

Recorded Lectures, Student Accommodation, and Intellectual Property: Your Concerns, Your Rights

Summary:

1. You retain intellectual property rights over materials you develop for your teaching.
2. A student's human rights-based need for accommodation does not automatically give them the right to record your lectures, labs, or other forms of teaching; nor does such a need automatically give the administration the right to use a specific app or software package to facilitate an accommodation.
3. Accommodations must be developed and implemented with the input and consent of the instructor, and must be developed and implemented in such a way that the academic integrity and professional standards of the course of instruction are maintained. The perceived convenience of a particular form of accommodation does not mean that it is the best choice of accommodation.
4. Contact the UMFA office as soon as possible if you have questions about intellectual property, copyright, privacy, and student accommodations: faum@umfa.ca / 204.474.8272

Your Concerns, Your Rights:

At the beginning of each semester you may be approached by Student Accessibility Services (SAS) with a request to record the lectures and other academic presentations that you make to students. These requests are made to help individual students with particular needs, as defined and protected by Manitoba's Human Rights Code, to better engage in the academic work of their chosen program of study. Not all suggested forms of accommodation are reasonable, however. You should not feel pressured into accepting a particular form of accommodation – including the recording of you as you instruct students – that will compromise the academic integrity of your teaching or violate your privacy rights.

It is your responsibility, and that of SAS, to do your best to find an accommodation that is appropriate for the student and the academic integrity of your pedagogy and your unit's academic standards. That might mean presenting more slowly, always using a microphone to present, announcing to your class that they should contact SAS if they are willing to volunteer to share their notes, allowing a non-enrolled note-taker into your teaching space, or other forms of accommodation. It may include allowing a student a limited right to record your lectures and other forms of instruction. However, you are not required to allow students, administrators, or other university employees to record you as you teach, even if it is for accommodation purposes.

Your rights with respect to intellectual property are guaranteed by the Collective Agreement (CA), and include the right to prevent the non-authorized copying, circulation, and use of your teaching materials. Unless you explicitly consent to it, the University is only allowed to have access to your materials for very limited purposes, and must tell you it is exercising that right. See section 14.2.3 of the CA, available on the [UMFA website](#).

You have additional rights and responsibilities under the Student Accessibility Procedure. As an instructor, you are to be able to “determine the appropriate method of adapting their teaching style to meet Accommodation(s)” and to “Question or challenge an Accommodation by working first with SAS and/or with any Accommodation Team or Liaison”. Instructors have the responsibility to reasonably accommodate students to the point of undue hardship, but the Procedure is clear that it is a responsibility to “Provide Reasonable Accommodation(s) recommended by SAS **without compromising the academic integrity and professional standards of the course.**” See sections 2.12 (e), (g), and 2.13 (c) of the Procedure, [available at this link](#).

If you are asked to allow the administration or a student to record your lectures, ask to be informed about the following:

- Who will have access to the recordings?
- Where will the recordings be stored?
- How long will the recordings be retained?
- How will your privacy and intellectual property rights be considered and protected: what security and privacy protocols will be imposed, and how will they be enforced?
- What alternative forms of accommodation have been considered? What other accommodations are possible?

When assessing the answers you receive, also review the following risks to privacy, intellectual property, and pedagogy:

- What are the implications of private or personal information being recorded where students disclose such information during discussions relating to your teaching? Knowing they are being recorded might create a chilling effect for student participation.
- Students should not be recorded without their knowledge. That would amount to a privacy violation and, just like faculty, they would need to be canvassed for consent so that they are not recorded without their knowledge or agreement. How will students be approached for consent, and what will happen if one or more refuse to provide such consent?
- How does the University propose to prevent the misuse of private information disclosed by students? What protections will be in place to prevent unauthorized access to your intellectual property? What data security is in place? Who will anonymize or filter private information that has been recorded?

- Has the University demonstrated that this approach is the only viable option? Convenience is not a justification for overriding privacy or other rights.

If there are viable alternative forms of accommodation, if the administration is not able to provide adequate assurances for these concerns, or if recording your instruction will otherwise compromise the academic integrity and professional standards of the course, you are within your rights to refuse to let the administration record you as you instruct your students.

Recently, the administration has been suggesting faculty allow the use of specific forms of note-making software in the classroom and other learning spaces. The terms of service of these forms of software may compromise the integrity of the course as they do not adequately ensure the protection of intellectual property and/or personal information, and do not appear to guarantee that recordings of lectures do not end up circulating online or outside of class. Remember: the need for accommodation does not guarantee any particular form of accommodation. You and Student Accessibility Services are to work to find a viable form of accommodation that is appropriate for each particular set of circumstances and pedagogical needs. If you are being pressured by SAS or another administrator to accept a form of accommodation which you are uncomfortable with, we advise you to speak with UMFA prior to responding to SAS.

Comments, questions, or concerns? Contact the UMFA Office: faum@umfa.ca / 204.474.8272

