



Digital Learning Resources Policy

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Purpose/ Principles

In the last 5 years we have witnessed radical changes in the ways in which we all engage with digital content in our professional and private lives. For universities, as in many domains, these changes offer huge potential to transform the accessibility and global reach of education, and for us to reimagine learning and teaching to the benefits of students, educators and society.

Digital Transformation was seen an urgent priority in our [Education Strategy 2019-25](#) and as an enabler of the characteristics of excellence that were identified through consultation with our university community as: Success for All Our Students; Valuing Educators; Global 21st Century Education; Learning Reimagined; and Graduates of Distinction.

The global coronavirus pandemic has caused us to accelerate our digital transformation in education. We have learned a great deal through our collective rapid immersion in blended and fully online learning and teaching. In only one year, we have made progress in our capacity and capabilities for digitally-supported provision that would have taken several in normal times. The pace of progress has posed challenges for the Higher Education sector as a whole, and relevant policies range from institution to institution across a huge spectrum of positions. We now need some of our policies to 'catch up' to ensure that we can build successfully on the foundations laid through intense and innovative work across our University community. Therefore, a Task and Finish Group including representation of Senate, Taught Faculty Board and the Exeter UCU branch, have contributed to the development of this new Digital Learning Resources Policy.

As an evolution from our currently-agreed Lecture Capture Policy, this Digital Learning Resources Policy seeks to build on what we have learned and to support our ambitions as we look ahead to enhance our existing portfolio, as well as to expand and diversify our offer to attract new groups of learners, including lifelong learners around the world. Live teaching, with educators and students engaging in real-time on our campuses and digitally, will remain fundamental to our education provision - a key factor in the attractiveness of our university to students and staff alike. We have learned to enhance this through use of digital learning resources that enable engagement anytime and anywhere, according to the needs and preferences of an increasingly diverse student population. As we expand our online portfolio both in its scale and its variety (short courses, micro-credentials, full degrees), we will undoubtedly build programmes that rely to a much greater extent on digital resources created to enable asynchronous learning. It is vital that we have a Digital Learning Resources Policy that addresses these changes. In drafting the policy we have recognised the considerable production costs in terms of time, effort and resources expended to create high-quality digital resources to support asynchronous modes of learning. In many cases, well-produced resources can be expected to have enduring value, through use in subsequent years and across multiple programmes where relevant. They may also have broader commercial potential, both within and beyond the University of Exeter. We would expect this enduring value and potential to justify the investment in creating these resources. The Digital Learning Resources Policy that has been developed recognises the interests of both the University and the creators in the enduring value of these digital resources and we commend it to Senate.

The Policy

This policy sets out the University's approach to the creation and use of digital learning material by staff and students. It is divided into two parts: Part A covers asynchronous learning resources (or "ALR"), which comprise pre-recorded digital learning material, and Part B covers synchronous recording facilities.

The policy will be kept under review, at least every three (3) years, by the Education Executive. This policy sits alongside the University [IP Policy](#) and staff and students should read both policies together; for clarity, both synchronous and asynchronous digital learning resources are treated as University Materials, as defined in the IP Policy. This policy should also be read in conjunction with the University Information Security Policy, the Regulations relating to the Use of IT Facilities and Data Protection Policy and relevant HR policies.

1. Introduction

- 1.1. The University Education Strategy 2019-2025 identifies digital transformation in support of education as a cross-cutting priority, as outlined in the principles for this Policy set out above. The use of mobile devices, multimedia management capabilities, lecture capture technology, social media and online learning platforms are transforming the potential use of audio and video material and recordings for educational purposes.
- 1.2. Recording educational material and developing multi-media learning resources are important parts of the University's vision to enhance the quality of the student experience and increasingly form part of mainstream academic work to aid learning.
- 1.3. Demand for digital material has grown year on year and availability of such material has become a normal expectation for many students, across the national and international HE Sector.
- 1.4. There are many educational benefits to digital materials for educational purposes, including:
 - Flexibility – providing greater flexibility to learners within the curriculum and offering opportunities to engage across disciplines
 - Pedagogy – providing opportunities to explore current and new pedagogic approaches as well as the development of blended curriculum approaches
 - Review – providing students with the opportunity to review and reflect on the specific aspects of the taught curriculum
 - Self-paced learning – providing learners with the opportunity to contextualise and evaluate learning materials over time
 - Experimentation – supporting innovation within the taught curriculum
 - Accessibility – particularly useful for students with a range of special educational needs or students whose first language is not English
- 1.5. Creation of digital material for educational purposes is also one of the tools which supports the University's implementation of the Equality Act (2010) and to meet its statutory duty to provide anticipatory reasonable adjustments.
- 1.6. However, it is important to acknowledge the need to minimise potential negative impact on student attendance and engagement. The University recognises and acknowledges that:
 - Not all teaching styles are suitable for lecture capture or ALR
 - The policy should not restrict or prevent academics from choosing the most appropriate teaching style for their discipline
 - Recordings are not intended to replace student contact time and are to be complementary to student contact time

- Student attendance should be monitored to ensure there are no negative impacts in attendance resulting from the policy
- Some material and discussion is of a sensitive nature and may not be appropriate to record

These will be monitored rigorously by the Education Executive to ensure that the impact of the policy results in a more positive student experience.

- 1.7. Students wishing to use their personal devices to record live teaching or other teaching sessions must gain consent from the academic(s) and any other participant(s) they wish to record before making such a recording. They must only use those recordings for their personal educational use and nothing else. Academics have discretion to decide whether students should be permitted to record their live teaching, taking account of the principles in this policy and the IP policy.

PART A - Asynchronous Learning Resources (ALRs)

2. Recordings

- 2.1. An ALR is digital learning material specifically designed to be used by students in asynchronous learning, which a member of staff creates as part of their assigned duties as an employee of the University. A non-exhaustive list of the types of recordings which may be classified as ALRs are listed below.
 - self-contained digital recordings and resources that address a specific learning goal or aim
 - an audio or video recording, including a narrated PowerPoint or slide set, that is used to support asynchronous learning
 - A video which describes a complex theory, introduces a theorist, demonstrates problem-solving, or exemplifies a practice
 - online quizzes which gauge users' understanding
 - online modules comprising some or all of the above
- 2.2. Colleges will develop specific guidance on the use of ALRs to support student learning which addresses the learning environment relevant to their disciplines.
- 2.3. To provide high quality digital learning material, the University will provide reasonable support for staff through skills development, technical tools, technical/professional/administrative support (e.g. editing, ELE admin), and time to produce digital learning material.
- 2.4. Some of the content of the ALR may necessitate adoption of additional controls on sharing and publication on digital platforms including the virtual learning environment; for example, material which could be considered personally sensitive (or "trigger material"), security sensitive or confidential. Such material should be considered under the relevant Freedom of Expression, or Export Control policies as appropriate.

3. Consent

- 3.1. It is expected that ALRs will only feature the members of staff creating them, and not, for example, students or other individuals unless necessary for delivery. If others do need to be featured, it is possible that separate consent to record them will be required, e.g. guest lecturers, or recorded interviews/ discussions.
- 3.2. In accordance with the IP policy, teaching staff who create ALRs retain ownership of their performers' rights in ALRs, but grant the University an irrevocable, perpetual licence to use the ALRs so that they may be uploaded to and used on the VLE for any educational, administrative or operational including commercial purposes.
- 3.3. Where the member of staff who has created the ALR has not indicated limitations anticipated by 2.4, other colleagues (e.g. within their department) will be able use the

ALR to support other student learning. The University will implement procedures to enable the creator to specify the opportunities for reuse (from a list of educational objectives) when the content is published. The starting point will be to encourage “create once, use again” ALRs, crediting the original creator(s).

- 3.4. When a member of teaching staff leaves the employment of the University, it will be at the discretion of the University as to whether and how it will continue to use and make available the leaver’s ALRs at the University.

PART B - Live (Synchronous) Teaching

4. Recordings

- 4.1. In spaces equipped with recording facilities, scheduled live teaching sessions will normally automatically be recorded (subject to the opt-out policy, section 5) with a minimum expectation that the audio will be recorded and supported by presentation materials. Standardised recording will be displayed to notify staff and students that recordings will take place.
- 4.2. It is recognised that not all teaching activity is suitable to be recorded but there is an expectation that all forms, or part thereof, of taught sessions will be captured, wherever possible.
- 4.3. Colleges will develop specific guidance on which forms of teaching should be recorded which addresses the learning environment relevant to their disciplines.
- 4.4. Recording of live teaching is not designed nor intended to be used as a discipline/capability/performance tool and their use by the University will not be the basis for instigating performance or disciplinary proceedings, including student cases.
- 4.5. When a member of teaching staff leaves the employment of the University, recordings of their live teaching will remain available for the remaining licence term set out in the IP policy, but may be removed at any time at the University’s discretion or at the leaver’s specific written request to [line manager/XXXX] or during their exit process.
- 4.6. Any other uses of live teaching recordings other than for education purposes, will be with the express and separate consent of the relevant academic.

5. Consent

- 5.1. In line with 4.1 and 4.2 above, the expectation is that, where possible, all live teaching will be recorded.
- 5.2. All staff and students may opt out of recordings (or part of recordings). Staff must request to opt-out in writing, to their Head of Discipline, providing their reason in advance of the scheduled session, [at least [xx] days prior to a scheduled session]. The opt-out request will be recorded centrally and all scheduled recordings for the appropriate sessions stopped.
- 5.3. There is a statutory duty on the University to make reasonable adjustments to eliminate disadvantage under the Equality Act. Where staff opt-out the starting point would be to identify a reasonable alternative. If there is no reasonable alternative, and a request to record was made as a reasonable adjustment for a student, recommended by the University, but refused by an individual staff member, that refusal by the individual staff member may create a risk of personal liability for discrimination.
- 5.4. Students may opt-out of being recorded or to ask that their contribution be edited out. Students may not be permitted to request opt-out of recordings where a recording is an explicit requirement of a University award (e.g. recording of assessed presentations).

The following paragraphs about Data Management and IP relate to both Part A and Part B

6. Data Management

- 6.1. The University’s Data Protection Policy allows the University as ‘data controller’ to process personal data in relation to employees, students, research subjects and other

- users, for education and student/staff support services where there is a legitimate need.
- 6.2. All data captured as recorded material will be retained for as long as educationally relevant. The content will be deleted after this time. Academics and/or colleges may however request that his/her recordings are no longer used for any purpose whatsoever by the University. This must be received in writing to his/her Head of Department, so that the request can be considered. The recordings will be removed in their entirety following any final assessments / exams / resits relating to the module(s) being studied by their students.
 - 6.3. Normally the upload of information to the VLE (or other online platforms operated by, or on behalf of, the University) would be as soon as possible following the recording taking place. Any changes to this need to be considered alongside requirements set out within the Equality Act in discussion with the student cohort
 - 6.4. When an academic leaves the employment of the University, the academic may request that his/her recordings (but not ALRs) are no longer used for any purpose whatsoever by the University. This must be received in writing to his/her Head of Department, so that the request may be considered. The recordings will be removed in their entirety following any final assessments / exams / resits relating to the module(s) being studied by their students.
 - 6.5. All data will be managed in line with the University Data Protection policy. Students will be notified annually of the possibility that a recording may take place of individual students via the 'Data Protection Information for Students' which is agreed to during the student registration process.
- 7. Intellectual Property and other legal considerations**
- 7.1. Unless separate contract terms apply, the University owns the copyright in recordings made by its employees in the course of their employment (or duties assigned to them) or where a recording is made automatically and the University has made the arrangements for that to happen. Ownership of copyright in recordings made by students using their personal devices, for example, will vest in the student. However, students must seek the consent of their lecturer and any other participants before making such a recording and must only use those recordings for their personal educational use and nothing else.
 - 7.2. The University agrees and acknowledges that all performers' rights that academics or students may have in their performance recorded in an ALR or in live teaching are owned by the performing academic or student. Consent for the University to record performances and to make use of academics' and students' performers' rights are dealt with in the [IP policy](#).
 - 7.3. The University also recognises that another type of legal rights, called moral rights, arise in the audio recording element of digital material; these too are owned by the relevant employee or student producing/presenting the digital material. It is the usual practice of the University to acknowledge authorship and credit academics on reproduction of those recordings. There is a small possibility that staff or students may be asked to waive their moral rights in their performance in a recording, but this waiver must be expressly agreed in writing by the academic or student so will need to be done on a case-by-case basis. For more on moral rights see [IP policy](#) section on Lecture Capture
 - 7.4. The University's Data Protection Policy, allows the University as 'data controller' to process personal data, for education and student/staff support services where there is a legitimate need, however an opt out must be provided to ensure fairness.
 - 7.5. All staff must comply with copyright legislation relating to their teaching and educational activities; a guidance note on use of third party materials is available on our [copyright](#) pages. Staff are encouraged to make use of freely licensed and Creative Commons content wherever practical - for more on this, please see the guidance note reference above, and also <http://creativecommons.org/>.

- 7.6. For non-University staff or non-University students partaking in a 'live' or pre-recorded teaching session, then consent should be obtained to undertake the recording.
- 7.7. If it is intended that digital learning resources are to be created and or delivered by third party contractors, please note that separate contractual terms will need to be agreed in advance. The University does use bespoke contracts for consultant lecturers/guest speakers which cover copyright ownership of both pre-existing and specially created materials, builds in consent to record sessions, explains how and where the recording will be used and stored, confirms ownership of the copyright in the recording will be held by the University and explains editing for data protection purposes.
- 7.8. When a recording is made using the live recording facilities for all or part of an activity which is not related to the taught curriculum activity, therefore falling outside the scope of this policy, then the organisers should refer to guidance on the University web site