

1. Background

Many disabled students, including those with specific learning difficulties such as dyslexia, find taking notes in lectures challenging to the extent that attending such sessions becomes stressful and anxiety-inducing; in some cases students may stop attending lectures if such feelings become sufficiently acute. This is borne out by the feedback the Disability and Dyslexia Service receive from the students it supports and via surveys such as the Student Equality Survey.

Amongst the issues that disabled students may have when dealing with taught sessions are:

- Being able to hear the lecturer due to a hearing impairment
- Being able to see notes and other teaching materials due to a visual impairment
- Being able to write quickly enough to note down the salient points in each session
- Being able to retain what they have heard for long enough to note down as a result of a weak short-term or 'working' memory, or issues with fatigue
- Being able to concentrate for the duration of each session as a consequence of issues with stamina and fatigue, possibly in conjunction with medication or due to mental health issues

A December 2014 Equality Analysis on the Disabled Students' Allowances from the Department for Business Innovation and Skills states that

We expect institutions to work towards providing inclusive methods of providing information and support, so that all students can easily access their course¹.

Accordingly, the Disability and Dyslexia Service can provide advice and guidance to colleagues as to how to adopt best practice in terms of making their teaching as accessible and inclusive as possible – please contact the service via email (dds@qmul.ac.uk) or visit [the relevant section of the service's website](#) for more information.

2. The legal context

The Equality Act (2010) requires Higher Education Institutions to make 'reasonable adjustments' for disabled students so that they are not treated less favourably than their non-disabled peers.

If disabled students are prevented from recording lectures and other taught sessions they are not able to access key components of the teaching and learning on their academic programme and would, under the legislation, have a good case for being treated unfairly. This would currently leave Queen Mary University of London vulnerable under the relevant sections of the Equality Act.

In 2003 Skill, the National Bureau for Students with Disabilities, the Disability Rights Commission (now the Equality and Human Right Commission) and what was then the lecturer's union NATFHE worked to discuss this issue in the light of concerns

¹ Department for Business Innovation & Skills "Disabled Students' Allowances: Equality Analysis (December 2014) BIS/14/1108

from teaching staff regarding their intellectual copyright, as well as the potential impact on attendance by having recordings of the lectures produced by students.

They concluded that “in order to facilitate equality of access to oral lectures for all students, Skill, the DRC and NATFHE produced joint guidance, which set out an approach to enable students to access their learning and teaching in the most appropriate way whilst maintaining existing protections in terms of the intellectual property rights of academic staff. Students would be encouraged to talk to their disability adviser about their learning needs and their need to record lectures. Lecturing staff would be informed who in their lecture was recording their lectures, but not the reasons why unless the student gave specific permission for such information to be divulged. Thus, the students’ confidentiality was protected as was the lecturers’ intellectual property rights”.

The Equality and Human Rights Commission cited the granting of permission to disabled students to make audio recordings of lectures as a way of ensuring that Higher Education Institutions avoid ‘substantially disadvantaging’ disabled students in their Technical Guidance for Further and Higher Education document, published in November 2012.²

Ergo, the Disability and Dyslexia Service propose that the following procedures be adopted by the university:

3. Recommended procedures for Queen Mary University of London

Queen Mary University of London recognises its responsibilities under the Equality Act and the Public Sector Equality Duty to anticipate the requirements of its disabled students. Part of this duty is to make every effort to make all aspects of the student experience as accessible as possible and this includes removing barriers to learning, where they exist. As disabled students often find taking or making notes in lectures and other taught sessions very challenging to the point of impossibility, disabled students should be able to make recordings of their lectures *for their own use*.

Adherence to these procedures will ensure that the university is able to make a reasonable adjustment under the terms of the Equality Act in respect of providing equal treatment and equal access to educational opportunity for all students regardless of their disability status.

Compliance with this policy will have no cost implications for academic departments, as the students concerned will be equipped by their relevant funding agencies or the Disability and Dyslexia Service.

3.1 Policy

1. Disabled students, including those with specific learning difficulties (e.g. dyslexia) who need to record lectures in order to successfully access their course are invited to meet with advisers within the Disability and Dyslexia Service (DDS) to discuss their needs. This will assist the university in making appropriate adjustments to improve the student experience.

² Equality Act 2010 Technical Guidance on Further and Higher Education, Published November 2012
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2. Once the student has met with a member of staff within DDS, the adviser in question will assess whether or not the student needs to make audio recordings of their lectures.
3. The DDS will email the named contact for disabled students in each school (e.g. the Student Support Manager) with details of any student who should be permitted to make recordings of lectures. DDS will not ordinarily relay details of the student's disability unless requested to do by the student.
4. Recording a session is not a substitute for attendance, as additional visual materials may be used, (such as PowerPoint slides or video) and students are encouraged to attend all taught sessions, illness notwithstanding.
5. Recording the lecture and operating any recording device is deemed to be the student's responsibility or in some cases that of their Educational Support Worker. Any attempts to record the lecture should not disrupt the session.
6. If other students express concern about audio recording taking place they are advised to contact the Student Support Officer in their school, the Disability and Dyslexia Service or Queen Mary Students' Union.
7. In the case of intercollegiate study or additional evening classes, students are advised to seek permission from tutors at the relevant institution, as appropriate.
8. Visiting lecturers working with, or on behalf of the university should be alerted to this policy, to ensure a course-wide approach. Should a visiting lecturer refuse to grant permission to record under the auspices of this policy, they are advised that individually liability may apply and that their decision may be subject to scrutiny from the university or an external organisation, e.g. the Office for the Independent Adjudicator.
9. There may be occasions where permission to record a session may be refused, such as during patient meetings, or specific sessions which deal with sensitive material, (e.g. ongoing legal cases).
10. On occasions where sensitive issues are discussed, such as personal experiences, tutors may insist that recording stops. This may be to protect either client or student confidentiality.
11. If a student needs to record orally delivered taught sessions, in no circumstances should a recording be passed on other than to the student's approved transcriber. Permission to record does not provide students with any intellectual property in or title to use the content other than for their own personal study. Content includes information imparted by the lecturer or session lead, as well as the views and arguments of fellow students.

If a student is unaware of their position in regard to the recording of session, or if they have any other relevant learning needs, they are advised to contact the Disability and Dyslexia Service.

Any questions regarding the Policy should be referred to the Disability and Dyslexia Service via dds@qmul.ac.uk.

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