

COMPARISON OF CURRENT POLICY TO REVISED POLICY

University Lecture Capture Policy for Educational Purposes		Digital Learning Resources Policy	
February 2016		May 2021 (DRAFT version 20/05/2021 – updated following Senate Deep Dive)	
	<p><u>The Policy</u></p> <p>This policy sets out the University’s policy for the use of the lecture capture service (ReCap), and covers all University of Exeter campuses, utilising the ReCap service for ‘live’ sessions or pre-recorded materials. The policy will be regularly reviewed and monitored by the Education Executive and Governance and Compliance Directorate during its implementation and roll out. This policy is supplemented in part by the University IP Policy and staff and students should read both policies together. It 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.</p> <p>When a recording is made using ReCap 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.</p>		<p><u>The Policy</u></p> <p>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.</p> <p>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.</p>
1	Introduction	1	Introduction
1.1	The University Education Strategy 2014-2020 aims to ensure students are taught and supported with a variety of high quality technologies. 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 recordings for educational purposes.	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 activities and developing multi-media learning resources is an important part of the University’s vision to enhance the quality of the student experience and the University sees it increasingly as part of mainstream academic work to aid learning.	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 recordings has grown year on year and becoming a normal expectation for many students, and is widespread across the Russell Group.	1.3	Demand for digital material has grown year on year and becoming a normal expectation for many students, across the national and international HE Sector.
1.4	There are potential educational benefits to video and audio recording for educational purposes, including: <ul style="list-style-type: none"> Flexibility – providing greater flexibility to learners within the curriculum and offering opportunities to engage across disciplines 	1.4	There are many educational benefits to digital materials for educational purposes, including: <ul style="list-style-type: none"> Flexibility – providing greater flexibility to learners within the curriculum and offering opportunities to engage across disciplines

	<ul style="list-style-type: none"> • Pedagogy – providing opportunities to explore 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 • Supporting 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. 		<ul style="list-style-type: none"> • 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 • Supporting 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	<p>However, it is important to acknowledge the need to minimise potential negative impact on student attendance and engagement. The University recognises and acknowledges that:</p> <ul style="list-style-type: none"> • Not all teaching styles are suitable for capture through the Recap service • 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 at lectures 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 <p>These will be monitored rigorously by the Education Executive to ensure that the impact of the policy results in a more positive student experience.</p>		See 1.6 below.
1.6	<p>Video and/or audio recording for educational purposes is also one of the tools which can support the University’s implementation of the Equality Act (2010) and meet its statutory duty to provide anticipatory reasonable adjustments following changes to the provision to disabled students allowances from 2016/17.</p>	1.5	<p>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</p>
		1.6	<p>However, it is important to acknowledge the need to minimise potential negative impact on student attendance and engagement. The University recognises and acknowledges that:</p>

			<ul style="list-style-type: none"> • 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. <p>These will be monitored rigorously by the Education Executive to ensure that the impact of the policy results in a more positive student experience.</p>
1.7	Currently some recording of educational activities at the University is undertaken by students themselves, using mobile devices or other recording equipment. This fails to deal with the rights and interests of those being recorded and needs to be addressed more formally. Whilst this policy and the IP policy seeks to set out some general principles, students should not assume that they may use their personal devices to record lectures or other teaching sessions without consent from the person they wish to record. Equally, academics should ultimately decide whether their students should be permitted to record them.	1.7	Students should not assume that they may use their personal devices to record live teaching or other teaching sessions without consent from the person they wish to record since this fails to deal with the rights and interests of those being recorded. 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.
1.8	Staff may opt-out of recordings (see section 3 below)		
		PART A	Asynchronous Learning Resources (ALRs)
		2	Recordings
		2.1	<p>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.</p> <ul style="list-style-type: none"> • short and 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. • Video which describes a complex theory

			<ul style="list-style-type: none"> • Online quizzes which gauge users' understanding • Online modules
		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) required, 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, i.e. 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
2	Recordings	4	Recordings

2.1	In learning spaces equipped with the ReCap service, scheduled teaching sessions will normally automatically be recorded (subject to the opt-out policy, section 3) with a minimum expectation that the audio will be recorded and supported by presentation materials. Standardised recording signage will be displayed in rooms to notify staff and students that recordings may occur in the space and there will be a lectern cue when a recording is active. It is recognised that not all teaching activity is suitable to be recorded and there is no expectation that all forms or part thereof, of taught sessions, will be captured.	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
2.2	Lecture Capture material is not designed nor intended as a discipline/capability/performance tool and its use will not be the basis for instigating performance or disciplinary proceedings.	4.4	Recordings 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
2.3	Any other uses of Lecture Capture material, e.g. commercial, will be with the express and separate consent of the relevant academic.	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
3	<u>Consent and Opting Out</u>	5	Consent
3.1	The expectation is that where possible all lectures will be recorded but all staff and students may opt out of recordings (or part of recordings). Staff must request to opt-out of the ReCap service in writing, to their Head of Discipline. Whilst staff do not need to give a reason for opting out they are welcome to share specific concerns. Even if a member of staff discusses reasons for opting out, it will not affect their right to refuse being recorded. The opt-out request will be recorded centrally and all scheduled recordings for the appropriate sessions stopped.	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
3.2	There is a statutory duty on the University to make reasonable adjustments to eliminate disadvantage to disabled students 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, refusal by the individual staff member may create a risk of personal liability for discrimination.	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
3.3	Students may opt-out of being recorded or to ask that their contribution be edited. 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).	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	
4	<u>Data Management</u>	6	Data Management
4.1	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.	6.1	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
4.2	All data captured through the ReCap service will be retained for a period of 5 years following the end of the academic year it is captured in. 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 Discipline, so that the request can be acted on. The recordings will be removed in their entirety following any final assessments / exams / resits relating to the module(s) being studied by their students.	6.2	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 Discipline, 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
4.3	Normally the upload of information to the VLE 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.	6.3	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
4.4	When an academic leaves the employment of the University, the academic may 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 Discipline, so that the request can be acted on. The recordings will be removed in their entirety following any final assessments / exams / resits relating to the module(s) being studied by their students.	6.4	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 Discipline, 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 student

4.5	All data will be managed in line with the University Data Protection policy. Students will be annually notified of the possibility of recordings via the 'Data Protection Information for Students' which is agreed to during the student registration process. Also, standard notices are displayed in centrally managed rooms which utilize ReCap.	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
5	<u>Intellectual Property and other legal considerations</u>	7	<u>Intellectual Property and other legal considerations</u>
5.1	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.	7.1	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
5.2	The University agrees and acknowledges that all performers' rights that academics or students may have in their performance in lectures 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 .	7.2	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
5.3	The University also recognises that in the context of lecture capture another type of legal rights, called moral rights, arise in the audio recording element of performances; these too are owned by the relevant employee or student giving such performance. It is the usual practice of the University to acknowledge authorship by 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	7.3	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.
5.4	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.	7.4	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
5.5	All staff must comply with copyright legislation relating to their lectures 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/ .	7.5	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/ .

5.6	For non-University staff or non-University students partaking in a 'live' or pre-recorded teaching session, then consent should be obtained.	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