

A. LECTURE RECORDING POLICY

Osgoode Hall Law School is committed to excellence in legal education and to the principle and practice of student engagement in learning. Osgoode students are expected to attend classes and to accept responsibility for their class preparation, note-taking and class participation.

However, the Law School recognizes that for some students engagement sometimes requires accommodation. Depending on the circumstances, accommodation for some students may take the form of lecture notes, for others it could mean being able to listen to recorded lectures, and, on occasion, for some, it could mean both lecture notes and recordings. Moreover, the variety of demands on and burdens borne by students mean that considering ad hoc requests for accommodation throughout each term has imposed enormous demands on staff time and resources. Meanwhile, advances in technology have opened up new ways to be responsive to student needs, while respecting instructors' choices about how to deliver their courses and how they wish to have students engage and learn.

In the past, to assist students who are entitled to make recordings as a form of accommodation, the Law School has endeavored to do so on their behalf using university equipment and resources. Unfortunately, due to a combination of equipment failure and human error, the Law School lacks the capacity to effectively and reliably record lectures. Therefore, students who are entitled to make recordings as a form of accommodation – see Section IV below – are strongly encouraged to do so using their own recording devices. Although the Law School will continue to make its best efforts to record lectures using its own equipment and make those recordings available as part of our efforts to accommodate student needs, the Law School does not warrant that it will be successful in making lecture recordings or that recordings made will be of good quality. As a result, the Law School expressly cautions accommodated students against relying on its recordings and encourages accommodated students to make their own recordings using their own equipment, with the consent of the instructor.

When it comes to lecture recording, the governing principle informing this policy remains the same as in the past – a lecture is the intellectual property of the instructor. Recordings may be permitted where an instructor consents and recordings are generally not permitted where an instructor does not consent, subject to the exceptions set out below for accommodated students. Beginning in Fall 2015 Osgoode's Lecture Recording Policy will be as follows:

- I. The default will be that lecture courses at Osgoode will be recorded by the instructor. The default for seminars is that they will not be recorded.
- II. All students will be entitled to access to all successful recordings for lecture courses in which they are enrolled.
- III. Instructors will make reasonable efforts to use the classroom Camtasia technology to record their lectures.
 - a. In the alternative, instructors may use their own personal recording device, or may make arrangements for a student, or students, in the class to make reasonable efforts to record lectures on a personal recording device. In these instances, the recorded lecture must be made available to all students in the class by posting to the class (Moodle) website.

- b. Instructors who elect not to use the classroom Camtasia technology shall advise Gayle Dyke (gdyke@osgoode.yorku.ca) of this election and the alternative method of recording.
- IV. Instructors may opt out of this default recording policy based on a number of justifiable pedagogical reasons, such as to encourage personal attendance and candid discussion in the classroom. Instructors who choose to restrict access to their lecture recordings shall advise the Associate Dean (Academic) and, in any event, shall still provide access to recordings for students in need of accommodation by making reasonable efforts to use the classroom Camtasia technology only and in accordance with the following policy and procedure:

- a. Recordings for Students in Need of Accommodation (Restricted Access Classes)

- i. *Students with Disabilities*

Osgoode is committed to working with students with disabilities to identify the forms of accommodation that meet the needs of the individual student in order to ensure, as far as possible, that student's ability to fully participate in the academic program.

Students with disabilities are to contact the Office of Admissions and Student Services. From there, the student will be referred to York's Office of Counseling and Disability Services, which is tasked with reviewing any supporting documents and deciding whether a student should be permitted to record lectures and/or obtain lecture notes as a form of reasonable accommodation.

If York's Office of Counseling and Disability Services advises that because of a disability a student should be permitted to either record lectures or obtain notes, the student will be required to choose which form of accommodation they prefer. Should York's Office of Counseling and Disability Services recommend the need for both forms of accommodation, both would then be facilitated as far as possible.

For those students who require lecture notes, the Dean's Scribes Program has been created to pair, as far as possible, selected anonymous 'scribes' with students whose documented disabilities indicate that they require the assistance of a peer note-taker as a form of accommodation.¹ The Law School makes best efforts to pair students with 'scribes'. Given that we rely on student volunteers, both the availability and the quality of the notes may vary.

- ii *Student Absence of Three or More Days: Serious Medical or Compassionate Situations*

Osgoode may approve the recording of lectures for individual students who are unable to attend classes due to a serious medical situation or family emergency, or death in the

¹ Students interested in volunteering to be a Dean's Scribe or who wish to inquire about obtaining class notes from a Dean's Scribe should contact Gayle Dyke, Student Services Coordinator gdyke@osgoode.yorku.ca.

family necessitating an absence from school of three or more days.² Recording of lectures in these circumstances for absences longer than four weeks of classes must be approved by the Assistant Dean, Students or the Associate Dean (Students).

iii Religious Observance

A student who decides to miss a lecture for reasons of religious observance may request, and the Law School may agree, with the express consent of the instructor, that the lecture may be recorded. Requests must be made at least one week in advance of the proposed absence. The length of the absence will be a relevant factor in the decision to grant permission to make a recording. Ordinarily permission will not be granted to record lectures for an absence any longer than three days.

Since a complete knowledge and potential listing of religious observances for all students is beyond the capability of the staff of the Law School, it is incumbent on the student, if requested, to provide written documentation to the Office of Admissions and Student Services. The documentation from the religious group or the student's spiritual advisor should indicate the nature, extent, and required duration of the religious observance which will require the student's absence from the class.

The scheduling of examinations on days of religious observance is governed by York's Senate Policy on Sessional Dates and the Scheduling of Examinations.

iv Make up classes, Mooting and Court/Hearing Attendances

The instructor may record lectures of make-up classes. Although this is regarded as best practice, the making of such recordings is however entirely in the discretion of the instructor.

In addition, if a student will be away from the Law School for three or more days in order to attend a moot or lawyering skills competition or to attend court or a tribunal hearing in relation to one of the Law School's clinical or intensive programs, they may be permitted to record classes that they miss during that period.

b. Procedure for Students in Need of Accommodation (Restricted Access Classes)

i. Approval of Requests for Non-Disabled Students

The procedure by which permission to record is obtained by disabled students was detailed above. For all other requests under this policy, in order to ensure adequate notice to the Law School and to the instructors involved, any student wishing to obtain permission to record a lecture or lectures, must:

- make this request in writing not less than one week in advance of the class that is to be recorded where the basis of the request is religious observance or to attend a moot or a court or tribunal hearing, or twenty-four hours in advance in the case of medical or compassionate grounds;

² 'Family' in this Policy includes close family members and others with a close, family-like relationship to the student.

- must submit the request by web application form available on MyOsgoode;
- must identify the serious medical situation, family emergency or death in the family, or the moot or court or tribunal attendance, that necessitates their absence;
- must support the request in all cases by appropriate documentation substantiating the existence of the grounds.

If the request is not granted:

- a request by an instructor on behalf of the same student will not be granted;
- a request for reconsideration thereof may be undertaken only by the Assistant Dean, Students or the Associate Dean (Students), as appropriate.

c. The Mechanics of Lecture Recording (Restricted Access Classes)

If a student is granted permission to record a lecture for any of the reasons noted above, the following procedures govern:

- i. the Office of Admissions and Student Services will notify the instructor whose class is to be recorded;
 - ii. with the consent of the instructor, the student may make a recording themselves or have another student who they designate do so on their behalf;
 - iii. the York UIT Classroom Operations department provides training sessions to instructors on the use of the 'lecture capture' technology in the electronic classrooms as part of a continued effort to attempt to record lectures. Instructors will continue to be encouraged to make lecture recordings using that technology. **Full-time Faculty must request additional assistance through their faculty assistants. Adjunct Faculty must request additional assistance through help@osgoode.yorku.ca. It is recommended that bookings for assistance be made 7 business days in advance;** and
 - iv. any recording that the Law School manages to successfully capture will be made available only to the student entitled to record the lecture under the terms of this policy.
- V. Notwithstanding the Law School's best efforts to assist all students with the learning and classroom engagement process through the use of technology, the Law School acknowledges and students should be aware – as evidenced by past practices and experiences – that not all technology works all the time. Therefore, notwithstanding this policy, students who rely on audio recordings may seek to supplement the Law School's audio recordings with their own audio recordings using their own equipment, with the consent of the Instructor.

- VI. The failure of a lecture to be successfully recorded, or a deficiency in a recording, does not render the material covered in that lecture unexaminable or otherwise exempt from evaluation.
- VII. Limitations on Use of Recording and Duty to Destroy
 - a. A student who either records a lecture using his or her own equipment, or who accesses a lecture recorded by the Law School using lecture capture technology, is prohibited from reproducing or distributing the recording or any portion thereof to anyone and from using the recording for any purpose other than for the personal academic use for which the recording was made according to this policy. Students who access these recordings undertake to abide by this prohibition. Failing to respect this prohibition would be a breach of Osgoode's Academic Honesty rules (Rule 3.3.2 – "non-course work") and/or the Student Code of Conduct and will be treated accordingly.
 - b. Further, at the end of the deferred exam period in any given term, all students who are in possession of recordings obtained under the operation of this Policy from that term are required to delete any such recordings and not retain any copies of such recordings, either in whole or in part, for any purpose whatsoever.
- VIII. This policy will be reviewed at the end of the 2015-2016 academic year to consider its effectiveness and any potential modifications going forward.