

This accommodation is NOT an excuse to miss class. Students receiving this accommodation should discuss how or if class will be recorded in the event the student is absent for a reason related to their need for academic accommodations. If the instructor is recording the class, s/he may still provide the recording to the student in the event of an excused absence. If the absence is not related to their need for academic accommodations, the instructor is not obligated to provide a recording to the student. Where the student has elected to use their own device to record a class, or the absence is unrelated to their need for academic accommodations, the instructor is not obligated to record the class in the event of a student's absence. For those absences, the student is expected to alternate arrangements to get any class notes, with the understanding that the available format may not be the best match for their learning needs.

#### **Do the rest of the students in the class need to give consent to the audio recording?**

No. The instructor is responsible for notifying the class that it may be audio-recorded at times for the purpose of providing an academic accommodation,

but cannot disclose who is receiving the accommodation. The other students can be told what measures will be taken to ensure their confidentiality and privacy in the class (see below).

**Who is responsible for the equipment and recording?**

Depending on the situation, the student or SMCM may provide the device; if the instructor wishes, we can directly loan equipment to them for recording. If students prefer to use personal devices for recording (i.e., a smartphone with a recording app, a computer with a recording program), it is entirely the student's responsibility to maintain the device. Placement of the device near the instructor or use of a microphone may be advisable. ALL files will be deleted at the end of the course.

**What if the discussion in class is of a confidential or sensitive nature?**

Some classes involve discussion of confidential<sup>1</sup> or sensitive<sup>2</sup> material which is not appropriate to be audio-recorded. In these cases, the instructor may turn off the recorder for the portion of the discussion that is confidential or particularly sensitive; however, material covered while the recorder is off cannot be put on a test or other graded assignment.

**What about intellectual property concerns over material presented in class?**

Students must sign an agreement in order to use the audio-recording class accommodation in which they agree not to copy or release any material made in class and that the recording is for their personal educational needs only. No other use may be made of class recordings. The instructor can request that the student deliver the files to the instructor for erasure at the end of the semester, unless special permission is granted to keep the files beyond the semester.

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<sup>1</sup> For example, some students are more open in some classes than others about their sexual identity, and may expect confidentiality from their classmates in certain discussions.

<sup>2</sup> For example, discussions of controversial or politically-charged issues.

### Student Agreement for Audio-Recording Classes

In signing my name below, I, \_\_\_\_\_ (student's name), agree to the following conditions about audio-recording class sessions:

- If using a recording device for note-taking, I agree that recording classes is permissible solely to facilitate my note-taking accommodation and for no other purpose.
- I will destroy my recording of any classes upon completion of the course, unless I receive explicit, written permission from the instructor to keep the recordings beyond this point.
- If I wish to keep the recordings beyond the end of the semester, I will contact the Office of Accessibility Services to help navigate this discussion with the course instructor.
- I will not share, send, post, publish, make public, or duplicate any recordings without the written authorization of the faculty and students in the recording.
- I understand that failure to abide by these rules may render me liable to the professor and members of the class for breach of privacy and violation of copyright laws and/or subject to on-campus conduct procedures under the SMCM Student Code of Conduct.

\_\_\_\_\_  
Student Signature Date

TYPE OF DEVICE APPROVED FOR RECORDING: \_\_\_\_\_

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I, \_\_\_\_\_ (instructor's name), certify that I have been informed of the above student's intention to record class material and will abide by this agreement.

\_\_\_\_\_  
Instructor Signature Date

\_\_\_\_\_  
Semester Course

**After the student and instructor have signed this document, the student must return a copy to the Office of Accessibility Services to be kept on file. If no copy of the agreement is on file for each class, the student's right to record class lectures as an accommodation is null and void.**