

Recording of taught sessions policy

Policy information

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Original author	Andy Brown
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Version control

Version	Date	Author	Purpose/change	Policy review date
01	13 March 2015 [Original]	Andy Brown [Head of Academic Development]		

Approval

Version	Date approved	Approving committee	Individuals/groups to be notified [if relevant]	Committee officer signature
01	18 March 2015	Quality assurance and enhancement committee	Deans, academic partner principals, human resources practitioners' group, disability practitioners' group, subject network leaders, programme leaders, module leaders, learning and information services	

Policy summary

Overview: Why is the policy required?	The university is required to adhere to UK legislation.
Purpose: What will it achieve?	The policy discharges the university's moral and legal duty to ensure that it complies with relevant legislation.
Scope: Who does it apply too?	All staff recording taught sessions on behalf of the academic partners and/or the university.

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<p>Consultation/notification</p>	<p>Learning and information services: 19 – 21 May 2014</p> <p>Human resources practitioners group, academic partners and unions: 20 May 2014 – 13 March 2015</p> <p>Disability practitioners’ group: 29 October 2014 – 7 January 2015</p> <p>Chair equality outcomes group: 23 January 2015</p> <p>Quality assurance and enhancement committee: 14 January 2015 and 18 March 2015</p>
<p>Implementation and monitoring [including costs]</p>	<p>Detailed in sections 4 and 5.</p>
<p>Enforcement: Detail how the policy will be enforced and who will be responsible</p>	<p>Detailed in sections 4 and 5.</p>
<p>References [highlight any advice received from external organisations]</p>	<p>The policy is informed by JISC legal guidance.</p>

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Recording of taught sessions policy

1. Introduction

This policy applies to all students, academic partner and University of the Highlands and Islands employed staff. Students should be informed of this policy at induction and in the student handbooks.

Recording taught sessions has legal implications and requirements. This policy covers recording of taught sessions by both students and staff, when and how such recordings may take place and the distribution, storage and destruction of recordings.

The employer owns the copyright of the work of staff. The employer requires the consent of performers (including employees) in order to record, copy, or make available a performance. Therefore staff that wish to have a taught session recorded are required to grant a licence to the employer to use the work.

2. Definitions

Educational purposes refers to instruction, research and/or scholarly activity, for example, non-commercial instruction or curriculum-based teaching by staff; non-commercial study or research and/or the presentation of research findings at non-commercial conferences, workshops, or seminars.

Lecturer refers to any academic partner or University of the Highlands and Islands employed staff member.

Recording refers to any audio or visual recording of a taught session using any type of audio or visual recording device.

Taught session refers to formal teaching sessions such as a lecture, seminar, tutorial, laboratory session, field trip or other taught session.

Staff refers to academic partner or University of the Highlands and Islands employed staff members.

3. Recording of taught sessions: additional support needs

3.1 Introduction

The University of the Highlands and Islands is committed to supporting all students and recognises its obligation to make 'reasonable adjustments' under current equalities legislation.

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Students with disclosed disabilities and additional support needs typically have an agreed personal learning support plan in place. This details the specific institutional adjustments that have been recommended in light of a student's specific needs.

The process putting support measures in place is informed by a robust and contextualised assessment of need. Needs assessors should consider whether the student's course of study involves material of a sensitive, personal and/or confidential nature before recommending that a student be entitled to record taught sessions under this policy, as a result of their disclosed additional support needs. In this case an alternative reasonable adjustment should be considered.

A student's entitlement to make or access recordings of taught sessions under this policy should be specified in the student's plan.

This policy permits recordings of taught sessions to be made in cases where this intervention has been specifically recommended as a reasonable adjustment within the student's agreed plan, unless there are justifiable reasons why this might not be possible in an individual situation. The plan author or (in the case of the student requesting non-disclosure), the university disability support coordinator will, if required, inform the module leader in writing at the start of each relevant semester.

The eligible student will sign a 'recording of taught sessions (additional support needs) agreement' form, as confirmation that recordings will be made for their personal use and that they agree to the conditions of this policy, before making or having access to any recording. The form is available from student services staff at the student's home academic partner.

3.2 Recordings

The eligible student must agree to their module leader(s) being informed of their entitlement (or, in the case of the student requesting non-disclosure, the entitlement of the student's representative) to record taught sessions before making any recording.

It is the responsibility of the module lecturer to inform other participants that a taught session is being recorded.

A lecturer may cease or instruct a student (or, in the case of the student requesting non-disclosure, the student's representative) to cease recording where there are discussions of a personal, sensitive and/or confidential nature. Examples where recording may not be appropriate would be when personal or sensitive information is being discussed, such as in a patient/client consultation, school placements where children are involved, or where a current author reads works still to be published. In the case of a partially recorded taught session recording should continue as soon as practicable.

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In cases where it is not possible for a particular taught session to be recorded, the module leader has a duty to ensure that the student still has full access to the taught session. An alternative should be provided, such as a full transcript of the taught session in electronic format, for example in Microsoft Word.

The content of a taught session remains the property of academic partners and the university.

3.3 Video conference sessions

If an eligible student wishes to request a recording of a taught session delivered by video conference, it is the responsibility of the module lecturer to request a video conference recording of a teaching session from the university's VCMaster, by completing the university's 'request for video conference recording of a module' form.

Should there be an issue with accessing a recording of a taught session delivered by video conference the module leader has a duty ensure that the student still has full access to the taught session. An alternative should be provided, such as a full transcript of the taught session in electronic format, for example in Microsoft Word.

If it is not possible to stop a recording of a video conferencing session prior to discussions of a personal, sensitive and/or confidential nature, a lecturer can ask the university's VCMaster to delete the recording at the end of the taught session. In this case, the recording would not be made available to students (or, in the case of the student requesting non-disclosure, the student's representative), and it is the responsibility of the module leader to ensure that an alternative be provided to eligible students, such as a full transcript of the taught session in electronic format, for example in Microsoft Word.

4. Recording of taught sessions: students

Recording of taught sessions by students with additional support needs is covered in section 3 above.

Students who do not have additional support needs may request permission (in advance) from the lecturer responsible for the session to record taught sessions solely for educational purposes. The university expects that permission to record the taught session would normally be given as it is seen as a learning aid for students. Permission is at the discretion of the lecturer as a number of factors, such as copyright, data protection, commercial intellectual property rights of others and the subject matter of the taught session have to be considered. Where permission is refused the student should be informed of the reasons.

Students may not record taught sessions unless they have received written permission in advance. Recording of taught sessions without such permission will be treated as a disciplinary offence.

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In the case of group teaching or activities, tutorials, practical or laboratory classes, students may not record other participants without their knowledge and consent. The lecturer must inform all participants that the recording of such activities is solely for a students' personal use and the recording will be destroyed on completion of the unit/module.

Students will not be given permission to record unless they agree in writing to the following:

1. Unless arranged in advance, the student must be present to record the taught session.
2. The student will not make a recording on behalf of anyone else.
3. The student will not publish or sell the recordings in any form. This includes, but is not limited to, the Internet and hard copy publication.
4. The recording is not to be used to bring into disrepute the lecturer or other participants.
5. The recording method is not intrusive.
6. The student understands that no Intellectual property right passes to them.
7. The recording may only be made for the student's personal and private use.
8. Group activities: in the case of recording group activities, the student agrees to destroy the recording on completion of the unit/module.
9. Other than for the purposes of transcription, in which case the recording may be given to the transcriber, the recording may not be distributed in any form, to any other person whatsoever.
10. Any recorded material referred to in an assessment must be acknowledged and correctly referenced according to the university's [student referencing guide](#).
11. The student understands that failure to adhere to these terms will be treated as a disciplinary offence.

4.1 Recording of taught sessions by students: lecturer's responsibility

If a student is recording a taught session, the lecturer must inform all present that:

1. A recording is being made for study purposes.
2. The lecturer reserves the right to stop the student(s) recording should such recording be deemed to be inappropriate. This would be, for example, where there are discussions of a personal, sensitive and/or confidential nature, such as in a patient/client consultation, school placements where children are involved or where a current author reads works still to be published.
3. The lecturer reserves the right to stop the recording should they feel that it is negatively affecting the quality of the students' discussion.

5. Recording of taught sessions by lecturers

This Policy covers recordings of taught sessions by lecturers for the following purposes:

1. For **educational purposes** for the use of students enrolled on the module for which the recording was made.
2. For the creation of a **reusable learning object**.

5.1 Legal requirements

The employer requires the consent of performers (including employees) in order to record, copy, or make available a performance. All attendees should know that a recording is taking place, the purpose of the recording and to whom it will be made available.

Staff, students and third party rights holders have rights regarding the recording of taught sessions. The main areas of law relating to the recording of taught sessions are copyright, performers' rights, moral rights, data protection and accessibility.

Copyright: the employer owns the copyright of the work of staff. Unless there is an agreement to the contrary, students and external parties own the copyright of their work. Permission to use work in a taught session does not normally extend to permission to record the work. Before recording the lecturer must check that they have permission from rights holders to make and distribute the recording.

Intellectual property rights: academic partners or the university own the intellectual property in the content of taught sessions and are also the owners of the intellectual property in any recordings made by them or on their behalf.

Performers' rights and moral rights: performers have rights to their performance. Moral rights are the rights to be identified as the author and the right to object to any derogatory treatment of the work. Moral rights apply to an employees' and non-employees' performances.

Data protection: a recording processes personal data; therefore lecturers require the consent of all individuals present. Should consent not be obtained an opt out must be offered, such as moving to an off camera area.

Accessibility: if the recording is a core learning resource it must meet accessibility guidelines. See the university's blended learning standards [accessibility check list](#).

5.2 Recording of taught sessions by lecturers: lecturer's responsibilities – educational purposes

1. At the discretion of the lecturer, taught sessions may be recorded. These recordings may be distributed to students registered on the unit/module solely for educational purposes.
2. The lecturer will advise students whenever recording takes place. Should students not wish to be recorded they must be given the opportunity to opt out, by, for example, moving to an off camera area.
3. Lecturers must use the request for video conference recording of a taught session to request that video conferences be recorded. The VCMaster will inform the lecturer when the recording is ready. It is the lecturer's responsibility to ensure that the recording is password protected. The lecturer will inform students that they may not share the recording access password with anyone.
4. Lecturers must ensure that recordings are only made available to students currently registered on the unit/module for which the recording was made.
5. Lecturers must ensure that the recording is destroyed after resits have concluded, normally a period of seven months from the commencement of the unit/module.
6. The lecturer must ensure that no recording is kept after the resits have concluded.

5.3 Recording of taught sessions by lecturers: lecturer's responsibilities – creation of a reusable learning object

1. At the discretion of the lecturer, taught sessions may be recorded and used for other purposes (such as conversion into a reusable learning object) **provided** written consent (using the university's audio-visual release form) is obtained from third party active participants, e.g. students, guests.
2. The lecturer will advise students whenever recording takes place. Should students not wish to be recorded they must be given the opportunity to opt out, by, for example, moving to an off camera area.
3. Lecturers must use the request for video conferencing recording of a taught session to request that video conferences be recorded. The VCMaster will inform the lecturer when the recording is ready. It is the lecturer's responsibility to ensure that the recording is password protected. The lecturer will inform students that they may not share the recording access password with anyone.

5.4 Recording of taught sessions by lecturers: home academic partner and programme leader's responsibilities

The home academic partner and programme leader must ensure that students are informed of the recording of taught sessions policy at induction and in the student handbooks.

5.5 Recording of taught sessions by lecturers: module leader's responsibilities

The module leader is responsible for:

1. Ensuring that the legal requirements for the recording of taught sessions as specified above are met.
2. Ensuring that there are documented permissions for the use of third party copyright material in recordings made by lecturers.
3. Ensuring that written consent (using the university's audio-visual release form) is obtained from third party active participants (e.g. students, guests) prior to using recordings of taught sessions for any other activity, such as conversion into a reusable learning object.
4. Ensuring that the recording is password protected.
5. Informing the VCMaster as soon as a recording can be deleted.
6. Ensuring that all recordings are deleted unless converted into a reusable learning object.

6. Lecturer consent

A. Consent for recording of a taught session

By requesting that a recording of a taught session is made the lecturer agrees that:

1. They will adhere to the full conditions of the university's recording of taught sessions policy.
2. They have documented permission to include any third party materials in the taught session and to have them in the recording.¹

B. Lecturer consent for the creation of a reusable learning object

By requesting that a recording of a taught session is converted to a reusable learning object the lecturer agrees that:

1. They will adhere to the full conditions of the university's recording of taught sessions policy.
2. They have documented permission to include any third party materials in the taught session and to have them in the recording.
3. They have signed university audio-video release forms for **all** active participants.

¹ Works may be included for the legitimate purpose of criticism or review, provided these are acknowledged in full. See [Gov.uk Intellectual property – guidance: Exceptions to copyright](#).

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4. The taught session may be used by the university.
5. The lecturer grants a free, unconditional, irrevocable, perpetual, non-exclusive worldwide licence for all performance rights in the film and/or recordings of taught sessions to their academic partner and to the university.
6. The university may store, use, distribute, copy and edit the recording, in whole or in part, for educational use or for marketing purposes as the university sees fit. **Note:** such recordings may not be used by the academic partner and/or the university for appraisal or performance management purposes.
7. The lecturer consent to the use of their personal data being processed for the purposes of making and using the recording by the university in accordance with the Data Protection Act 1998. The recording may be accessed or used from outside the European Economic Area and the lecturer consents to this use.
8. The lecturer waives all moral rights in the copyright of their presentation including their performance in the recordings.
9. The lecturer will notify everyone present (in advance) that a recording is being made.
10. The lecturer will provide an area off camera for those who do not want to be recorded.
11. The lecturer will inform attendees of the location of the off camera area.