Learning Capture Policy

Please note: For the 2020/21 academic session please refer to the Policy for the Recording and Digital Delivery of Teaching in 2020/21 and associated Requirements for Recording of Online Interactive Teaching Sessions in 2020/21

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1. Introduction

1.1. Learning Capture is the over-arching term used to describe methods for recording audio and/or video for teaching and learning activities which include but are not limited to lectures, presentations and screencasts.

1.2. Learning Capture is intended to enhance the student experience by providing recordings of a variety of teaching and learning activities that will serve as a useful learning resource and provides the following benefits, amongst others:

- Assists students for whom English is not their first language
- Assists with diverse approaches to learning, increasing accessibility
- Provides a revision study aid for consolidation and reflection
- Supports innovation in the curriculum
- Offers a reflection tool for staff members to develop and enhance their own teaching
• Gives greater flexibility to learners with opportunities to explore different pedagogic approaches and blended curriculums

Nothing in this Policy is intended to conflict with the academic freedom of staff members as enshrined in the University’s Charter.

1.3. Two forms of Learning Capture:

• Lecture Capture – the recording of a live lecture with an audience
• Personal Capture – the recording by staff members of teaching content typically shorter or in a different format to a formal lecture at a desk using PC, laptop or mobile device without an audience

There is some overlap between the two and some differences in terms of reasons and outcomes for each, for example:

1.4. Lecture Capture is provided to support and enhance the student experience, not to replace student contact hours. It should not be seen as an alternative to attending and the University policies and procedures around attendance continue to apply.

2. Purpose & Scope

2.1. The purpose of this policy is to ensure there is a consistent, responsible approach to all Learning Capture activities by University of Reading staff members, taking into account the pedagogical, legal, accessibility, intellectual property and data protection aspects. It aims to provide clarity on the rights and expectations of the University, its staff and students, external visiting lecturers and guests.

2.2. All Learning Capture teaching and learning activity (both Lecture and Personal) for University of Reading students should be considered in scope of this Policy, and where there are differences between methods this will be made explicit within the text. Lecture Capture

* See separate guidance relating to the Opting In and Opting Out process for Lecture Capture.
specifically refers to any sessions that are recorded in rooms that have been equipped with the centrally-supported Lecture Capture solution.

2.3. The University acknowledges that not all teaching activities are suitable for capture, such as where it is heavily based around audience interaction, or the content may be of a sensitive nature for ethical, religious or political reasons thus making wider publication of the recording inappropriate.

2.4. This Policy applies to video and audio recordings made of appropriate teaching sessions, which will only be made available to students via University systems for educational purposes. The University recognises that video and audio recordings may be made using a variety of mediums, including, by exception and where deemed necessary, the use of personally owned devices. Personal devices should only be used in instances where University-issued technology or devices cannot be used for good reason. All video and audio recordings will be subject to adherence to University Policies, and in the event that personally owned device use is warranted, this will be subject to specific requirements within the University Bring Your Own Device Policy.

2.5. Where the word ‘participant’ is used within this policy, this should be understood to mean someone with intellectual property in any aspects of recorded content, which may include the lecturer, contributors to discussions within a recorded session, and the University.

2.6. Any failure by staff members or students to follow this Policy may result in disciplinary action.

3. Recording of Teaching

3.1. Participation in Lecture Capture by staff members is on a voluntary, ‘opt in’ basis. Personal Capture, by definition, is under the control and discretion of the individual.

3.2. Once a staff member has opted in to Lecture Capture, that opt in will remain in place until and unless they opt out. Opting in gives the staff member discretion over which of their sessions is then recorded and published, without having to specify.

3.3. Recorded content will be made available to the students registered on the module associated with that activity, or where recordings are outside of the academic timetable they will be made available only to eligible participants. If staff members subsequently opt out after having been opt in, recordings made during their opt in period will continue to be available.

3.4. For staff members to ‘opt in’ to Lecture Capture, they must complete the Staff Opting In process*. Staff members who have opted in to Lecture Capture may subsequently decide to opt out by following the appropriate process*. The opt in applies to the staff member not to specific sessions.

3.5. Staff members who do not choose to opt in, or subsequently opt out after having opted in, do not have to provide a justification for their decision. It is recognised that for valid pedagogical reasons not all styles of teaching are suitable for recording.

* See separate guidance relating to the Opting In and Opting Out process for Lecture Capture.
3.6. The University has a statutory duty to make reasonable adjustments for disabled students under the Equality Act 2010, which may require a staff member who has not otherwise opted in to make a recording, or provide other material in an accessible format as a reasonable adjustment if a recording is not appropriate, available on request of the student.

3.7. Based on whether a staff member has decided to opt in, centrally timetabled sessions in teaching rooms equipped with the lecture capture solution will be enabled for recording (screen and audio only, or full video recording) and the staff member can action this at the start of the session. The University is then authorised to publish the recording in the absence of a specific reason not to proceed, with the staff member given the opportunity to make any necessary edits before the recording is made available.

3.8. Staff members should make clear to students when recording is taking place before the session commences. Students can only make their own recordings in accordance with the Policy on the Audio and Visual Recording and Capture of Teaching Sessions by Students.

4. Use of Recordings
4.1. Recordings will not be used for performance monitoring of staff members, or for review of individual student engagement. Recordings may be called upon in the form of evidence during the investigation of formal complaints or misconduct proceedings. Recordings of assessment may be required for internal and external verification purposes but will only be shared with those that strictly require access for the purposes of marking or verification unless agreed otherwise with the student.

4.2. Copying and distribution of recordings should only be done in accordance with this Policy, and recordings must only be made available to students registered for the applicable course module, only used for educational purposes, and not as a replacement for physical attendance. Learning Capture recordings must not be published on any platforms that are not approved by the University. For example, recordings must not be uploaded to YouTube, Social media or other publicly available platforms without prior approval.

4.3. Except where authorised in advance by the Pro-Vice-Chancellor (Education and Student Experience), recordings of University teaching and learning activities for University of Reading students (whether made through the Learning Capture system or by individuals) are not for public consumption by any means, whether on the web or otherwise. The University will not make commercial use of recordings without the written permission of the staff member who was recorded.

4.4. A staff member who becomes aware that a recording may contain false, defamatory or copyright-infringing material should notify Legal Services without undue delay, via email: legalservices@reading.ac.uk or telephone: 0118 378 6742. The University reserves the right to withdraw or edit a recording if necessary. If a staff member is concerned about their own material they should seek further advice from Legal Services, and for further information

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about what may constitute problematic content in recordings, refer to guidance on publishing audio-visual content from the Information Management and Policy Services (IMPS) webpages.

4.5. 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. The University will be entitled to continue to use recordings for the purposes set out in this Policy.

5. Data Protection

5.1. Any Personal Data held in recorded content will be processed in accordance with the General Data Protection Regulation (GDPR) 2016, UK GDPR, Data Protection Act 2018 and all applicable data protection laws.

5.2. University staff members or third parties (including but not limited to visitors) delivering teaching to be recorded must:

- Inform those in attendance that a recording is taking place. This can take the form of any of the following, or a combination of the following, as appropriate based on the accessibility needs of the audience:
  - Visible and prominent signage at the entrance and within the room
  - Information provided to students in advance of the session, for example via email or details on the VLE
  - An announcement made at the beginning of the session to advise that recording is taking place.

- Make attendees aware of any areas of the room that are most likely to be out of range of the filming if they have an objection to being filmed
- Make attendees aware of who they can contact in the School if they have a concern about being included in any recording
- Contact the Data Protection Officer if any attendees raise a concern or complaint relating to data protection or privacy (email: imps@reading.ac.uk or telephone: 0118 378 8981)
- Consider whether recordings should be paused, for example for discussions likely to involve sensitive content, or significant audience participation, such as pre planned question and answer sessions
- Take into account whether any personally identifying or sensitive content should be edited prior to publication on the VLE. Should a student have a concern regarding the publication of information in which they may have identified themselves, editing out of this information must be considered.

5.3. Staff members will be responsible for ensuring that all Learning Capture activity meets the requirements set out in the University’s Policy on Inclusive Practice in Teaching and Learning.

* See separate guidance relating to the Opting In and Opting Out process for Lecture Capture.
5.4. It is not intended that Learning Capture technology should record student contribution beyond asking and answering questions which are unlikely to require consent. For planned, more substantial participation consent may be required from an Intellectual Property perspective – refer to the below section on this for further details. Where applicable, students may opt out of being recorded or ask that their contribution be edited. However, a student is required to be recorded if it is a mandatory part of their assessment.

6. Intellectual Property
6.1. Staff members are reminded to comply with the terms of the University’s contract of employment, including the provisions of the Code of Practice on Intellectual Property, in relation to recorded content. It is the responsibility of individual staff members to ensure that their use of third party material does not infringe either of these; including, when relying on a statutory copyright exception, to ensure it will apply to the intended use (for example, within ‘fair dealing’ parameters, where relevant). Copyright law may sometimes require third party material to be omitted from a recording, or otherwise edited out of a recording prior to release.

6.2. Any unlicensed use of third-party copyright-protected content within lectures and captured recordings – including but not limited to text quotations, images and video clips – must:

- Be accompanied by sufficient acknowledgement of the author/creator and the title/source (except where this would be impossible, for example because the work is anonymous); and
- Be within the scope of an applicable statutory exception (a legal defence).

6.3. Under UK law, limited ‘fair dealing’ copyright exceptions provide a legal defence to the use of copyright-protected work without the rights owner’s permission. Provided that sufficient accompanying acknowledgement is given, the reasonable reuse of protected works in the preparation and delivery of non-commercial teaching will not infringe copyright, if the following conditions are met:

- The material is used to support a teaching point or critique, or quoted for a specific purpose
- The use does not conflict unreasonably with a rights owner’s legitimate interests (e.g. by depriving them of income) or ‘normal exploitation’ of their work (e.g. the expectation of charging reproduction fees for commercial stock photography)
- The use is not excessive, or more than is necessary to make your point.

6.4. Copyright-protected films, broadcasts and sound recordings shown or played within a lecture must not be shared in Lecture Capture recordings. Instead, programmes and clips accessed via the Box of Broadcasts service may be embedded directly within the Virtual Learning Environment using the embed codes provided, for non-commercial, educational use.

6.5. Where a guest contributor (including students, visitors and colleagues who have not otherwise agreed to participate in Lecture Capture recordings) is invited to teach or

* See separate guidance relating to the Opting In and Opting Out process for Lecture Capture.
otherwise be involved in the delivery of a session scheduled for Lecture Capture, written
consent must first be obtained from that individual. It is the responsibility of the staff
member who is hosting the guest contributor(s) to obtain this prior written consent and they
should refer to the IMPS webpage on Image Release Forms for further detail and relevant
form. Copies of completed forms should be retained by the relevant School for the duration
the recording remains available.

7. Storage & Retention
7.1. Recordings should only be accessible to the intended individuals and not for public
consumption, unless explicit consent has been granted by the person or persons recorded
and the process set out in section 4.3 has been followed.

7.2. Learning Capture recordings will be made available through the VLE by linking them to the
relevant course modules in order to ensure access is only for authorised staff members and
students, and should not be available on any public website.

7.3. Recordings should be made available to the intended audience normally within 48 hours of
the session, unless a delay has been requested or in exceptional unforeseen circumstances
which should be communicated to students as soon as possible.

7.4. All recordings will be retained and accessible for a minimum period of one year from the date
of the recording for that specific module. Recordings will not be made available to students
to download.

8. Editing & Withdrawal
8.1. The staff member who is the creator of the recording has the right to edit the recording by
removing parts of it to protect individuals or in relation to issues around inaccuracy,
defamation or copyright-infringing material as previously referenced. It is not a requirement
that recordings will be edited prior to being published otherwise, but if staff members or
students would like a recording to be edited they should request this from the creator. In the
creator’s absence, this request should be made to the designated School contact. Once a
recording has been published, it can still be edited for any reason provided the reason for the
edit is adequately communicated by the staff member to the intended audience of that
recording. System administrators may also edit recordings at any point where there is a legal
or other policy reason for doing so.

8.2. In exceptional circumstances where recorded content would be rendered useless through
suitable editing, the recording can be withdrawn completely.

8.3. The University retains the rights to withdraw a recording at any time if concern is raised due
to potential infringement of copyright, data protection, any other potential legal issue, or
public exposure of commercially sensitive information.

* See separate guidance relating to the Opting In and Opting Out process for Lecture Capture.
9. Ownership and Review of Policy

9.1. CQSD is custodian of this policy and has the responsibility for conducting a review every two years, or earlier if necessary, by consulting with relevant stakeholders.

* See separate guidance relating to the Opting In and Opting Out process for Lecture Capture.
Appendix

10. Glossary
Opt In – a staff member must ‘opt in’ to lecture capture before sessions that are centrally timetabled are recorded (subject to the room being equipped for lecture capture).

Opt Out – if a staff member has previously opted in and consented to lecture capture recording of their teaching sessions they may ‘opt out’ at any time which means sessions that are centrally timetabled and would otherwise be recorded are not recorded.

11. Document Control

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