



Digital Learning Resources Policy

Approved by Senate on 13 March 2024

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, Education 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 three parts: Part A covers asynchronous learning resources which comprise digital learning material created to support asynchronous learning on predominantly on-campus blended programmes (including audio-visual pre-recording of educators outside of the live teaching environment) (or "**ALRs - Type A**"), Part B covers asynchronous learning resources created as core material for asynchronous learning in predominantly or fully online programmes (or "**ALRs - Type B**"), and Part C covers synchronous recording facilities for capturing live teaching.

The policy will be kept under review, at least every three (3) years, by the Education and Student Experience Executive Committee. This policy sits alongside the University IP Policy and staff and students should read both policies together for clarity. Both synchronous and asynchronous (whether ALRs – Type A or ALRs – Type B) 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. Where there are differences of interpretation between this policy and the Intellectual Property Policy, the Intellectual Property Policy will take precedence.

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 becoming 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.
 - 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 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 ALRs – Type A or ALRs – Type B.
 - The policy should not restrict or prevent members of staff from choosing the most appropriate teaching style for use to achieve specific intended learning outcomes.
 - 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.
- 1.7 The Education and Student Experience Executive Committee will regularly monitor the impact of the policy to ensure that it results in a more positive student experience.
- 1.8 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 and ELE administration) required, and time to produce digital learning material. Reasonable adjustments will be made for staff with disabilities as required under the Equality Act.

PART A - Asynchronous Learning Resources created to support independent learning in predominantly on-campus blended programmes (“ALRs – Type A”)

2 Types of ALRs

- 2.1 ALRs - Type A are digital learning materials 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, to support live teaching and enable more interactive use of 'contact time'. Generally, subject to the focus of the topic, they will be re-usable over a number of years before they need to be refreshed. They are particularly useful to support the teaching of key elements of foundation modules. A non-exhaustive list of the types of resources that may be classified as ALRs - Type A are listed below, and Faculties will develop specific guidance on the use of ALRs - Type A to support student learning which addresses the learning environments relevant to their disciplines:
- Written materials such as academic papers, blog posts, news coverage, poetry, scripts, etc.
 - Image-based materials such as infographics, mind maps, collages, 3D models, Pinterest boards
 - Audio-visual materials such as, narrated PowerPoints or slide sets, podcasts, vlogs, broadcasts, animations, and simulations

- Collaborative and/or interactive resources such as quizzes (e.g. HP5 or Forms), games, discussion forums, Wikis, polls (e.g. on Menti or via Forms), and digital whiteboard spaces (e.g. Padlet or Mural)
 - Databases and collections
 - Tasks and activities built in organisational and teamwork tools (e.g. Teams or Slack channels, Trello, or Gathertown)
 - Gamified resources (e.g. Mecabricks, Kahoot, or virtual escape rooms)
- 2.2 Some of the content of the ALRs - Type A 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 Particular issues arise when ALRs Type A include the members of staff creating them, and not, for example, students or other individuals unless necessary for delivery. By creating and featuring in such ALRs in the course of their employment, staff are deemed to have given their consent to feature in such recording, subject to the procedure in 3.5 below. 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 and further advice should be sought from Legal Services.
- 3.2 In accordance with the IP policy, members of staff who create ALRs - Type A which include recordings of their image/voice retain ownership of their performers’ rights in ALRs - Type A, but grant the University a non-exclusive, royalty-free licence to use their performer’s rights in the ALRs - Type A, so that they may be uploaded to and used on the VLE for educational, administrative or operational including commercial purposes. The licence period is 5 years following the end of the academic year in which the ALRs - Type A are created. This licence is granted by virtue of the incorporation of the IP policy (as amended from time to time) into staff terms and conditions of employment.
- 3.3 Colleagues may find it useful to develop ALRs - Type A based on elements of the curriculum that are amenable to re-use over a number of years before they need to be refreshed to enable the best use of their time. It is recognised that some ALRs - Type A may need to be refreshed at more regular intervals to ensure that they continue to support students to achieve the relevant learning outcomes.
- 3.4 The University encourages a “create once, use again” approach to ALRs, where colleagues can use the ALRs created by others to support other student learning, subject to the Re-use Procedure and unless specifically restricted for reasons set out in 2.2 above.
- 3.5 Where a member of staff has created an ALRs - Type A as a recording and then subsequently wishes to withdraw their consent to their data being processed or their performance being licensed they should follow the procedure in paragraph 8.8. The Head of Department will discuss with the member of staff the development (if necessary) of alternative learning resources of that content having regard to the aims of the Policy. Where it is necessary to provide alternative content, to ensure that students’ expectations continue to be met this will normally be of the same educational

quality and value. The Digital Learning Team and (where appropriate) the Information Governance Team can support with the production of replacement material.

PART B - Digital Learning Resources created as core material for asynchronous learning in predominantly or fully online programmes (“ALRs - Type B”)

4 Types of Learning Resource

- 4.1 ALRs - Type B are digital learning material specifically designed as part of a programme of study which is delivered predominantly or fully asynchronously online. These programmes represent a significant initial investment of resources by the University to expand the reach of our programmes to new student markets online. To support this, they are designed for re-use over an extended period of time, subject to regular review by programme leaders to ensure they continue to meet the specified intended learning outcomes.

5 Consent

- 5.1 Particular issues arise when ALRs – Type B include the image and/ or voice of members of the University community. In this regard, it is expected that ALRs - Type B 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 and further advice should be sought from Legal Services. By creating and featuring in such ALRs – Type B in the course of their employment, staff are deemed to have given their consent to feature in such recording, subject to the procedure in 5.4 below
- 5.2 In accordance with the IP policy, members of staff who create ALRs - Type B which include recordings of their image/voice retain ownership of their performers’ rights in ALRs - Type B, but grant the University a non-exclusive, royalty-free licence to use their performer’s rights in the ALRs - Type B, so that they may be uploaded to and used on the VLE for educational, administrative or operational including commercial purposes. The licence period is 5 years following the end of the academic year in which the ALRs - Type B are created. This licence is granted by virtue of the incorporation of the IP policy (as amended from time to time) into staff terms and conditions of employment.
- 5.3 Colleagues may find it useful to develop ALRs – Type B based on elements of the curriculum that are amenable to re-use over a number of years before they need to be refreshed to enable the best use of their time. It is recognised that some ALRs – Type B may need to be refreshed at more regular intervals to ensure that they continue to support students to achieve the relevant learning outcomes.
- 5.4 Where a member of staff has created an ALRs - Type B as a recording and then subsequently wishes to withdraw their consent to their data being processed or their performance being licensed they should follow the procedure in paragraph 8.8. The Head of Department will discuss with the member of staff the development (if necessary) of alternative learning resources of that content having regard to the aims of the Policy. Where it is necessary to provide alternative content, to ensure that students’ expectations continue to be met this will normally be of the same educational quality and value. The Digital Learning Team and (where appropriate) the Information Governance Team can support with the production of replacement material

PART C Live (Synchronous) Teaching

6 Recordings

- 6.1 In spaces equipped with recording facilities, scheduled live lectures will normally automatically be recorded (subject to the opt-out arrangements in paragraph 7) 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.
- 6.2 The purpose of recording live teaching is to meet the objectives summarised in the introduction to this policy, including the University's statutory duty under the Equality Act and Individual Learning Plans. However, it is recognised that not all teaching activity is suitable to be recorded.
- 6.3 Generally, live teaching will be delivered face-to-face and in person each year to the new student cohort, with the teaching content refreshed as appropriate. Recordings of live lectures are made available to students for the reasons set out in the introduction to this Policy. Members of staff are encouraged to consider using recordings of their live teaching to assist the development of ALRs – Type A to support asynchronous learning and facilitate the more interactive use of face-to-face live teaching.
- 6.4 Faculties will develop specific guidance on which forms of teaching should be recorded which addresses the learning environments relevant to their disciplines.
- 6.5 To ensure that the specified intended learning outcomes can be achieved by each student cohort, the Intellectual Property Policy provides that members of staff, whose live teaching is recorded, retain ownership of their performer's rights in such recordings but grant the University a non-exclusive, royalty-free licence to use their performer's rights in the same for 5 years following the end of the academic year in which the recording is made.
- 6.6 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 relevant student cohort.
- 6.7 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. Members of staff 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.
- 6.8 Recordings of live teaching are 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.
- 6.9 Any other uses of live teaching recordings other than for education purposes, will be with the express and separate consent of the relevant member of staff.

7 Consent

- 7.1 Staff may opt out of recordings (or part of recordings) of live teaching. Staff must request to opt-out in writing, to their HoD or DoE to discuss how the content of the live teaching will be replicated and setting out the steps they take to ensure that material

of the same content, and of the same educational quality and value, will be provided to ensure that student expectations are met and to ensure compliance with any requirements under the Equality Act 2010 as set out in any relevant students' Individual Learning Plan. The opt-out request will be recorded centrally and all scheduled recordings for the appropriate sessions stopped. The member of staff can also contact the Digital Learning team for support to identify and implement alternative methods of delivering their asynchronous learning content - without recording their face or voice.

- 7.2 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. It is important for staff members to be aware that 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. Support can be provided for staff members in this situation to consider the options and to understand the potential risk posed where reasonable adjustments cannot be found.
- 7.3 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 Parts A, B and C

8 Data Management

- 8.1 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.
- 8.2 All data captured as recorded material (whether pre-recorded or live) will be retained for no longer than 5 years from the end of the academic year in which it was created or recorded. The content will be deleted after this time. Members of staff may however request that their recordings are no longer used for any purpose whatsoever by the University. In accordance with the principals under the Data Protection Act 2018, a member of staff can make this request for their personal data to be removed via the Information Governance team, via their Head of Discipline or a member of staff can make such a request via the Exit Process.
- 8.3 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.
- 8.4 All parties (including students and staff) should be aware a recording is taking place.
- 8.5 Where a student wishes to opt out of a recording, in lecture theatres and seminar rooms this can be achieved through establishing "dead zones". This can be achieved in online meetings by not switching on the camera, or engaging verbally or via the chat function. Support can be provided to staff to support these requests.
- 8.6 As noted above, in relation to live teaching, ALRs – Type A and ALRs – Type B, if a member of staff wishes to not record their personal data or their special category

data including their voice, image or other personal details and do not consent to being recorded, they should notify their Head of Department advising them that they do not wish to feature in the ALRs- Type A and ALRs – Type B, or live teaching, and setting out the steps they will take to ensure that replacement material of the same content, and of the same educational quality and value, will be provided to ensure that students' expectations continue to be met and compliance with any requirements under the Equality Act 2010 as set out in any relevant students' Individual Learning Plan.

- 8.7 The member of staff can also contact the Digital Learning team for support to identify and implement alternative methods of delivering their asynchronous learning content - without recording their face or voice.
- 8.8 All members of staff have a statutory right to be forgotten. If a member of staff wishes to be forgotten and to ask for their personal data to be removed they should make their request to their Head of Department (or their nominee) so that this can be actioned. The Head of Department will discuss with the member of staff the development (if necessary) of alternative learning resources of that content having regard to the aims of the Policy.

9 Intellectual Property and other legal considerations

- 9.1 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. To protect staff and the University, the recommendation is that University recordings are made and used wherever possible to avoid any need for student recordings.
- 9.2 The University agrees and acknowledges that all performers' rights that members of staff or students may have in their performance recorded in an ALRs - Type A, ALRs - Type B or in recordings of live teaching are owned by the performing academic or student. Consent for the University to record performances and to make use of members of staff's and students' performers' rights are dealt with in the IP policy. The IP Policy includes the granting of a licence of a member of staff's performance rights by virtue of the incorporation of this policy and the IP policy into staff terms and conditions of employment, as amended from time to time.
- 9.3 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 members of staff on reproduction of those live teaching recordings, ALRs - Type A or ALRs - Type B. 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 member of staff or student so will need to be done on a case-by-case basis. For more on moral rights see IP policy section on Digital Learning Resources Policy.
- 9.4 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/>.

- 9.5 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.
- 9.6 If it is intended that live teaching recordings, ALRs – Type A or ALRs – Type B 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.
- 9.7 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 website.

10 Arrangements for Staff Who Leave the University

- 10.1 When a member of staff leaves the University, for any reason, the licensing arrangements set out in the IP Policy (and summarised above) will apply. Any recordings of live teaching, ALRs – Type A and ALRs – Type B will remain available on the VLE for the remaining licence term set out in the IP Policy, but may be removed earlier at the University's discretion.
- 10.2 In addition, staff who are leaving may make a written request to their Head of Department, or through the exit process, for the early removal of their recordings. All requests will be considered by the University in accordance with the Exit Process and this Policy.
- 10.3 A member of staff can make a request to their HoD, to take a copy of recordings they have created with them. This will be considered as part of the exit process and will have regard to the commercial value attributed to ALRs - Type A and ALRs - Type B alongside considerations regarding data protection.

11 Concerns

- 11.1 Where a member of staff has a concern about the application of this policy to digital learning resources which they have created, they should seek to resolve their concern through discussions with their Head of Department. If it is not possible to reach a resolution within the Department, the concerns can be raised with the Faculty Associate Pro-Vice-Chancellor (Education). If the employee's concerns still cannot be resolved, they may write to their Faculty Deputy Pro-Vice-Chancellor indicating that they wish the matter to be considered under the formal Grievance Procedure.