The University of Edinburgh
Virtual Learning Environment Service

Notice and Takedown Policy

# Background

1. The University of Edinburgh (“**The University**”) provides a Virtual Learning Environment service (“**The Service**”) for its staff and students, to support the learning and teaching activities of the University.
2. The use of the service is governed by its [Terms and Conditions](https://www.ed.ac.uk/information-services/learning-technology/virtual-environments/policies-for-our-virtual-learning-environment-vle/vle-t-and-c), including relevant University policy and regulations.
3. Each Virtual Learning Environment platform has several different user roles that allow the users of a course space[[1]](#footnote-1) to have different levels of permission. Typically one or more members of staff **(the “Instructor”)** will have a role for a course space where they are able to make structural changes to a course space and create new activities. Instructors will also be able to see information about who is enrolled on the course and what activities they’ve been involved in. In this role, and in most other user roles, a user **(the “Contributor”)** may add specific content to the Virtual Learning Environment, for example files or discussion board posts. The Information Services team that manages the Service **(the “Service Team”)** has administrator level access to the Service.
4. A person finding material on a Virtual Learning Environment that they believe to be inappropriate, including where the material or its use may violate that person’s rights (the “**Complaining User**”), should be able to notify the University that they believe the material should be taken down.
5. The University has a statutory duty to uphold, as far as it considers reasonable, the academic freedom of its staff. This is the freedom within the law to hold and express opinions; to question and test established ideas or received wisdom; to develop and advance new ideas or innovative proposals; and to present controversial or unpopular points of view.
6. The University does not monitor content on the Service unless prompted to do so by a complaint notice or a request from a Service user for support.

# Takedown procedure

1. Where the University receives a complaint notice, it must follow the takedown procedure below.

## Notifying the University

1. The University will publish information on how to make a complaint about content on the Service help pages. This will include the option to contact the Information Services Helpline by email.
2. The Complaining User should be directed to provide:
3. their name, email address, and (where relevant) username;
4. a description of the unacceptable content and its internet location, in sufficient detail to allow the University to locate it;
5. a description of why they consider the content to be unacceptable; and
6. a statement that the complaint is accurate, and that the Complaining User accepts that fraudulent or nuisance complaints may result in revocation of their entitlement to access the Service.
7. The University must investigate each complaint in the same way, whether or not it contains all of this information.
8. The email account or call management service to which notices are sent must be checked at least once every working day.
9. On receipt of a notification of unacceptable content, this must be passed promptly to the relevant Service Team within Information Services Group.

## Complaints relating solely to infringement of copyright or rights in performance are investigated by Information Services

1. The Service Team will investigate the complaint where it solely relates to infringement of copyright or rights in performance.
2. Each complaint must be recorded accurately, with properly maintained records kept of each stage of the Notice and Takedown process. The complaint will be recorded using a UniDesk call.
3. The Service Team must ensure the relevant details specified in Appendix 1 are logged, and that the log is updated throughout the process.
4. The complaint should normally be resolved within five working days, in line with the standard for resolution of a Stage 1 complaint under the University’s [Complaints Handling Procedure](https://www.ed.ac.uk/university-secretary-group/complaint-handling-procedure/procedure).
5. The log will be retained at the end of the complaint process for the normal UniDesk call retention period (7 years from closure of the call).
6. If there is any doubt as to whether to remove content then the default position must be to remove access to the content first, and if necessary review later.
7. Any interim or final decision by the University to retain or amend rather than remove the content in question should balance this with other risks involved, with reference to the University’s risk appetite statement. The Service Team will seek advice from senior colleagues and/or the University’s legal advisor where appropriate.

### Clearly acceptable content

1. The Service Team may deem it necessary to carry out an element of assessment of the content, for example to ensure the complaint is not fraudulent or vexatious.
2. The Service Team’s decision to leave content in place must at all times be based on a fair evaluation of all of the evidence available. It must not be based in any way of an assessment of opinion or other subjective criteria.
3. The Complaining User must be notified of the decision to leave the content in place. Any further representations which the Complaining User makes must be taken into account, and the decision reviewed again. It will often be appropriate to handle this as a Stage 2 complaint under the [Complaints Handling Procedure](https://www.ed.ac.uk/university-secretary-group/complaint-handling-procedure/procedure).

### Interim suspension of the content

1. The Service Team will otherwise temporarily remove the complained-about content immediately.
2. The Complaining User, the Contributor and the Instructor will be notified of the removal of the content unless there is a valid reason not to do so (e.g. to preserve legal rights, or meet legal obligations), and if relevant notified of any lag-time which will apply before the changes are reflected on the Service.
3. The Contributor may make a case for reinstating either the original complained-about content or an amended version to the Service Team within 20 working days of being notified of the removal.

### Final outcome

1. Following discussions with the Contributor, the Complaining User, the Service Owner and, where required, the University’s legal advisor, if the Service Team considers that it is appropriate to replace any content in full or as amended they may do so.
2. Otherwise, or if there is no response from the Contributor within 20 working days, the complained-about content will be removed permanently.
3. The Complaining User, the Contributor and the Instructor will be notified of the final outcome unless there is a valid reason not to do so.

## Complaints not relating solely to copyright or rights in performance are investigated by the School that owns the Course

1. If the complaint does not solely relate to potential infringement of copyright or rights in performance, the School that owns the Course will be responsible for investigating the complaint in accordance with the University’s [Complaints Handling Procedure](https://www.ed.ac.uk/university-secretary-group/complaint-handling-procedure/procedure).
2. The Service Team will normally pass such a complaint to the Head of School.
3. The School may deem it necessary to carry out an element of assessment of the content, for example to ensure the complaint is not fraudulent or vexatious.
4. The Instructor has the access rights to restrict access to the content while the investigation is ongoing. In extraordinary circumstances, the Service Team may do this on request from the Head of School.
5. Any interim or final decision by the School to retain or amend rather than remove the content in question should balance this with other risks involved, with reference to the University’s risk appetite statement. The School shall seek advice from senior colleagues, the Service Owner and/or the University’s legal advisor where appropriate.

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| **Policy date** | 10.09.2021 |
| **Policy version** | 1.0 |
| **Virtual Learning Environment service** | [<https://www.ed.ac.uk/information-services/learning-technology/virtual-environments>] |
| **Appointed Representative** | Karen Howie/Mark Findlay |

**APPENDIX 1**

**The University of Edinburgh**

**Notice and Takedown Log for the Virtual Learning Environment service**

**The following details should be recorded on the Unidesk call when a notice or complaint is received.**

Name of Authorised Representative:

Date Log opened:

Date Log closed:

|  |  |  |
| --- | --- | --- |
| **Issue** | **Date & Time** | **Details and Actions Taken** |
| **Receipt of notification of unacceptable content** | Date & Time sent:Date & Time received: | *Complaining Party's details*Name:Email Address:Username:*Alleged Unacceptable Content*Description:Location:Reasons why content is considered unacceptable: |
| **Assessment of unacceptable content** |  |  |
| **Takedown or other action** | Date & Time of removal:Date & Time removal took effect on site: |  |
| **Complaints received (from Complaining User or Contributor)** |  |  |

1. A course space is a part of a Virtual Learning Environment that holds the content and activities relating to a particular University of Edinburgh Course (or, occasionally, Courses) or training programme and that can be accessed by the staff and students taking that Course or training programme. [↑](#footnote-ref-1)