Academic Policy Development Cover Note

Policy area: Recording of lectures

Instigator(s) of Policy or changes to Policy:
Shirley Hill (Head of Disability Services)
Lorraine Walsh (Assistant Director (Educational Development), Library and Learning Centre)
Lesley McLellan (Director of Quality Assurance)

Brief rationale for development or change:
The University currently allows disabled students to record lectures where this is deemed to be a reasonable adjustment. All students who have this adjustment in place have been assessed by Disability Services and have signed a Recording Lectures (Audio) Agreement Form. Should the attached policy and guidelines be approved, it is anticipated that this form will no longer be required.

Following the introduction of the Equality Act (2010) https://www.legislation.gov.uk/ukpga/2010/15/contents and the extension of protection from discrimination to all students covered by the new protected characteristics, the University should consider whether other students would also benefit from audio recording lectures (for example those students for whom English is not their first language), and more widely whether it would be more inclusive to allow all students to record lectures where appropriate and within clearly defined constraints.

In addition, institutional video and/or audio recording of lectures is becoming more prevalent in the sector to enable access to distance learners in particular, and to provide flexible access to lecture content to students in general. Such methods of lecture delivery do however introduce additional quality assurance, copyright and data protection issues that need to be considered, and the University does not currently have a policy that clarifies staff and student responsibilities in this respect. Guidance prepared by JISC highlights the many legal and other considerations around the use and storage of recorded material. This guidance is available at: http://www.jisclegal.ac.uk/ManageContent/ViewDetail/ID/1608/Recording-Lectures-Legal-Considerations-28072010.aspx

The following policy and guidelines are therefore proposed to ensure the University is meeting its obligations under equality, copyright and data protection legislation.

Version: Second draft, incorporating comments from the e-Learning Subcommittee and the Learning and Teaching Committee.

Confidentiality: Open paper.

Resource implications: None.

Equality and diversity considerations: The focus of this policy is on inclusive practice.

Action requested:

Contact for comments: Shirley Hill (Head of Disability Services)
Policy and Guidelines on the Recording of Lectures

Preamble

1. The University allows disabled students to record lectures where this is deemed to be a reasonable adjustment. Informal audio recording of lectures by students as a revision aid is also becoming increasingly popular, as is the use of video and audio lecture capture by lecturers to support student learning.

2. This Policy on the Recording of Lectures applies to all students and staff involved in teaching and learning. It sets out the conditions under which recordings may be made, and clarifies staff and student responsibilities to ensure that the University is meeting its obligations under equality, copyright and data protection legislation. Additional guidelines for students are provided in Appendix 1.

Definitions

3. For the purpose of this policy, the term:

   • ‘Lecture’ refers to formal face-to-face teaching and learning sessions, and excludes tutorials, seminars, student-led presentations, student-led journal clubs and other forms of student-led small group teaching (see paragraph 5);

   • ‘Lecturer’ refers to any University staff member involved in teaching and learning;

   • ‘Record’ refers to audio recording of lectures by students and digital capture of lectures by staff.

Audio recording of lectures by students

4. All students may audio record any lectures given by any member of staff, in accordance with point 6, below. Visual recording of lectures is not permitted without explicit, prior consent of the lecturer and others involved.

5. For any form of small group teaching as described under point 3, involving substantive student participation, routine recording is not permitted without the knowledge and express permission of the group. Where such permission is not granted, reasonable adjustments for any disabled students in the group must be implemented to enable equal access to the information discussed.

6. Lecturers should allow students to record lectures unless they have a justifiable reason for not doing so. It is anticipated that this will only relate to situations where copyright, data protection or commercial intellectual property rights of others could be infringed, or where lectures include sensitive clinical material.

7. The lecturer’s spoken word used during the lecture remains the property of the University as their employer.
8. Recordings made by students can only be used by that individual for personal study, and **must not be reproduced or passed on to anyone else** (other than for transcription purposes in connection with the student’s studies) or posted on external websites including social networks.

9. Inappropriate use by students of recorded material (including posting on external websites) is a disciplinary matter and will be referred to the relevant Dean of School and the Director of Policy, Governance and Legal Affairs.

**Digital capture of lectures by staff**


11. Guidance on the pedagogical aspects of the use of video and audio recorded lectures, and examples of good practice, will be provided and supported by the LLC Educational Development Team.

**Implementation, support and review**

12. Dissemination of the *Policy and Guidance on Recording of Lectures* to lecturers, evaluation of outcomes, and consultation and consideration of future development of the Policy will be through College Heads of Learning and Teaching, School Learning and Teaching Committee representatives and School and College committee structures as appropriate.

13. Students will be informed of the Policy at enrolment, through induction processes and through programme handbooks.

14. Disability Services will offer support and guidance to disabled students in the implementation of this policy.

15. The Directorate of Policy, Governance and Legal Affairs, in collaboration with the LLC and Disability Services, will evaluate the effectiveness of the Policy and report to the Learning and Teaching Committee as required. The Policy will be reviewed one year after its implementation. It will normally be evaluated every three years thereafter, or more frequently in response to internal and external drivers.
Appendix 1
Guidelines for Students on the Audio Recording of Lectures

1. The University recognises that there may be occasions when a student might wish to record a lecture. These guidelines set out the conditions under which recordings may be made and apply to all students wishing to record a lecture, whether or not the reason is connected with a disability.

2. It is a presumption of these guidelines that students who record lectures have a genuine learning need to do so and that they will only use the recordings for study purposes.

3. In all instances where recordings of lectures are made, the following requirements apply:
   - any recording made is for the sole use of the student for study purposes. It must not be conveyed to any other person by any means whatever, other than for transcription purposes;
   - the ownership of the information contained within the recording remains at all times with the lecturer, the University and any others connected with the content. It does not pass to the student making the recording;
   - any recording made must be destroyed by the student once its purpose has been met. This will always be before the student leaves the University and shall normally be by the end of the semester in which the recording is made;
   - the recording method employed must be discreet and not intrusive with regard to other participants in the lecture;
   - recording a lecture is not a substitute for attendance. The student must be present to record the event unless the lecturer responsible has given permission for a recording to be made in the student’s absence;
   - whilst permission to record will not normally be refused, in order to comply with licensing, Intellectual Property Rights or other conditions imposed by third party owners of material to be presented in the lecture, recording of lectures may not always be possible. Where this is the case, the lecturer should advise all students of the fact at the beginning of the lecture and may be approached for access to the material concerned in an alternative format. Such an alternative will be provided where feasible and deemed to be a reasonable adjustment for disabled students;
   - permission to record may also be refused if the lecture contains material which, were a recording made, would breach a third party’s right to privacy or data protection. Lecturers who are unsure about this should seek advice from the University’s Data Protection Officer before granting permission.
4. Failure to comply with the *University Policy on Recording Lectures* and the *Guidelines for Students on the Audio Recording of Lectures* (for example by communicating a recording of a lecture to others without appropriate authority) will be regarded as a disciplinary matter.

5. The making of recordings should be regarded by lecturers as a learning aid for students. It is presumed that lecturers will normally grant permission to record lectures except where third party or clinically or commercially sensitive material is to be used for which further recording is expressly forbidden or inappropriate. Where there is third party material which cannot be recorded, it may be practical to grant permission to record that part of the lecture where such material is not in use. Disabled students should be given access to any licensed, clinical or commercially sensitive material in an alternative and appropriate format where this is feasible and deemed to be a reasonable adjustment.

6. Where permission to record a lecture is refused it is expected that the reason(s) for refusal will be communicated to the students requesting permission.

7. Students may be asked to turn off their recording device when other students do not want their personal contribution recorded. Potential conflicts arising from other students not wishing to be recorded should be handled as sensitively as possible by the lecturer, whilst acknowledging that allowing a disabled student to record a lecture may be considered a reasonable adjustment, and providing alternative access to the lecture material in such situations will be required. It is expected that the lecturer would not draw attention to the reason for the recording being made.