

TO: All MUNFA Members

FROM: The MUNFA Executive Committee

DATE: June 10, 2008

**SUBJECT: Use of Recording Devices in Classrooms**

We felt it useful to bring to the attention of Academic Staff Members (ASMs) a recent advisory from CAUT. The advisory is predicated on the increasing ease with which course lectures and presentations can be audio or video recorded, often surreptitiously and without an ASM's knowledge or consent. There have been incidents at other universities. In one case, students provoked an instructor to the point of anger, recorded the response, edited the recording to remove the context, and posted the result on YouTube. In other cases unauthorized audio recordings have been used to produce transcripts of lectures that are then circulated without permission and/or plagiarized (attached CAUT Memorandum 08:24).

There are two issues at play. One is that under law an ASM has copyright in their lectures and other academic work. As such, a lecture is one's intellectual property and may not be copied or distributed without permission.

A second issue is how to protect one's rights. On a broad scale this is an issue that may be raised in the next round of negotiation of the Collective Agreement. On an individual level, ASMs may consider incorporating the following statement in course syllabi and/or material handed out at the beginning of the term and/or at each lecture:

The lectures and displays (and all material) delivered or provided in <course number: course title by Professor Name>, including any visual or audio recording thereof, are subject to copyright owned by <Professor Name>. It is prohibited to record or copy by any means, in any format, openly or surreptitiously, in whole or in part, in the absence of express written permission from <Professor Name> any of the lectures, materials provided or published in any form during or from the course.

We acknowledge that it may be difficult to impose meaningful consequences for breach of this obligation, but still believe that the statement provides some protection even if only on a moral and ethical plane. If you have any questions or if you experience unauthorized recording of lectures or other course material, please contact the MUNFA office (ext. 8642 or e-mail: [munfa@mun.ca](mailto:munfa@mun.ca)).





Canadian Association of University Teachers  
Association canadienne des professeures et professeurs d'université

 [www.caut.ca](http://www.caut.ca)  
[acppu@caut.ca](mailto:acppu@caut.ca)

2705, promenade Queensview Drive  
Ottawa (Ontario) K2B 8K2

Tel\Tél. 613-820-2270  
Fax\Télé. 613-820-7244

May 14, 2008

## MEMORANDUM 08:24

**TO:** Presidents and Administrative Officers  
Local and Federated Associations

**FROM:** James L. Turk

**RE:** Use of Recording Devices in Classrooms

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With the miniaturization of electronic devices and their dramatic reduction in the price, audio and video recording capabilities are boundless. Academic staff have discovered that recordings of their lectures have turned up on the Internet without their knowledge or permission. There have been incidents where students provoked a teacher to the point of anger then recorded the response, edited the recording to remove the context and posted the result on YouTube. There are other reports of unauthorized audio recordings being used to produce transcripts of lectures that are then circulated without permission and/or plagiarized. The question is how to control the unauthorized use of recording devices in classrooms, given the ubiquity of such devices and their capability to allow largely undetectable use.

The options are limited. The starting point is to ensure that your collective agreement has specific language protecting the members copyright in course work and lectures. However, even in the absence of a specific language providing such a protection, it would still arguably be the law that academic staff have copyright in their lectures and other academic work *in the absence of a specific agreement or employment policy to the contrary.*

The next step is in protecting academic staff's rights, subject to any specific institutional obligations regarding syllabi or handouts (discussed below), would be to have the following statement included in course syllabi and/or materials handed out at the beginning of term and/or at each lecture:

"The lectures and displays (and all material) delivered or provided in this course <enter course number, professor's name here>, including any visual or audio recording thereof, are subject to copyright owned by <enter professor's name here>. It is prohibited to record or copy by any means, in any format, openly or surreptitiously, in whole or in part, in the absence of express written permission from <enter professor's name here> any of the lectures, materials provided or published in any form during or from this course."

The problem is what are the consequences for breach of this obligation. The faculty member could bring an action in the regular courts for breach of contract and breach of copyright. But that is an expensive, slow and damaging route. Accordingly, academic staff associations need to focus their efforts on pressing for a corresponding statement regarding the students' responsibilities and student discipline that would be included in the student handbook (or equivalent). Failing that, it may be difficult to pursue "student discipline" in accordance with the institution's discipline policies and practices.

If the university or college adopts a policy that is published in the student handbook, the above statement to be inserted in course syllabi etc., should be amended by adding the following:

"Students may be disciplined, which discipline could include expulsion from the course or program for breach of this obligation."

Some universities have policies on course materials, handouts and the content of syllabi. For example, at Trent, there is an Undergraduate Studies Committee (USC) which produced a policy on syllabus content. It does not exclude the above statement in the syllabus or course material, but as all syllabi at Trent are subject to approval of the Departmental Chair and/or Dean prior to provision to students each year, the inclusion of such a statement in a syllabus could result in some disputes if not previously approved by USC.

As a result, while the above draft statement could be used now in certain circumstances, each academic staff association is encouraged to review its own collective agreement and its university's/college's policies before providing members with draft statement for their course material.

A final note: all of the above is dependent upon the absence of an employment policy or contract language that has already taken away the copyright (in lectures etc) from academic staff in your university or college.

If your association has any questions about this issue or would like to discuss it further, please contact me.

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