



ACADEMIC COUNCIL REPORT

SESSION:

Public
Non-Public

ACTION REQUESTED:

Decision
Consultation
Information

TO: Academic Council

DATE: April 23, 2019

FROM: Heather Leckey, Manager, Student Accessibility, Student Life

SUBJECT:

1. DIRECTIVE FOR USE OF AUDIO RECORDING OF LECTURES BY STUDENTS WITH DISABILITIES
 2. DIRECTIVE FOR USE OF MEMORY AIDS BY STUDENTS WITH DISABILITIES
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ACADEMIC COUNCIL MANDATE:

- Under the Policy Framework, consistent with the Board’s “Duty to Consult” under section 10(5) of the UOIT Act, Policy Owners must consult with Academic Council before presenting draft policy instruments/amendments to the approval authority for approval.
- We are seeking Academic Council’s feedback on the draft directives before they are presented to the Provost and Vice-President Academic for approval.

PURPOSE OF POLICY INSTRUMENT:

- The purpose of the Directives is to balance the verified need for academic accommodations for students with disabilities with the academic freedoms and intellectual property rights of course instructors, while also meeting any legal obligations that may exist in a manner consistent with the University’s Policy on Accessibility and its commitment to creating a campus community that is inclusive of all individuals.

CONSULTATION:

List of Consultation Dates:

- Policy Compliance Officer, on-going through January-March 2019
- Policy Advisory Committee, April 3, 2019

Comments received and response:

- Policy Advisory Committee sought clarity on further defining “working days” within the definition section.
 - The following definition of “working days” will be added: Any day, excluding Saturdays, Sundays, statutory holidays and university closures, on which business can be conducted.
- Policy Advisory Committee sought clarity as to whether audio recording also included video/photo recordings.
 - This directive does not include video/photo recordings as this relates to the use of an audio digital recorder as an academic accommodation to support functional impairments that relate to students disability.

COMPLIANCE WITH POLICY/LEGISLATION:

- Ontario Human Rights Code, R.S.O. 1990, Chapter H.19
Ontario Human Rights Commission Policy on Guidelines on accessible education
(2004) Freedom of Information and Protection of Privacy Act, R.S.O. 1990
Ontario Occupational Health and Safety Act, R.S.O. 1990, Chapter O.1.
Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005

NEXT STEPS:

- AC members are welcome to provide comments face-to-face; written by email; or through the policy website form

SUPPORTING REFERENCE MATERIALS:

- Directive for Use of Audio Recording of Lectures By Students With Disabilities
- Directive for Use of Memory Aids By Students With Disabilities
- Audio Recording of Lectures Agreement
- Memory Aid Guidelines



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DIRECTIVE FOR USE OF AUDIO RECORDING OF LECTURES BY STUDENTS WITH DISABILITIES

PURPOSE

1. The purpose of this Directive is to balance the verified need for academic accommodations for students with disabilities with the academic freedoms and intellectual property rights of course instructors, while also meeting any legal obligations that may exist in a manner consistent with the University's Policy on Accessibility and its commitment to creating a campus community that is inclusive of all individuals.

DEFINITIONS

2. For the purposes of this Directive the following definitions apply:

“Academic Accommodation” means an arrangement that is made for a Student with Disabilities to enable them to participate equitably in the learning environment and in a manner that is consistent with and supportive of the essential requirements of the course and program.

“Students with Disabilities” means individuals who are currently registered in any course or program of study at UOIT and also registered at Student Accessibility Services, and as such have provided the appropriate medical and/or psychological documentation concerning the status and effect of their disability for determining reasonable and suitable accommodation measures that would allow them equitable access to meet the essential requirements of their courses and programs.

SCOPE AND AUTHORITY

3. This Directive applies to Students with Disabilities who require the use of audio recording of lectures as part of their individual Academic Accommodation plan.
4. The Provost and Vice-President Academic, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Directive.

DIRECTIVE

5. **Process for approval of audio recording lectures**
 - 5.1. Students with Disabilities who require audio recording of class lectures, labs and tutorials to meet the essential requirements of their course must provide appropriate medical and/or psychological documentation to Student Accessibility Services that identifies a *bona fide* disability-related need for this type of Academic Accommodation.
 - 5.2. Accessibility Services staff, upon verification of the need for this Academic



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Accommodation, will prepare a *Notice of Accommodation* for the Students' course instructors indicating that the Student requires audio recording of classes as a form of Academic Accommodation.

- 5.3. Students with Disabilities for whom this is an approved Academic Accommodation will sign the *Audio Recording of Lectures Agreement* with their Accessibility counsellor or advisor, confirming that the recording will be used exclusively for the purposes of private study and destroyed at the end of the term.

6. Implementation of audio recording accommodation

- 6.1. Course instructors, upon receipt of the *Notice of Accommodation*, will inform all Teaching Assistants associated with the course of the Academic Accommodation requirement.
- 6.2. Course instructors may also announce to the class that the lecture is being audio recorded as an Academic Accommodation for a Student with Disabilities under the conditions outlined above, without revealing the Student's name.
- 6.3. In classes, or portions of classes, where students are encouraged to discuss personal matters or where the use audio recorders may inhibit the free exchange of information and potentially violate students' right to privacy, course instructors may decide to prohibit audio recordings in their classes at those times. In such cases, instructors must provide the Student with Disabilities with an alternative means of capturing the course content and participating in the class, such as providing the Student with their notes of the discussion that summarizes the principles, theories, and techniques demonstrated within the context of those discussions, without specific content or personal details that may have been shared in such a forum.
- 6.4. The Student with Disabilities, upon the signing of the Agreement, will make their own arrangements to audio record their classes, use the recordings for their own personal academic studies, and destroy all copies at the end of the term. Any violation of these conditions by a Student will be considered academic misconduct and possible disciplinary sanctions may result.

7. Protection of Privacy

8.1. The University is committed to protecting the privacy of all members of the University community, including Students with Disabilities. At the same time, the University needs sufficient information to reasonably evaluate and respond to a student's request for Academic Accommodation. For this reason, students are required to provide to Student Accessibility Services information concerning the nature of their disability-related needs.

8.2. At times the Academic Accommodation process may require that information about a Student with Disabilities be disclosed to staff and faculty outside of Student Accessibility Services on the basis that they "need-to-know" this information to perform their duties under the policies and procedures at the University. All personal information disclosed to such staff or faculty will be governed by the University's Access to Information and Protection of Privacy Policy.



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MONITORING AND REVIEW

9. This Directive will be reviewed as necessary and at least every three years. The Provost and Vice-President Academic, or successor thereof, is responsible to monitor and review this Directive.

RELEVANT LEGISLATION

10. Ontario Human Rights Code, R.S.O. 1990, Chapter H.19
 Ontario Human Rights Commission Policy on Guidelines on accessible education (2004)
 Freedom of Information and Protection of Privacy Act, R.S.O. 1990
 Ontario Occupational Health and Safety Act, R.S.O. 1990, Chapter O.1.
 Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005

RELATED POLICIES, PROCEDURES & DOCUMENTS

11. UOIT Accessibility Policy (LCG 1103)
 Procedures for Academic Accommodation for Students with Disabilities (LCG 1103.01)
 Academic Regulations, Undergraduate Academic Calendar



Audio Recording of Lectures Agreement

The student below is entitled to record class lectures, labs and tutorials as part of their academic accommodation plan, in accordance with the UOIT Policy on Academic Accommodations for Students with Disabilities and the Ontario *Human Rights Code*.

In order to provide this academic accommodation while, at the same time, respecting Copyright Legislation as well as the Intellectual Property rights to the material which rest with the Instructor, the student has agreed to abide by the following conditions

Student Declaration:

I, _____, Student number: _____,

enter into this agreement with regards to audio recording of lectures.

I understand and agree to the following conditions:

- I will use these recordings for my own personal academic studies and I understand that information contained in the audio recorded lecture is protected under federal and international copyright legislation
- I will not share these recordings or their contents with anyone
- I will not disseminate this audio material in any manner to anyone else or upload it electronically, whole or in part, to any website or online service
- I will destroy (delete) any and all copies of the recordings at the end of the term and will not retain any part or whole of any of the recordings
- If I fail to adhere to the conditions listed above, the violation will be considered academic misconduct, which may result in disciplinary sanctions that may appear on my academic record
- A violation may also result in the withdrawal of the authorization to audio-record lectures

By signing below I confirm that I have read and understand the Audio Recording of Lectures Agreement and agree to the conditions of this agreement

Student: _____ Date: _____
Signature

SAS Counsellor/Advisor: _____ Date: _____
Signature



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DIRECTIVE FOR USE OF MEMORY AIDS BY STUDENTS WITH DISABILITIES

PURPOSE

1. The purpose of this Directive is to balance the verified need for academic accommodations for students with disabilities with the academic freedoms and intellectual property rights of course instructors, while also meeting any legal obligations that may exist in a manner consistent with the University's Policy on Accessibility and its commitment to creating a campus community that is inclusive of all individuals.

DEFINITIONS

2. For the purposes of this Directive the following definitions apply:

"Academic Accommodation" means an arrangement that is made for a Student with Disabilities to enable them to participate equitably in the learning environment and in a manner that is consistent with and supportive of the essential requirements of the course and program.

"Students with Disabilities" means individuals who are currently registered in any course or program of study at UOIT and also registered at Student Accessibility Services, and as such have provided the appropriate medical and/or psychological documentation concerning the status and effect of their disability for determining reasonable and suitable accommodation measures that would allow them equitable access to meet the essential requirements of their courses and programs.

"Memory Aid" means tools that assists a student by serving as a trigger for recalling and accessing information in testing situations aimed at assessing the student's mastery and understanding of the course material as opposed to what they have memorized. A memory aid should not reduce academic requirements or alter the standards by which academic performance is assessed.

SCOPE AND AUTHORITY

3. This Directive applies to Students with Disabilities who require the use of memory aids during a test or exam as part of an individual Academic Accommodation plan in the Accommodated Test Centre.
4. The Provost and Vice-President Academic, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Directive.

DIRECTIVE

5. **Process for approval of using memory aids during a test or exam**
 - 5.1. Students with Disabilities who require the use of memory aids during a test or exam to meet the essential requirements of their course must provide appropriate medical and/or psychological documentation to Student Accessibility Services that



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identifies a *bona fide* disability-related need for this type of Academic Accommodation.

- 5.2. Accessibility Services staff, upon verification of the need for this Academic Accommodation, will prepare a *Notice of Accommodation* for the Students' course instructors indicating that the Student requires using memory aids for testing as a form of Academic Accommodation.
- 5.3. Students with Disabilities for whom this is an approved Academic Accommodation will review the Memory Aid Guidelines for Students with Disabilities Document with their Accessibility counsellor or advisor.
- 5.4. The counsellor or advisor acts as a consultant to assist the course instructor and Student to determine the suitability of this accommodation for a specific course. The counsellor or advisor may help to resolve specific challenges, provide sample memory aids as examples and clarify the process involved in using an approved memory aid during an exam.

6. Process for Implementing Memory Aids

- 6.1. The Student with Disabilities:
 - 6.1.1. Must understand what the purpose of a memory aid is and understand what is not permitted.
 - 6.1.2. Will create their own draft memory aid (letter-sized (8.5" x 11") – typically one or two pages in length) and submit it to the course instructor at least seven (7) working days before the test or exam.
 - 6.1.3. Is responsible for making any changes required by the course instructor and re-submitting the final copy to the course instructor at least three (3) working days before the test or exam.
- 6.2. If the memory aid is not received by the course instructor for approval within the appropriate timeline, it is possible that the Student will not be allowed to use the memory aid.
- 6.3. The course instructor:
 - 6.3.1. After receiving the Student's Academic Accommodation plan, the course instructor should contact the Student's Accessibility counsellor or advisor if there are any questions or concerns.
 - 6.3.2. When presented with the memory aid by the Student, the course instructor will either:
 - 6.3.2.1. Approve the memory aid sheet as is; or
 - 6.3.2.2. Return the aid to the Student to edit or remove any parts that have been deemed inappropriate. The Student will resubmit the aid for approval.
 - 6.3.3. Once an appropriate memory aid has been received, the course instructor will approve the memory aid and send the electronic copy to the Test Centre to be included in the Student's test or exam package. All memory aids will be returned to the course instructor in the Student's test or exam envelope

7. In protecting and preserving academic integrity, course instructors are within their right to



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disallow a memory aid should it represent a clear academic advantage for the Student. A memory aid can also be disallowed in testing situations where it is clearly stated that rote memory is being assessed (e.g., evaluating students' recall of certain isolated terms or facts).

8. Protection of Privacy

8.1. The University is committed to protecting the privacy of all members of the University community, including Students with Disabilities. At the same time, the University needs sufficient information to reasonably evaluate and respond to a student's request for accommodation. For this reason, Students with Disabilities are required to provide to Student Accessibility Services information concerning the nature of their disability-related needs.

8.2. At times the Academic Accommodation process may require that information about a Student with Disabilities be disclosed to staff and faculty outside of Student Accessibility Services on the basis that they "need-to-know" this information to perform their duties under the policies and procedures at the University. All personal information disclosed to such staff or faculty will be governed by the University's Access to Information and Protection of Privacy Policy.

MONITORING AND REVIEW

9. This Directive will be reviewed as necessary and at least every three years. The Provost and Vice-President Academic, or successor thereof, is responsible to monitor and review this Directive.

RELEVANT LEGISLATION

10. Ontario Human Rights Code, R.S.O. 1990, Chapter H.19
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RELATED POLICIES, PROCEDURES & DOCUMENTS

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MEMORY AID GUIDELINES FOR STUDENTS WITH DISABILITIES

PREAMBLE

Memory, including the acquisition, storage, and retrieval of information, involves a complex set of cognitive processes and neurological structures. Some students experience disability related functional impairments as a result of their documented medical or neurological condition or learning disability that results in a significant memory deficit. These students have documented impairments in rote memory, sequencing and/or long term memory which inhibits their ability to recall information even though they have carefully studied and understood the material. The purpose of academic accommodations is to increase the likelihood that the performance of students reflects their knowledge and ability, without jeopardizing essential course requirements or providing an unfair advantage. A memory aid provides these students with equal opportunity to demonstrate their understanding of course material. A memory aid is not suggested for a student unless Student Accessibility Services (SAS) has disability documentation that strongly supports the need.

When designed and used properly, a memory aid assists the student by serving as a trigger for recalling and accessing information during tests or exams. This allows for the assessment of the student's mastery of the course material as opposed to what they have memorized.

A memory aid should not diminish academic requirements or alter the standards by which academic performance is assessed. If the information on the memory aid sheet is an essential learning objective or outcome of the course, it would not be allowed. For example, if the learning objective or outcome of the course is to know a mathematical formula, it would not be allowed on the memory aid sheet. However, if the learning objective or outcome of the course is to demonstrate the ability to apply that formula, then it would be allowed.

PROCEDURES FOR MEMORY AIDS

SAS Counsellor or Advisor

- 1) The SAS counsellor or advisor reviews the student's disability documentation to determine whether it supports the use of a memory aid. If this is unclear, the SAS counsellor or advisor may ask the student to provide additional or updated documentation. If the counsellor or advisor determines that there is sufficient evidence to support the use of a memory aid as an accommodation, this is added to the student's accommodation plan and the relevant faculty member is advised.
- 2) The counsellor or advisor acts as a consultant to assist the professor and student to determine the suitability of this accommodation for a specific course. The counsellor or advisor may help to resolve specific challenges, provide sample memory aids as examples and clarify the process involved in using an approved memory aid during an exam.

Student

- 1) Students must understand what the purpose of a memory aid is and understand what is not permitted.
- 2) The student will create their own draft memory aid (letter-sized 8.5" x 11" – typically 1 or 2 pages in length) and submit it to the professor at least 7 days before the test or exam.
- 3) The student is responsible for making any changes required by the professor and re-submitting the final copy to the professor at least 3 working days before the test or exam.

If the memory aid is not received by the professor for approval within the appropriate timeline, it is possible that the student will not be allowed to use the memory aid.

Instructor

- 1) After receiving the student's Letter of Accommodation, the Instructor should contact the student's SAS counsellor or advisor if there are any questions or concerns.
- 2) When presented with the memory aid by the student, the professor will either:
 - a. Approve the memory aid sheet as is; or
 - b. Return the aid to the student to edit or remove any parts that have been deemed inappropriate. The student will resubmit the aid for approval.
- 3) Once an appropriate memory aid has been received, the professor will approve the memory aid and send the electronic copy to the Test Centre to be included in the student's test or exam package. All memory aids will be returned to the instructor in the student's test or exam envelope.

In protecting and preserving academic integrity, instructors are within their right to disallow a memory aid should it represent a clear academic advantage for the student. A memory aid can also be disallowed in testing situations where it is clearly stated that rote memory is being assessed (e.g., evaluating students' recall of certain isolated terms or facts).

WHAT IS A MEMORY AID?

A memory aid:

- Should be a minimum 12-point font; either created on a computer or hand written (equivalent to 12-point font).
- May contain mind maps, acronyms, rhymes, pictures, acrostics, visual chains, mnemonics or other symbols representing knowledge that assists the student in remembering and accessing information.
- Make sense only to the student who created it and would not be useful as an answer sheet to other students in the course.

EXAMPLES OF MEMORY AIDS

From Carleton University

- [Cueing Sheet Example 1](#)
- [Cueing Sheet Example 2](#)

not leaving cert... one or

?.....david bender,...

Kath rick,...  ...,therefore,.....,Francine



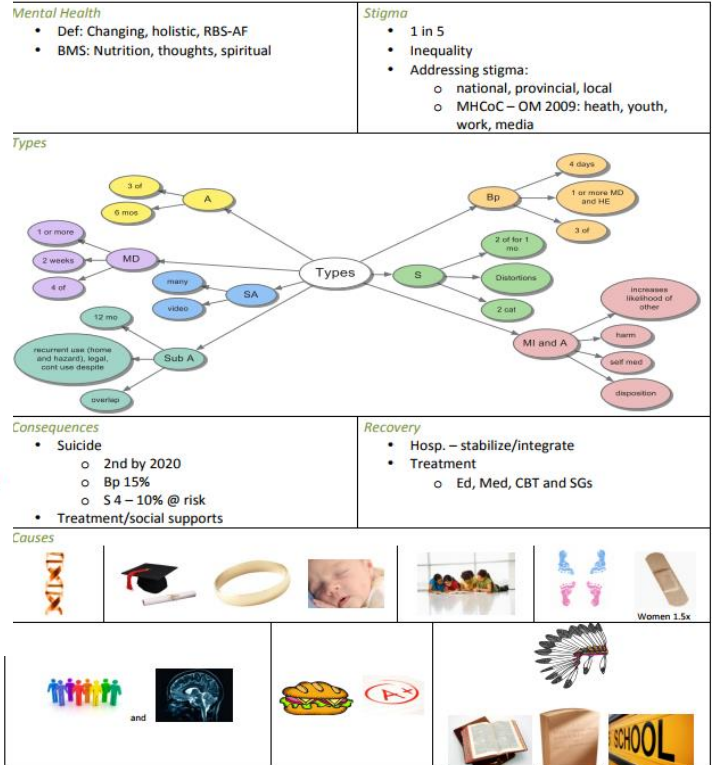
o mara,...  an rola,... brian or craig.

 nathan,...niamh today, tomoro,...

Memory Aid Example

While this example does not include all elements of a memory aid, it gives you an idea of what a memory aid can look like.

Student Accessibility Services, McMaster University
Issues in Human Services
Adult Mental Health Issues



What a Memory Aid is NOT

- A substitute for studying
- An exemption from mastering course material
- Full course notes, facts or concepts
- A study or answer sheet. It should only make sense to the person who created it
- Specific examples of how formulas are used
- Complete terms and definitions