



TO: Online Programs Board  
FROM: Robert M. Augustine, Dean  
RE: ADA Compliance Issues  
DATE: May 8, 2014

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### **Background**

The Department of Communication Disorders & Sciences launched a hybrid online degree program that combines a significant online component with a face-to-face component. The online component allows students enrolled in the online cohort to join the class in real-time via a video link, to participate in the discussion, and to complete any related activities developed in the face-to-face section. The online cohort also has the option of viewing a videotape of the original lecture and discussion and participating via electronic means with the faculty or students asynchronously. Other programs seek to adopt this model; however, an Instructional Support Specialist claimed that to do so requires individual consent forms from the students in the videotape and written transcription to accompany the audio. To validate these claims I reviewed them with Ms. Kathy Waggoner, Director of Disability Services and Mr. Rob Miller, University Counsel.

### **Ms. Waggoner/Disability Issue**

Ms. Waggoner verified that because the videotaped classes were part of the course, no different than any other videotaped materials, that written transcription was not required and would only be required if a student in the course provided evidence of a diagnosed disability and require that accommodation. Ms. Waggoner noted during the discussion and in a follow-up email that the Board should include development of a plan for meeting ADA compliance regulations so that such a plan could be implemented at the time a student with a diagnosed disability enrolls. She further noted that there could be many other disabilities and written transcription would only be an accommodation for specific disabilities such as hearing impairment.

### **Mr. Miller/Disability and Consent Issues**

- **Disability Issue:** Mr. Miller stated that transcription would be needed when a student provides evidence of a diagnosed disability and the accommodation from Disability Services is transcription. We are not required to provide video transcription in general for these types of videotapes used or played in classes where there is no one requiring such an accommodation and we are not required to do this for online students when none are requesting accommodation.
- **Consent:** Mr. Miller noted that individual consent would apply for “open” videotaping that will be used repeatedly for teaching, promotions, or marketing and where the students are clearly part of the featured elements of the videotape. For “closed” videotapes where only the students enrolled in the online course section have permission to access the tapes as one option for participation, and when the cameras are mounted in the rear of the room, individual consent is not required. The students in the classes should be informed that the classes are being videotaped for the express purpose of providing an option for online students with access to the course content. Individual consent forms are not needed in this circumstance.

Please share this memo with all those who have positions that are intended to support and advance online course offerings and contact me if you need further assistance.

C: Provost Lord  
Vice President Henderson, CATS