**Policy:**

**Faculty Recording A Class**

**and**

**Reasonable Accommodations Regarding Recording a Class (photo, audio or video)**

Policy Background:

1. Students under the ADA have a right to reasonable accommodations under Title II and Section 504 of the Rehabilitation Act of 1973.
2. Reasonable accommodations are determined based on documented disability through the office of Disability Services and the Learning Disabilities Program.
3. Reasonable accommodations in this case include but are not limited to, photographs of the board or other academic material, video recording, audio recording or a note taker.
4. An institution has flexibility in choosing the specific aid or service it provides to the student, as long as the aid or service selected is effective. These aids should be selected after consultation with the student who will use them.
5. Reasonable accommodations should be planned with the instructor and disability services based on the student’s need and the delivery method of the class. The accommodation selected must be deemed to be effective.
6. According to Section 504 regulations “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.” (https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html)
7. The US Department of Education notes “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. (https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html)
8. A faculty member who allows recording of or records a class and shares the recording does not alter the faculty member’s ownership or right to control intellectual property.
9. To avoid any issue with the Massachusetts’ wiretapping statute, particularly with respect to other students who may be speaking during the recording, the instructor must make sure there is clear advanced notice to all students in a course when the lectures are being recorded. It is recommended that notice be provided through a statement on the course syllabus, in the course’s online modality, and at the beginning of each lecture that is being recorded.

 Policy Statement:

Faculty may choose to record their own classes for any reason but must respect the Massachusetts wiretapping statue. They must provide clear notice to students if they are recording a class including advance notice and notice at the time of the class being recorded.

Students with a documented disability have a right to reasonable accommodations to address those documented disabilities and need to plan their reasonable accommodations with their Disability Services or their Learning Disabilities Program advisor. The advisor must coordinate with the faculty to develop an accommodation plan that provides effective accommodations that meets students’ needs in the context of the modality and pedagogy of the class.

In the case where audio or video recording is deemed to be the reasonable accommodation, the faculty member may choose to allow the student to record the class or may choose to record the class and provide the student with a copy of the recording.

In the cases where audio or video recording (e.g. phone, tape recorder, video camera, video capture, smart pens, etc.) is deemed to be the reasonable accommodation, Disability Services must direct the student and faculty to complete the “Recording Classes via Video, Audio or Photograph Agreement” form. Copies of the form will be held by the student, the faculty member, and Disability Services or the Learning Disabilities Program.