



Lecture Recording Policy

Purpose of Policy

This policy has been developed to ensure that:

- Provision of recorded lectures is comprehensive, consistent and efficient and enhances the student experience.
- Students, teachers, visiting presenters and academic managers are clear on their rights and responsibilities when lectures are recorded.

Overview

The University of Edinburgh recognises the benefits to students of the ability to revisit all or part of a lecture. It recognises further the benefits for particular groups of students, for example those with certain learning difficulties or those whose first language is not English. The policy addresses the need to provide clarity on the rights of those involved in each recording and the conditions under which lectures should and should not be recorded, released to students or released publicly.

Scope: Mandatory Policy

The intention of this policy is to ensure a consistent student experience and to help manage the potential risks posed by challenges and complexities in the arrangements for recording lectures. It applies University-wide to all staff, students and visiting lecturers involved in recording lectures and other teaching sessions.

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Document control

Dates	Approved: 23.05.18	Starts: 01.01.19	Equality impact assessment: 12.09.18	Amendments: 26.09.18	Next Review: 2020/2021
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Approving authority

Senate Learning and Teaching Committee

Consultation undertaken

Members of the Lecture Recording Policy Task Group, including representatives from Colleges, the Student Disability Service, EUSA and UCU. Written [consultation](#) with Schools, Colleges and other stakeholders. Combined Joint Consultative and Negotiative Committee.

Section responsible for policy maintenance & review

Information Services – Learning, Teaching and Web Services

Related policies, procedures, guidelines & regulations

[Accessible and Inclusive Learning](#); [Disciplinary](#); [Student Conduct](#); [Learning Analytics](#); [Open Educational Resources](#); [Web Accessibility](#); [Timetabling](#); [IP Exploitation](#); [Student IPR](#); [Programme and Course Handbooks](#)

UK Quality Code

QAA UK Quality Code for Higher Education Part B: Assuring and Enhancing Academic Quality, Chapter B3: Learning and Teaching; and Chapter B4: Enabling Student Development and Achievement

Policies superseded by this policy

Local School lecture recording policies

Alternative format

If you require this document in an alternative format please email Academic.Services@ed.ac.uk or telephone 0131 651 4490.

Keywords

Lecture capture; lecture recording; copyright; intellectual property rights; author's moral rights; performer's rights; takedown; data protection;

The University seeks to enhance the student experience by providing recordings of lectures for students to revisit and review as part of their learning for each Course within their Programme of Study. This aligns with the Learning and Teaching Strategy that aims to ensure all students from all backgrounds achieve their potential by provision of a supportive environment and rich learning culture. It further aligns with the University's strategic objective of Leadership in Learning and its Digital Transformation development theme. The lecture recording service enhances and extends student provision in general, and for students with specific disabilities and conditions in particular, and is in addition to the right granted to students within the Accessible and Inclusive Learning policy to record lecture audio (and, with permission, video) for their own personal learning.

Policy aim

This policy aims to facilitate the practical and responsible recording of lectures and to provide clarity on the rights and responsibilities of the University, its staff and its students, external visiting lecturers and any other participants in recorded teaching.

Essential purpose

The **essential purpose** referred to within this policy is **to allow the students undertaking a taught Course to review recordings of lectures given as part of that Course**. The policy also permits a lecturer to re-use recordings of their lectures within educational resources or their own staff development. Other relevant and appropriate purposes may be considered only if all the participants in the recording agree to this.

The policy intends the lecture room to remain a safe place for the exposition and discussion of potentially controversial ideas between the lecturers and students on a Course. The University will take the unauthorised sharing of lecture recordings by students or staff very seriously.

Scope of the policy

The policy covers timetabled lectures delivered in rooms in which the University has installed the centrally supported lecture recording service. Furthermore, it facilitates (but does not require) the use of the lecture recording service for other purposes, including the recording of seminars, tutorials or public lectures; and using the service to pre-record lectures for use within a "flipped classroom" approach or for online distance learning. Paragraphs 2, 2.1, 2.2 and 2.3 do not apply to these optional purposes.

Notes

The policy assumes the definitions of lecture, seminar and tutorial are well understood, and does not intend to limit what teaching is recorded; but recognises the potential for practical difficulties with retaining consent where many people are recorded within the more interactive formats of teaching.

In this policy, a "participant" refers to as someone with intellectual property in any aspect of the recording, including the University, the lecturer and any other contributor to a discussion within the lecture.

Recordings are made by an automated system, and are neither intended to match the performance standards of professional actors nor the production standards of professional production teams.

Use of recordings

1 The University will provide recordings of lectures to students on taught Courses, where possible, to aid their learning through review and reflection. These recordings are not, other than in very exceptional circumstances, a replacement for lecture attendance or other contact hours.

- 1.1 The [Lecture Recording Privacy Statement](#) details how the University will use and share personal data in relation to the lecture recording service.
- 1.2 Recording of sensitive personal data as defined in current legislation¹ shall not take place without the explicit written consent of the person(s) to whom the data relate.
- 1.3 The following uses of recordings are permitted under this policy:
- i. The University will provide lecture recordings, where available, to students on the instance of the Course to which the lecture relates. By default, it will also provide access to the staff associated with the Course instance in the Virtual Learning Environment. The lecturer may restrict staff access to a recording further if required.
 - ii. A student may only use the recording for the purposes of their own personal study. The student must destroy any copy of the recording they hold once this purpose has been met. This will be on completion of the final assessment to which the Course relates or when the student leaves the University, whichever is sooner..
 - iii. A lecturer may publish a recording of their lecture as an open educational resource, with appropriate modifications and safeguards, including an appropriate attribution, licence and having obtained any permissions required from other participants or third parties whose intellectual property resides within the recording. Guidance on this is contained within the [Open Educational Resources Policy](#) and [Website Accessibility Policy](#).
 - iv. A lecturer may use recordings of their own lectures within their own performance review; to facilitate peer observation of their teaching; or if they are investigated under the [Disciplinary Policy](#).
 - v. The University may use a lecture recording within the scope of an investigation under the [Code of Student Conduct](#).
 - vi. Learning Analytics from the lecture recording service may be used in accordance with the [Learning Analytics Principles and Purposes, Policy and Governance arrangements](#).
 - vii. A School may use a recording held within the lecture recording service in exceptional situations to provide continuity, as specified within business continuity plans relevant to the School. Examples of exceptional situations might include significant disruption from a pandemic or other natural event or the unforeseen loss of part of the University estate. The School will, where reasonably possible, inform the lecturer beforehand that their lecture is to be used and for what purpose, and the lecturer will retain the right not to permit this use. If the lecturer, acting reasonably, objects to use for this purpose, the School will not be permitted to use the recording.
 - viii. The Service Owner² may audit recordings as per paragraph 6.5 below.
- 1.4 Any other use of a recording will require further, separate agreement between those with rights in the recording. In particular:
- i. The recordings and any associated metadata will not be used by the University for staff performance review or disciplinary processes without the lecturer's permission, except in the case of alleged gross misconduct.
 - ii. Lecture recordings may not be used as a replacement for intended staff presence in the lecture room (for example, live streaming lectures to overspill rooms) unless the lecturer permits this.

¹ [Article 9 Paragraph 1 of the General Data Protection Regulation](#): "...personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation..."

² The senior owner of the service within Information Services, ultimately accountable for ensuring that the service meets current and future needs and expectations.

- iii. Recordings will not be used to cover University staff exercising their legal right to take industrial action without the lecturer's consent.
- iv. Staff and students may otherwise only use, modify, publish or share restricted-access lecture recordings or excerpts with the permission of the School that owns the Course and of the lecturer and of any other participants in the recording. It shall be a disciplinary offence to use, modify or distribute recordings without permission, including but not limited to: copying the recording, issuing copies of it to the public, renting or lending copies of it to the public, playing it in public or broadcasting it. An employee or student using, modifying or distributing a recording without permission may be investigated under the [Disciplinary Policy](#) or [Code of Student Conduct](#).

- 1.5 Recordings do not constitute a replacement for student attendance at lectures unless the University has specified this as a reasonable adjustment for a disabled student.
- 1.6 Schools and students must not use lecture recordings as a routine mechanism for managing clashes of timetabled lectures.
- 1.7 The University and Schools will provide guidance to students on how to benefit from lectures and how to use lecture recordings appropriately.

Level of provision

2 The University will aim to provide a recording of every lecture, as far as is possible and appropriate, in support of a consistent and inclusive student experience. Lecturers will record their lectures using the lecture recording service except where a lecture cannot or should not be recorded as detailed in 2.2 below.

- 2.1 Schools will schedule automated recording of lectures using the central timetabling system, unless the Head of School³ responsible for the Course authorises a lecturer to initiate their own recordings.
- 2.2 The University recognises there are situations where all or part of a lecture should not or cannot be recorded. Among these are that:
 - i. there are teaching approaches that may not be suitable for recording, such as those with a high degree of interactivity
 - ii. a lecturer should not change their teaching approach to facilitate lecture recording where this change would be detrimental to the student experience
 - iii. there may be legal, ethical or privacy reasons for not recording part or all of a lecture
 - iv. a lecturer may have personal reasons that make it inappropriate for their lecture(s) to be recorded
 - v. the lecture recording service is not available in the lecture roomThe lecturer is responsible for deciding whether the interests in not recording part or all of a lecture outweigh the interests in recording. They will inform the relevant School of any full lectures they decide not to record, along with the reason. They should consider whether the routine options either to pause recording during the lecture, or to turn off video recording (where the room has video facility), would otherwise allow recording to proceed.
- 2.3 College and Senate Learning and Teaching Committees will monitor this process to promote consistency across the University.
- 2.4 Schools will notify students which of their lectures will be recorded or not by the start of the Course, including reasons for not recording, through the relevant Course or Programme Handbook. If a recording is paused or edited, the lecturer should consider providing an explanation for the pause or edit where it is reasonable and proportionate to do so.

³ Heads of School may delegate this responsibility within the School.

- 2.5 In accordance with the [Accessible and Inclusive Learning policy](#), Schools will notify students by email if a lecture recording arrangement changes during the Course. This includes where the change prevents recording and where the change facilitates a recording that would not otherwise have taken place. When a lecture is changed or cancelled, Schools will ensure the associated scheduled recording is also changed or cancelled promptly.
- 2.6 The lecture recording service by default will automatically release scheduled recordings to the students on the Course 24 hours after completion of recording and post-processing of the associated data. Lecturers may alternatively opt for immediate release or manual release of their scheduled recordings. The 24-hour delay gives the lecturer (or Course Organiser, where the lecture is given by a student or a visiting lecturer) scope to postpone the scheduled release of a recording where they believe there is cause to do so, for example where it may be necessary or desirable to review or edit a recording prior to release. Lecturers who initiate their own recordings will arrange manual release of these recordings.
- 2.7 Students will access lecture recordings “on demand” via the service. Exceptions:
- i. The School will provide a download of a recording to a disabled student on the Course where this has been specified as a reasonable adjustment.
 - ii. The lecturer may at their discretion provide download access to all students on the Course where, in the lecturer’s opinion, this is appropriate.

Accessibility

3 Recordings must not breach equality legislation and must comply with the [Accessible and Inclusive Learning policy](#).

- 3.1 The Equality Act 2010 places an anticipatory responsibility on the University in making reasonable adjustments to its services. Lecture recordings in themselves represent provision of teaching resources in an alternative format. Schools will ensure disabled students are not disadvantaged by providing transcripts or subtitles on recordings where required.
- 3.2 The [Accessible and Inclusive Learning policy](#) covers the rights and responsibilities of students who wish to make their own recordings of a lecture for their own personal learning.
- 3.3 The University will provide clear, accessible guidance on how to access recordings made with the lecture recording service.

Participant and University rights

4 By using the lecture recording service, staff, students, visiting lecturers and other participants consent to the University recording them and agree to give the University the licences necessary to use the recordings for the essential purpose in this policy.

- 4.1 The policies on [exploitation of intellectual property](#) and [student intellectual property rights](#) cover the status of intellectual property generated by the University’s employees and students. Where the University and an employee have agreed that the employee retains some or all of the intellectual property rights to material used within a lecture recording, the employee agrees to grant the University a non-exclusive licence to use the material for the essential purpose in this policy.
- 4.2 Performer rights reside with the lecturer and other lecture participants, who agree to the recording of the lecture and agree that the University may use their performance for the essential purpose in this policy. Lecturers wishing to assert their right to be identified as

author or performer should do so as part of the recording, for example on an introductory slide⁴.

- 4.3 Where a student (either as the lecturer or as a participant) holds some or all of the intellectual property rights to material used within a lecture recording, the student agrees to grant the University a non-exclusive licence to use the material for the essential purpose in this policy. The student also agrees to grant the University a non-exclusive license for re-use of the material by the lecturer within an educational resource or the lecturer's own staff development, and for re-use of the material by the School within the scope of a business continuity plan.
- 4.4 A student is required to be recorded if the recording is a mandatory part of their assessment. A student otherwise making a contribution recorded by the lecture recording service may contact the lecturer to arrange for deletion of their contribution. Students wishing not to be recorded should, where possible, sit in areas away from microphones and outwith the field of view of any camera installed.
- 4.5 External visiting lecturers (or their employer as appropriate) retain copyright on work and any other intellectual property rights they generate and, by accepting the terms of the external visiting lecturer agreement on lecture recording, agree to grant the University a non-exclusive licence to use the recording for the essential purpose in this policy.
- 4.6 Lecture room signage will indicate if a venue is equipped with lecture recording equipment. A recording light will indicate recording status.

Third party copyright

5 Staff, students and visiting lecturers presenting material in a recording must ensure that they do not infringe third-party copyright.

- 5.1 Use of third party materials may fall within the "fair dealing" exception if used for the sole purpose of illustration for instruction.
- 5.2 Notwithstanding 5.1 above, where a lecture includes broadcast or other material under a licence that does not clearly permit copying that material further, the lecturer shall pause the lecture recording while using the licenced material and should subsequently and where appropriate provide students with separate access to the licenced material (for example, linking it from the virtual learning environment).
- 5.3 The University will provide sources of advice to lecturers with queries over potential copyright infringement, including the Library Copyright Service and the lecture recording service support webpages.
- 5.4 Lecturers must provide visible citations on slides and for recordings used within recorded lectures.
- 5.5 Any party who believes their rights have been infringed in or by a recording may contact the lecture recording Service Owner who will normally take down the recording pending investigation of the alleged infringement.

⁴ This method for asserting rights is intended as an interim measure while the University investigates whether it would be possible to move to a default of identifying the lecturer automatically.

Security and retention of recordings

6 The University or its software partners will securely host media captured and delivered by the lecture recording service. The lecture recording service will retain a recording for 18 months from the date of recording before deleting it.

- 6.1 Data are hosted within the European Economic Area⁵ and the data protection and data security arrangements must satisfy the University's Data Protection Officer and Chief Information Security Officer respectively.
- 6.2 If a lecturer wishes to retain a recording for longer than the normal 18-month period then they should transfer the recording to the University's Media Asset Management Platform. The University cannot be held responsible for any recordings deleted after this 18-month period.
- 6.3 If a licence for material used within a recording constrains the University to retain that material for less than an 18-month period then the lecturer must arrange for deletion of the material at the end of the time specified by the licence. Lecturers may otherwise delete their recordings sooner than the normal 18-month period with the permission of the Head of School⁶ responsible for the Course.
- 6.4 In the event of a lecturer's employment with the University ending, the University will retain their recordings for the normal 18-month retention period unless the lecturer arranges to delete or transfer them per paragraphs 6.2 or 6.3 above. A former employee wishing to use a lecture recording should contact the School responsible for the Course to request its transfer to the University's Media Asset Management Platform.
- 6.5 The University reserves the right to audit recordings in the context of service operation and management and the Service Owner may delete an inappropriate recording sooner than the normal 18-month period.
- 6.6 When a lecturer or the Service Owner deletes a recording before the end of the instance of the Course to which the lecture relates (including re-sit examination diet(s) where applicable), they should notify the students on the Course and the other participants in the recording.

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⁵ The University's software partner may operate a worldwide 24-hour support model, in which case the DPO and CISO must be satisfied with the data protection and security arrangements that will allow software partner support staff based outwith the EEA to access the data required to provide this support.

⁶ Heads of School may delegate this responsibility within the School.