

# Education: In a tape noose

## SDSU officials send up smoke screen while GC dean questions taping value

By Eric E. Peterson  
*Managing Editor*

*Editor's note: What follows is the second part of a two-part article concerning tape-recording lectures in classrooms.*

In part one, many questions were introduced that have surfaced regarding whose rights are being violated when an instructor forbids a student to tape in class. At San Diego State University, campus officials seem to be putting up smoke screens to avoid the question of whether an instructor would be able to prove his/her rights were being violated by a student recording a lecture against his/her wishes in class.

In a series of articles printed in October by SDSU's campus newspaper, The Daily Aztec, the overwhelming sentiments contained in those articles was that the students have no rights concerning their wish to record in class. Richard Funston, associate dean of arts and letters at SDSU, claimed that the SDSU's instructors had the support of the First Amendment, claiming that the court would likely rule that "the tape recorder has a chilling affect on an instructor" thereby violating his/her right of free speech. However, Funston's argument is speculative since there has been no case heard that specifically addresses this issue.

Sections of the faculty senate policy have been cited in the Aztec articles that recognizes an instructor's lecture as "property of that instructor." Susan Chappellet, an SDSU ombudsman, supports the senate policy when she was quoted saying, "What those sections indicate is that creative ideas in lecture material are the same as concrete inventions or published works."

However, as quoted in last week's article in The G, Art Campbell, copyright and entertainment law professor at California Western School of Law, refutes this notion. He claims that it would be hard for an instructor to prove that his/her lecture was his/her property. He said that for property to be copyright it must be "tangible," and it would be hard for an instructor to defend some as intangible as a lecture as real property.

Also, SDSU official have cited the courts' reluctance to hear cases involving campus matters. Campbell differs with this notion. "If someone hires a lawyer and wants to challenge this (issue) in court, I'm sure they would be heard," said Campbell, adding, "If you have enough money, anyone can have their day in court."

While SDSU officials argue the tape recorder issue from a seemingly weak legal position, Grossmont College, as well as all other community colleges in the state, has legislative clout to back them up.

Grossmont's Dean of Instructor Eve Lill said that the education code in

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# Taping Value questioned

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California protects the instructor, should his/her class be taped without his/her approval. In a 1981 amended version of the education code that was printed in the first part of this report, Section 78907 states: "The use by any person including a student, of any electronic listening or recording device in any classroom without prior consent of the instructor is prohibited. Any person, other than a student, who willfully violates this section shall be guilty of a misdemeanor."

Even though Grossmont instructors have the support of the education code, Lill doesn't think that instructors should use the law as a club on their students. "I think we have an obligation to our students to inform them of the reasons and rationale that serve as a basis for this law," said Lill, "not that it is a law, therefore, this is the way it is. That kind of (attitude) is totally unacceptable in my viewpoint."

While Lill acknowledges the use of the tape recorder as a "reenforcer" in the learning process, she is quick to discourage its use by students citing, among other things, that the act of writing, or taking notes, enhances learning. "We know that learning is reinforced by the act of writing by itself."

However, two instructors and a counselor at Grossmont differ with Lill. During the first week in November The G conducted a survey of full

and part-time instructors who teach on campus. Of over 300 questionnaires distributed, 110 were returned. On those questionnaires instructors were invited to add comments as to whether they approved or disapproved of taping in class.

Ruth Anderson, English instructor, who approved of taping in class, added these comments. "None of the students who use recorders have abused the situation (for instance, by doing other homework while taping during the course). Taping the lectures frees them to digest the material, ask questions, etc., because they are not busy trying to get all the information down in notes. Since my course presents a lot of information and ideas, the taping is a benefit to their learning, especially if they transcribe the tapes later. Students who use this combination--taping and transcription--invariably do very well in the class."

Marcia Diehl, who teaches several business classes stated this about recording in class: "I have never given less than a B to someone who record lectures."

John Feare, a G.C. counselor who also approves of taping in class, cites the current method of teaching as futile. He states: "Lecturing/notetaking/testing is the most inefficient and ineffective way known to humankind to facilitate quality learning ...The L/N/T method favors some learners over others."

Past studies to discover how people

learn would seem to support Feare's contention. Linguist John Grinder and psychologist Richard Bandler conducted studies in the late '60s and early '70s that suggest people learn in one of three ways visually, auditorily, or kinesthetically. It was discovered that a person who learns visually or auditorily, generally speaking, has the ability to do well in school. However, the person who learns kinesthetically tends not to fare as well. The Kinesthetic learner benefits from hands-on experiences. He or she learns best by doing.

Even though in an academic setting kinesthetic learners have few opportunities to learn by practicing what is taught, their learning experience would be more rewarding if they were allowed to tape lectures to study and transcribe.

Lill, on the other hand, see it as an obligation of the instructor to encourage note-taking in the class to help students develop better note-taking skills.

"I know there are ways that each (instructor) could assist with learning in relation to note taking," said Lill.

Other concerns were raised by Lill such as the recorder being used to quote instructors out of context, and the recorder inhibiting the shy student from participating in class. Although amongst all the concerns raised, Lill supports the right of the instructor to have the authority to grant permission to tape his/her class as a courtesy to the instructor.