

Policy for the Recording and Digital Delivery of Teaching in 2021/22

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1. Introduction

- 1.1. The University has committed to providing a supportive and flexible learning environment for our students. The continuing uncertainty caused by the COVID-19 pandemic means that our student body is likely to include both face-to-face and remote students. This is reflected in the University's [Teaching and Learning Framework 2021/22](#) (requires Log-in).
- 1.2. This Policy replaces and updates the Policy for the Recording and Digital Delivery of Teaching for Academic Year 2020-21. This is an interim Policy for Academic Year 2021-22. It supersedes the University's Learning Capture Policy 2019/2020, which will be replaced in due course following the implementation of the Learning Capture and Blended Learning Projects.
- 1.3. This Policy sets out the requirements for the recording of audio and/or video for teaching and learning activities, created for University of Reading Students. These activities are broadly referred to as 'Learning Capture'. This includes but is not limited to recording of teaching without students present (e.g., 'pre-recordings' or 'screencasts' for asynchronous delivery); recording of live teaching (online or in a physical room) with students present in discussions and other exercises where necessary.
- 1.4. Nothing in this Policy is intended to conflict with the academic freedom of staff members as enshrined in the University's Charter.

- 1.5. The expectation is that this Policy will be followed by all staff engaged in teaching and learning. Contacts for advice and guidance can be found within Section 12.

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, and third parties.
- 2.2. All Learning Capture teaching and learning activity conducted by University of Reading staff members should be considered in scope of this Policy, which will be in effect up to and including its review as detailed in section 11.
- 2.3. The specific and overarching minimum expectations are:

- (a) Recording of teaching without students present (e.g., 'pre-recordings' or 'screencasts'):

Where these recordings are necessary for the asynchronous delivery of core content (that would normally be delivered through large lectures or similar sessions with limited interactivity) in accordance with the University's 2021/22 Teaching and Learning Framework, staff members must create recordings unless there is a pedagogic, professional or legal reason for not doing so, which is approved by the relevant Teaching and Learning Dean.

- (b) Recordings of live teaching:

Staff members are strongly encouraged to record staff-led presentation-style elements (or parts) of live sessions where possible and where appropriate. Staff members should determine when it is appropriate or inappropriate to record live teaching in line with the legal considerations and practical steps to ensure compliance with these can be observed (see Section 3 of this Policy). It is at the discretion of relevant teaching staff whether to record more interactive and participatory elements of live sessions, where the legal considerations and practical steps described in Section 3 can be harder to manage effectively, and in the context of other considerations such as students potentially being more reluctant to contribute.

- (c) Under the Equality Act 2010, the University has a statutory duty to make reasonable adjustments for disabled students to enable them to fully access material provided as part of their programme. Appropriate reasonable adjustments will be detailed in a student's Individual Learning Plan where applicable. Staff members may be required to record some teaching and learning activities that would not otherwise be recorded, or to provide other material in an alternative accessible format as a reasonable adjustment on request of the student or where advised this is necessary by the Disability Advisory Service. Students may be permitted to make an audio recording of a live teaching session with their own device. This is explained further in the [Student Policy for Recording of Online Teaching and Learning](#).

(d) Staff members must adhere to the legal requirements for the accessibility of created recordings (see Section 4).

- 2.4. This Policy applies to video and audio recordings or live online sessions of teaching and learning activities made by staff members, which will be made available to students only via University approved systems for educational purposes. The University recognises that video/audio may be made using a variety of mediums, including where deemed necessary, the use of personally owned devices. Personal devices should only be used in instances where it is unavoidable and absolutely necessary and where University-issued technology or devices cannot be used for good reason, such as where staff are working remotely and do not have access to a University device. All video/audio 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. Failure of staff members to follow this Policy may result in disciplinary action.

3. Recording of Live Teaching Activity

- 3.1. Live teaching sessions can include, but are not limited to, presentations by the lecturer; participatory activities between students; discussion between staff/students. Recording live teaching sessions, whether online or in-person, brings additional data protection law obligations, largely due to the increased element of student participation and student/staff interaction. Students value being able to review and revisit recordings of live teaching for revision and clarification. Some students may also report anxiety and concerns about being recorded, which can affect student participation in live teaching if it is being recorded. Therefore, staff members should consider when it is not appropriate to record, a session, or part of the session. Reasons include but are not limited to when:
- a) sensitive or confidential information is being, or is likely to be, shared.
 - b) the session includes, or is likely to include, significant student participation and discussion. Where this is the case, consider if it is possible to only record the sections which do not include student participation and discussion. It is recognised that some sessions will necessarily include significant student participation and discussion throughout, where it is not possible to separate from non-participatory content. Where this is the case, providing there is value in the recording being made, this is accepted.
 - c) the nature of the session activity means that the recording would not be useful to students.
- 3.2. Staff members must make it clear to students that recording is taking place but do not need to seek consent. The University is a Public Body as defined within data protection laws. The University has core 'public tasks' to deliver teaching and research. These are tasks that we are necessarily required to undertake and therefore are not reliant on the 'consent' of individuals that are involved in those activities, as consent may not be freely given, appropriate or within the student's control.

3.3. For online live teaching, staff must only record, upload and publish via the following approved platforms to ensure access is only for authorised staff members and students, and compliance with accessibility requirements is met (see Section 4):

- Microsoft Teams Meeting and Stream
- Blackboard Collaborate (content must be uploaded to Microsoft Stream to ensure the accessibility requirements in section 4 can be met)
- Other systems where their use has been approved by the Design Authority Group (DAG). Please discuss with your DTS Business Partner

3.4. Recordings should be made available for use by the cohort of students registered on the relevant module at the time of the content being captured, or individuals within the cohort as appropriate.

4. Legal requirements for accessibility of created recordings

4.1 All recordings (and the content within those recordings) need to meet the legal requirements set out by the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018.

4.2 All pre-recorded audio/video content must be accompanied by a transcript or captions to meet accessibility and Equality Act requirements. This is why staff must only upload and publish to the following approved platforms:

- Microsoft Stream
- Other systems where their use has been approved by the Design Authority Group (DAG).

4.3 Recordings of live teaching that are likely to be made available for more than 14 days will be deemed to be 'pre-recorded' content and the above requirement for a transcript or captions will apply.

4.4 Further guidance will be made available to staff to enable them to create teaching and learning materials that meet accessibility requirements.

5. Use of Recordings

5.1. Recordings will not be used for performance monitoring of staff members. 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.

5.2. Recordings should not be repurposed for use in a way for which they were not intended at the time of recording. Copying and distribution of recordings should only be done in accordance with this Policy, and recordings in scope must only be made available to students for educational purposes. 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, as per section 5.3. Advice and requirements for any content placed on external platforms *prior to September 2020* can be requested from School Directors of Teaching and Learning (SDTL's).

- 5.3. Except where authorised in advance by the Pro-Vice-Chancellor (Education and Student Experience), or their delegate, and for pre-recorded materials otherwise authorised by a Pro-Vice-Chancellor for external dissemination, recordings of University teaching and learning activities by staff members for University of Reading students are not for public consumption by any means, whether on the web or otherwise. The University will not make commercial use of teaching and learning recordings without the written permission of the staff member who was recorded.
- 5.4. Upon leaving employment at the University, former employees will not be entitled to use any recordings in which the University owns Intellectual Property rights, unless the written permission of the University has first been obtained. The University will be entitled to continue to use recordings for the purposes set out in this Policy. Content that has yet to reach the retention periods specified in section 6 must be suitably reassigned to ensure they remain accessible for these periods.

6. Management, Retention and Deletion of Recordings

- 6.1. Recordings are subject to a retention schedule. The retention periods for different categories of recordings are listed in the [Recorded Content Retention Schedule 2021](#) and any necessary variations will also be confirmed via these documents. IMPS/DTS reserve the right to carry out audits to ensure this requirement is complied with.
- 6.2. The member of staff who made and shared the recording will be responsible for ensuring relevant recordings are deleted in line with the above retention schedules and assigning this responsibility to others if they leave or move roles. Recordings should not be deleted or made unavailable to students before the end of the applicable retention period unless this has been pre-approved by the relevant School Director of Teaching & Learning.

7. Data Protection

- 7.1. Any Personal Data held in recorded content will be processed in accordance with the General Data Protection Regulation (GDPR) 2016, Data Protection Act 2018 and all applicable data protection laws.
- 7.2. University staff members or third parties (including but not limited to visitors) delivering live teaching to be recorded must:
 - Consider whether recording is appropriate as outlined in section 3
 - Inform those in attendance that a recording is taking place. This can take the form of either or both of the following, as appropriate based on the accessibility needs of the audience:

- 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 who they can contact in the School if they have a concern about being included in any recording.
- Should a student have a personal concern regarding the publication of recorded content, these should be considered prior to making available to others.
- 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)

8. Intellectual Property

- 8.1. Staff members are reminded that unless certain exceptions listed in their employment contract apply, intellectual property created during the course of employment is owned by the University, including without limitation the copyright in any recordings that are the subject of this policy. Staff members must comply with their contract of employment and the provisions of the [Code of Practice on Intellectual Property](#), including in relation to live-streamed and recorded content. It is the responsibility of individual staff members to ensure that their use of third-party copyright-protected material within Teaching and Learning materials is fair and reasonable when relying on a statutory copyright exception under UK law (a legal defence to a claim of infringement).
- 8.2. The University recognises that reliance upon applicable copyright exceptions, such as fair dealing for the purposes of illustration for instruction and fair dealing for the purposes of quotation, is fundamental to normal pedagogical practice in the physical and virtual classroom. Staff members should be aware that such exceptions enable the reasonable reuse of third-party copyright-protected content – including but not limited to text quotations, images and video clips – in circumstances that do not conflict unduly with the interests of copyright owners or the ‘normal exploitation’ of their work (e.g., the expectation of charging reproduction fees for commercial stock photography).
- 8.3. In the context of non-commercial teaching delivered synchronously or asynchronously via a secure, password-protected Virtual Learning Environment accessible only to students of the University who are formally enrolled on a programme of study to which the teaching relates, the unlicensed reuse of third-party copyright-protected content is unlikely to infringe as long as:
- accompanying acknowledgement of the author/creator or the title/source is included (except where this would be impossible, for example because the work is anonymous);
 - it supports a teaching point or critique, or is quoted for a specific purpose; and
 - it is not excessive, or more than is necessary to make your point.

- 8.4. With the exception of very short indivisible works used under the conditions specified above, the screening of entire audiovisual works must not be captured within recordings created for asynchronous delivery.
- 8.5. Where guest contributors, including students, are invited to teach or otherwise be involved in the delivery of a session, written consent must first be obtained from those individuals. 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 the relevant form. Copies of completed forms should be retained by the relevant School for the duration the recording remains available.

9. Storage, Retention and Availability of Content

- 9.1. Recorded content will be subject to a retention schedule. Please refer to the Retention Schedule for Recorded Content on the IMPS website (linked in section 12).
- 9.2. Recordings should not be made available for public consumption unless explicit consent has been granted by the person or persons recorded and approval has been given by the Pro-Vice-Chancellor (Education and Student Experience) as per section 5.3 of this Policy.
- 9.3. Recordings will be made available through approved University systems to ensure access is only for authorised staff members and students, and should not be available on any public website.
- 9.4. Recorded or live-streamed content should be made available to the intended audience in accordance with the University's Policy on Inclusive Practice and at a time and frequency that meets the requirements/learning outcomes for the course module. If content is not made available when expected due to exceptional unforeseen circumstances, this should be communicated to students as soon as possible.

10. Editing & Withdrawal

- 10.1. 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, normally the SDTL. Once a recording has been published, it can still be edited for any reasonable purpose, 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.

- 10.2. 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 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.

- 10.3. It may be legally necessary for the University to edit recordings where it has upheld requests regarding recorded content, such as complaints regarding the infringement of third-party intellectual property, or for the exercising of rights to access and erase recorded content. If members of staff receive any such requests they should, in the first instance, forward them to imps@reading.ac.uk. IMPS (and/or Legal Services) will assess whether there are legal grounds to uphold such requests. In such circumstances, staff members may need to promptly refer content to teams dealing with such requests and/or perform editing of content themselves using University approved tools.
- 10.4. 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 and that concern has been reviewed by Legal Services.

11. Ownership and Review of Policy

11.1.

This Policy is effective from the date approved in section 12 below and will be reviewed by the Sub-Committee on the Delivery and Enhancement of Learning and Teaching.

12. Document Control

Date Approved:	6 July 2021
Policy Effective From:	2021/22
Next Review:	Summer 2022
Approving Authority:	UBTLSE and University Executive Board
Consultation:	Legal Services IMPS RUSU Learning Capture Policy Group
Responsible for Policy Maintenance & Review	Sub-Committee on the Delivery and Enhancement of Learning and Teaching
Related Policies, Procedures, Guidelines and Regulations	Retention Schedule for Recorded Content (IMPS) https://www.reading.ac.uk/imps/-/media/77a6fb4a0640490aa03aa49b4cbd2787.ashx

Contacts for advice

About this Policy:

CQSD (Quality Assurance and Policy)

cqsd-tandl@reading.ac.uk

About Data Protection, Records Management and Copyright:

Information Management and Policy Services (IMPS)

imps@reading.ac.uk 0118 378/5770

About Digital teaching and learning:

CQSD (Technology Enhanced Learning)

Please raise a ticket via the DTS Self Service Portal

(<https://www.reading.ac.uk/digital-technology-services/>)