



DIGITAL LEARNING CAPTURE POLICY

Policy Timeline

The University is implementing this policy in two phases. Note that where any element of this policy is not specifically mentioned, it is brought into effect as of December 2018.

The University will roll out recording equipment in April-May 2019 to all standard teaching spaces, and in the summer 2019 for large lecture theatres. To give staff and students time to understand the impact of classroom recording on their learning and teaching practices, the policy on opt-out (sections 6.1 – 6.3) will not be fully implemented during 2019.

At launch, and for the remainder of academic year 2019/20, the University will instead be operating an “opt-in” approach. This makes the service available for anyone who wishes to use it, with academic staff members choosing whether they wish to record any given session. Staff will need to make students and other attendees aware that a recording of the session is being made. Automatic recordings will not be created as standard.

In September 2020, the opt-out approach detailed in sections 6.1 – 6.3 will be implemented.

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1. Purpose and Benefits

- 1.1 The University supports an 'inclusive curriculum' approach that seeks to make learning resources available to all students rather than on an ad-hoc basis to those with registered disability.
- 1.2 The recording of lectures is a valuable resource for students and can be beneficially used:
 - To aid students who have particular accessibility requirements or educational needs;
 - As an aid for revision or post lecture review;
 - To enable complex ideas/concepts to be revisited and reflected upon;
 - To support students when they are unavoidably unable to attend a class;
 - To support students for whom English is not a first language.

2. Scope

- 2.1 This policy sets out to define the University's expectations in relation to the use of Digital Learning Capture.
- 2.2 This policy also addresses the conditions under which recordings of lectures may be made by students.
- 2.3 This policy applies to all University staff and students, and replaces any previous CCCU guidance pertaining to the use of recordings within learning, teaching and assessment.

3. Definitions

- 3.1 A *Lecture* refers to a class, or portion of a class, dedicated to information transmission by method of an academic staff member presenting to students, often using PowerPoint slides or other physical or electronic presentation aids.
- 3.2 *Digital Learning Capture* refers to the use of instructor- and student-created audio and video content for the purposes of enhancing learning and teaching practices, and developing blended and online pedagogies. This includes, but is not limited to, recordings of lectures and recordings made for the purpose of reflection, assessment and feedback.
- 3.3 A *student* is any person registered as a student of the University, or following any programme as if he/she were such a student.
- 3.4 A *module instance* is a single implementation of teaching for that module towards a single group of students e.g. a module taught during Advent Semester and taught again to a different set of students during Easter Semester would be considered as having two instances of the module being taught during that academic year.
- 3.5 A *recording* is an audio or video recording made directly from a live performance, a broadcast of that performance, or made from another recording of it.
- 3.6 A *performance* is defined by CCCU as a dramatic or musical performance, a reading or recitation of a literary work, a performance of a variety act or any similar presentation, including the delivery of lectures and other teaching approaches. The performance must be live but does not need to be public, nor does it require an audience.

4. Policy on Recording of Teaching by Students

- 4.1 Where lectures and other teaching sessions are not routinely recorded, students with an agreed learning plan have the right to audio record any lecture or teaching and learning activity within the constraints defined in 4.2 and 4.3 below.
- 4.2 Audio recording by students of teaching sessions will not be permitted where to do so would result in the infringement of data protection, copyright, sensitive clinical information or the commercially sensitive intellectual property rights of others. In situations where recording is not permitted, students may be allowed to challenge the decision after the teaching session has concluded.
- 4.3 Audio recording of small group teaching/seminars where group discussion and debate may be discursive is not permitted without the explicit prior consent of teaching staff and the express permission of the taught group. Where such permissions are not received, lecturers must implement reasonable adjustments to ensure students with a Learning Plan are able to access the information covered in the teaching session/seminar.
- 4.4 Audio recordings made by students are to be used solely for the purposes of personal study and must not be reproduced or distributed to any third party, and must not be made available on any external website or social media channel. Any inappropriate use of recordings created by students will be considered a disciplinary matter by the University.
- 4.5 The visual recording of lectures or any other teaching and learning activity is not permitted without the explicit prior consent of the lecturer and other individuals involved.

5. Rights and Entitlements of Individuals and the University

- 5.1 The intellectual property (IP) associated with teaching content created by staff over the course of their duties is owned by the University as set out in the University's Intellectual Property Policy - Staff. This includes the intellectual property of any recordings made by it or on its behalf. The University's Intellectual Property Policy - Staff is available on the University web pages at the following link:

<http://www.canterbury.ac.uk/university-solicitors-office/docs/intellectual-property-staff.pdf>

- 5.2 The intellectual property (IP) associated with recordings made by students of organised teaching sessions is owned by the University as set out in section 4 of the University's Intellectual Property Policy – Students. The intellectual property (IP) associated with recordings made by students of individual or group learning activities (e.g. individual reflections on studies, practice recordings of group presentations etc) that take place out with organised teaching is owned by the student(s). However, the University retains the right to copy and distribute such content as it deems necessary for learning and teaching purposes, in line with section 4.3 of the Intellectual Property Policy – Students. Further information on the IP of student generated content can be found in that policy, available on the University web site at the following link:

<http://www.canterbury.ac.uk/university-solicitors-office/docs/intellectual-property-students.pdf>

5.3 The performance rights associated with any recordings created of staff, students or guests of the university are owned by the individual(s) being recorded. Performance rights may be licenced or transferred upon agreement of the owner. These rights apply to the recording of any performance, as determined in the definition of “performance” given in 2.5 above. Further information on performance rights can be found in Part II of the UK Government’s Copyright, Designs and Patents Act (CDPA) 1988, available through the following link:

<https://www.legislation.gov.uk/ukpga/1988/48/contents>

5.4 Upon leaving employment at the University, former employees will not be entitled to use any recordings in which the University owns Intellectual Property rights, unless the written permission of the University has first been obtained, in line with section 4.7 of the Intellectual Property Policy - Staff. The University will be entitled to continue to use recordings in which the former employee owns Performance Rights specifically to complete teaching of the instance of each module the recordings were made for. Beyond this, the University will not be entitled to use any recordings in which the former employee owns Performance Rights, unless the written permission of the former employee has first been obtained.

5.5 In the event of teaching sessions being cancelled or postponed due to a staff member withholding their service for purposes of industrial action, recorded content will not be made available by the institution in place of such sessions.

5.6 Where teaching sessions are cancelled due to unexpected staff absence, adverse weather conditions or other unexpected University closure, and where a rescheduled class is not possible, recorded content may be used as an acceptable replacement with permission of either the staff member or, in cases where the staff member is unable to be contacted, the Programme Director.

5.7 Recordings cannot be guaranteed, but all reasonable efforts will be made to provide them.

5.8 Students must be informed when a class is being recorded. This can be conveyed in one of the following ways:

- Where occasional, individual sessions will be recorded, this should be communicated verbally with a standard information slide at the start of an individual class;
- Where regular recordings will be taking place, this should be communicated either
 - a. in writing through the programme or module handbook;
 - b. in writing (electronically or otherwise) through the terms and conditions of an individual programme;
 - c. in writing (electronically or otherwise) prior to the start of a semester or academic year.

In the case of regular recordings, a verbal reminder with a standard information slide at the start of each class would also be beneficial.

This information should confirm what elements will be recorded (audio, screen content, video of the classroom environment etc). Changes to a previously agreed approach through the duration of studies must also be conveyed prior to the change taking effect.

- 5.9 Students may retain the right for their image or voice to be excluded from a recording, unless it is required for the purposes of assessment. This right must be communicated prior to the recording taking place. Where recording is taking place within a classroom environment, appropriate measures should be taken to allow students who wish to retain this right to attend the class without being recorded.
- 5.10 The University commits that content recordings will not be used as a means of evaluating teaching or for performance management purposes. However, they may be provided as evidence in any legal or employment proceedings related to incidents that are alleged to have occurred.
- 5.11 Recorded content should not contain any unattributed copyright materials, including (but not limited to) images, video (including DVDs and YouTube content), audio and text, unless within the remit of exceptions to the Copyright Digital Protection Act 1988. Copyright material should only be used if licenced (either through the content publisher or a third party such as the Copyright Licensing Agency) or where clearance has been directly obtained from the copyright holder. *Note that licences and clearance provided for use of the materials in the classroom may not cover inclusion of the materials in a recording.* It is the responsibility of the staff member(s) providing the content to be recorded to make sure that appropriate licencing/clearance has been received prior to the recording of the content. Further guidance on current licences and copyright issues can be provided by the University Library :
- <http://www.canterbury.ac.uk/library/regulations-and-policies/copyright.aspx>.
- 5.12 The University retains the right to withdraw a recording at any time if concern is raised due to potential infringement of copyright, data protection or public exposure of commercially sensitive information.
- 5.13 Where downloadable formats of recordings are made available, they are provided for personal use only. Distribution of such content to unauthorised parties is considered a breach of the University's intellectual property rights and copyright ownership, and the University reserves the right to take appropriate action against any individual or group unlawfully distributing its content without express permission.
- 5.14 Individuals external to the University that are being recorded must provide express permission to be included in the recording, and for that recording to be distributed within the University to appropriate groups of students and staff. Further, if the individual is presenting their own content, ownership of the intellectual property of that content may reside with the individual's employer, and permission needs to be granted for the University to record such content.

6. Policy on Recording of Teaching and Additional Content by Staff

- 6.1 Staff should record and publish all lectures where recording facilities are available, within the constraints set out in 6.2 below. Other learning and teaching activities, such as tutorials and seminars, may optionally be recorded within the constraints set out in 6.2.

- 6.2 The University acknowledges that:
- Staff will wish to engage with students to experiment in the use of DLC to record lectures and to assess how it may enhance the learning experience;
 - As an alternative to live recording of a lecture, staff can record the lecture content separately and publish it within the same timeframe as a live recording would be published, as specified in 6.4 below;
 - Some lectures or learning and teaching activities may not be appropriate for recording (for example due to ethical issues or the use of commercially sensitive material);
 - Not all teaching styles are suitable for visual capture e.g. seminars/teaching activities where recording may inhibit engagement or where whiteboards or other non-digital writing surfaces are used;
 - A requirement to change a preferred or innovative teaching approach to accommodate recording may be to the detriment of the student learning experience and is thus not encouraged;
 - Recordings may not always be possible due to technical or circumstantial issues.
- 6.3 Should staff wish to opt out of the scheme for their lectures, they must engage with their Programme Director or Faculty Director of Learning and Teaching to discuss options for alternatives, before seeking approval from their Head of School. This should ensure that, in line with the University's aim of promoting an inclusive learning and teaching environment, no student is negatively affected as a result. In the event that lectures are not recorded, this should be communicated to students in advance.
- 6.4 Recorded lectures should be published in a timely manner, usually within 48 hours of the class. This timeframe may be adjusted based upon teaching style and other specific requirements.
- 6.5 Additional content refers to any recorded materials created by a member of University staff outside of a taught classroom environment for the purpose of expanding or enhancing the learning process. This can include, but is not limited to, talking heads, geographically-specific content, and interviews.
- 6.6 Recordings of lectures, additional content and other teaching sessions are provided to supplement and enhance the student learning experience and not as a replacement for student contact hours.
- 6.7 All recordings will by default only be made available to students registered on the instance of the module for which the recording was made. Staff may make request to the department of Learning and Teaching Enhancement (LTE) for recordings to be made more widely available, but will need to have permission from all Performance Rights holders before doing so (see section 5.3 above).
- 6.8 As standard, recordings will be retained for the period of the academic year within which the recording was made plus one additional academic year, unless a copyright licence/clearance specifies a shorter duration. Access to the recording will be restricted to the cohort for whom the recording was originally made, unless requested by staff in line with section 6.7 above. Recordings may be kept for a longer duration of time upon request by the lecturer, or at the discretion of the University.

- 6.9 Recordings will be made available to students in an online streaming format. Access to a downloadable version of the recording may be provided where necessary.
- 6.10 Technical (audio visual) support in the use of the institutional lecture capture system and associated recordings will be provided for staff by Information Technology (IT). Guidance and regular scheduled training opportunities in use of the lecture capture system will be provided for staff throughout the academic year by the Technology Enhanced Learning (TEL) team or upon request.
- 6.11 Within the Programme Handbook, students should be informed that:
- The timescale for how quickly lecture recordings will be made available to students, which will normally be 48 hours (see section 6.4 above);
 - Lecture recordings are not intended to replace attendance at live lectures;
 - Recorded material is being provided solely for the purposes of personal study and must not be reproduced or distributed to any third party and must not be made available on any external website or social media channel. To do so, or to make any other inappropriate use of recorded material is a disciplinary matter.
- 6.12 Recordings made in specific geographical areas may require suitable permission from the local copyright owner. Staff making such recordings are responsible for acquiring relevant permission prior to the recording being made.

7. Policy on Recording of Assessment Presentations and Performances

- 7.1 Recording of presentations and performances by students for the purposes of assessment may be required by the University for academic purposes. Academic staff responsible for the assessment are similarly responsible for the recordings made. These will only be shared with relevant staff or external assessors for academic review, and may not be distributed to students, other than those being recorded, without the express permission of the student(s) being recorded.
- 7.2 Students retain the right to view recordings of their assessment, but the University retains the right to keep a copy of the recording for assessment review and archiving purposes, for a period that adheres to recording duration policy detailed in 6.8 above.
- 7.3 Content recorded by students for assessment purposes are subject to copyright policy detailed in 5.11 above. Guidance on adhering to this policy can be obtained through the University Library.
- 7.4 Should there be requirement to retain recordings of assessments longer than the standard retention period (see section 6.8 above) for academic or inspection/audit purposes, those recordings will be retained in line with the General Data Protection Regulation (GDPR) and the CCCU Student Privacy Notice, which can be found at the following link:

<https://www.canterbury.ac.uk/university-solicitors-office/data-protection/privacy-notices/student-privacy-notice.aspx>

8. Policy on Recording of Audio and Video Feedback by Staff

- 8.1 Recording of audio or video for the purpose of assessment feedback may be used for academic purposes. Academic staff responsible for the creation of feedback are similarly responsible for the recordings made. These will only be shared with relevant staff or external assessors for academic review, and may not be distributed to students other than those for whom the feedback is being created.
- 8.2 Students retain the right to view recorded feedback, but the University retains the intellectual property rights for the recording.
- 8.3 Feedback recordings will be retained for a period that adheres to recording duration policy detailed in 6.8 above.
- 8.4 Content recorded by staff for assessment feedback purposes are subject to copyright policy detailed in 5.11 above.

9. Support and Guidance

- 9.1 Further information about this policy is available from the policy owner (Learning and Teaching Enhancement) or their representative. Please email Duncan MacIver, Technology Enhanced Learning (TEL) Manager : duncan.maciver@canterbury.ac.uk.