

Proposed Administrative Regulation Amendment

Administrative Regulation Name/Number

3.4 Taping of Faculty Lectures

Regulation Statement

This administrative regulation addresses a student's ability to record a class lecture. It also addresses the act of recording a class lecture and/or laboratory instruction as a reasonable accommodation.

Reason for Regulation

This administrative regulation will clarify that students may not record class lectures and may not post all or part of a lecture on social media sites. The regulation will also clarify the provisions under which recording of class lecture may be permitted as a reasonable accommodation for students with qualified disabilities.

Justification for Change

The administrative regulation needed clarification on the issue of posting all or part of a class lecture on social media sites. This had not been a part of the existing regulation. This change will also codify the conditions under which a student with a qualified disability may record lectures and what must be done with those lectures when the class is finished. These changes will also provide faculty more instructions on how to alert students of the prohibition on recording lectures.

PROPOSED CHANGES

3.4 **Recording Taping** of Faculty Lectures

1. MCCCDC acknowledges that faculty members are, by law, afforded copyright protection in their classroom lectures and, therefore, may limit the circumstances under which students may **record tape** (audio/visual) their classes.
2. Each faculty member shall inform **his/her** their students **in the course syllabus or other course introductory material of** ~~within the first week of classes to his/her~~ their policy with regard to **recording of class lectures taping**. Failure to do so will accord students the right to **record tape** lectures.
 - a. Students, regardless of whether they have permission or not from the faculty member to record class lectures, may not reproduce or otherwise share and/or distribute all or part of recorded class lectures and/or activities taking place during class time, without the written consent of the faculty member. (Reproducing includes, but is not limited to, posting any pre-recorded or real time recording of a class lecture—in whole or in part—to any social media platform (TikTok, Twitter, Facebook, Instagram, YouTube, etc.)).

b. Any violation of AR 3.4 (2)(a) may constitute "academic misconduct" prohibited by AR 2.5.2 Student Conduct Code.

3. Students with disabilities that render them unable to take adequate lecture notes are entitled to reasonable accommodation – subject to engagement in the interactive process and a determination of functional limitation as outlined in AR 2.8 Students with Disabilities – to remedy this inability. Approved Accommodation may require a faculty member to ~~exempt~~ modify a student from his/her their ~~taping~~ recording policy for the affected student.

In accordance with Subpart E of Section 504 of the Rehabilitation Act of 1973, a student with a qualifying disability which adversely affects the student's ability to take or read notes may be permitted to audio record class lectures as a reasonable academic accommodation.

In an effort to address faculty concerns for privacy and protection of copyright while still assuring the availability of recording classroom lectures as a reasonable accommodation for students, use of this accommodation is subject to the following conditions:

- a. The faculty member must have received the Disability Resource Services (DRS) Faculty Notification Letter specifying the recording of classroom lectures as a granted reasonable accommodation.
- b. Such recordings of class lectures are only for the student's personal use in study and preparation related to class.
- c. The student must comply with a faculty request to stop recording during discussions, demonstrations, presentations, guest speakers, and situations of a sensitive nature. The faculty member should provide as much notice of these situations as possible in order for the student to coordinate with the faculty member and DRS to have notes taken on the substantive parts of the lecture.
- d. The student may not share classroom lecture, or any other recordings made during class time with any other person or in any media or on a public or private platform without the written consent of the faculty member.
- e. Information contained in the authorized audio recorded lectures, and any other recordings whether authorized or unauthorized, may be protected under federal copyright laws and may not be published or quoted without the written consent of the faculty and without giving proper identity and credit to speakers, this includes publication via any social media platform, emails, or text messages.
- f. The student may not use the authorized recorded lectures, and any other recordings whether authorized or unauthorized, against the faculty member, other instructors, or students whose classroom comments are recorded as part of the class activity. This provision is subject to the protections under policy and the law.

g. The student will erase all recorded class lectures when they are no longer needed for academic work. Upon written request from the faculty member, the student will return all class recordings to the faculty member for erasure. Faculty members should provide DRS with a copy of the aforementioned written request. Likewise, students are not permitted to post the lectures on any social media platform, website, or learning management system without the instructor's written consent except for communications to the instructor of record.

h. Students who wish to keep recordings beyond the end of the course for future review must obtain written permission from the faculty member.

i. Audio, or any other recordings outside of the aforementioned lectures (including fieldwork, internships, etc.) may be discussed on a case-by-case basis in collaboration with the faculty member, program of study, site manager, and DRS. In clinical/experiential learning placements, the recording of any discussions, lectures, or conversations are never permitted.

j. Students, regardless of whether they have permission or not from the faculty member to record class lectures or any other part of the classroom/class time experience, may not post all or part of recorded class lectures or any other recordings made during class time to any social media platform (TikTok, Twitter, Facebook, Instagram, YouTube, etc.), or otherwise reproduce, share and/or distribute to any other person or party.

k. Any violation of AR 3.4(3) may constitute "academic misconduct" prohibited under AR 2.5.2 Student Conduct Code.

Adoption History

ADOPTED into Governance, September 24, 1996
AMENDED Motion No. 8894
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AMENDED Motion No. 8896

Founding Source:
Governing Board Minutes, March 26, 1991, Motion No. 7530

Related Documents and Forms

N/A

Responsible Parties/Contacts

-Responsible Agent /Senior Leader

Melissa Flores, Interim General Counsel

-Regulation Owner

Melissa Flores, Interim General Counsel

-Regulation Contact

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Legal References

Relevant regulations include: *34 C.F.R.* § 104.44(b), Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 394 (Sept. 26, 1973), codified at 29 U.S.C. § 701 et seq.