

Title	<b>Lecture Capture Policy</b>
Notes	This policy will require an effective and universal administrative framework to support it. Aspects of this to include: demonstrable notification and consent (implied or express), protocol for waivers, tracking and monitoring, follow-up, archiving.
Approved by	Academic Board
Approved on	28 June 2017

## 1. Scope

- 1.1 This Policy sets out Nottingham Trent University's (NTU) policy for lecture capture. The Policy will be regularly reviewed and monitored by the Academic Standards and Quality Committee during its implementation and roll out, and regularly thereafter.
- 1.2 For the purposes of this Policy, lecture capture is defined as ***the live recording of a taught session to create a resource that can be used for an educational purpose***. The session may be a lecture or another kind of learning or teaching event. The recording in question can be ***any audio or visual recording that is captured by NTU's lecture capture system***. It may include a recording of a range of elements, for example slides or other visual materials, an audio or video track and feed from other sources including cameras.
- 1.3 This Policy is intended to ensure that:
- 1.3.1 key issues concerning the recording, storage, distribution and destruction of lecture capture recordings are understood; and
  - 1.3.2 staff, students and other participants are aware of the rights and obligations that arise when sessions are recorded and content is made available.
- 1.4 This Policy applies university-wide, to all campuses and to all those who teach, including hourly-paid lecturers, as well as to all those who are taught.
- 1.5 This Policy does **not** cover the following practices, which are covered by NTU's Copyright in Educational Resources Policy:
- 1.5.1 Creation of video or audio material for learning resources in non-class settings.
  - 1.5.2 Arrangements for personal recordings of lectures by students.
- 1.6 This Policy should be used in conjunction with the following NTU policies: <sup>1</sup>
- 1.6.1 Intellectual Property Policy (staff and students);
  - 1.6.2 Copyright in Educational Resources Policy;
  - 1.6.3 Computer Use Regulations;
  - 1.6.4 Data Protection Corporate Guidelines;
  - 1.6.5 Relevant HR policies.
- 1.7 Various elements of legislation are applicable to the recording of lectures, in particular:
- 1.7.1 Copyright, Designs and Patents Act 1988 (CDPA); and

<sup>1</sup> Available at eCentral: [www4.ntu.ac.uk/staffnet/quick-links/a-z/ecentral\\_a-z\\_listing.html](http://www4.ntu.ac.uk/staffnet/quick-links/a-z/ecentral_a-z_listing.html)

1.7.2 Data Protection Act 1998 (DPA).

1.7 An Equality Impact Assessment of this Policy will be carried out, to comply with NTU's legislative responsibilities.

## 2. **Rationale**

2.1 The recording of lectures enables students to revisit sessions and is considered by NTU and Nottingham Trent Student Union (NTSU) as an important element of learning resources. Studies indicate that students value recordings to revisit difficult or complex concepts, to improve their lecture notes and for revision. Recordings are **not** intended to be a replacement for attendance at lectures nor a substitute for 'live' contact hours.

2.2 Lecture capture sits alongside other learning resources in NTU's strategy to enhance the quality of student learning opportunities. Reported educational benefits include:

- 2.2.1 providing students with opportunities for review and reflection;
- 2.2.2 providing students with opportunities to contextualise and evaluate learning materials over time; and,
- 2.2.3 improving accessibility for students with a range of special educational needs, or students whose first language is not English.

2.3 It should be recognised that lecture capture is most suited to didactic forms of teaching. However, it is *not* intended that the application of this Policy promote one pedagogic approach over another. It should be regarded as neither encouraging use of lectures nor as restricting adoption of the most appropriate pedagogy in any given context.

2.4 It is also recognised that some material is of a sensitive nature and may not be appropriate to record.

2.5 To date, experience at NTU suggests that lecture capture has no adverse impact on student attendance. However, course teams should continue to review attendance patterns to ensure this is the case.

2.6 Where rooms are equipped for lecture capture, timetabling of sessions is based on considerations such as cohort size and there is no provision for preferential scheduling for lecture capture use, unless other conditions (as identified by NTU's timetabling teams) are met.

## 3. **Policy statement**

3.1 Recording learning and teaching events has legal implications and requirements. This Policy addresses issues related to the recording, storage, distribution and destruction of lecture capture recordings at NTU, according to the scope set out above.

3.2 The general principle is that all lectures should be recorded.

3.3 Individual staff members have the right to opt-out (i.e. to require that the content of a particular lecture or part of it is not recorded), as detailed in section 4, below.

3.4 Schools Executives should discuss scenarios where it may be appropriate for opt-out to be applied; not all teaching contexts may appropriate for recording.

However, in defining such scenarios, School Executives should consider the following:

- 3.4.1 The University position is that lecture capture will generally enhance student learning opportunities, that lecture capture may provide significant learning support for disabled students and for whom English is not their first language.
  - 3.4.2 Potential for negative impact on the parity and consistency of student experience across modules and courses if opt-out is applied for certain context.
  - 3.4.3 How any difference in practice is to be communicated to students.
- 3.5 NTU formally adopted systems will allow for recording to be controlled, i.e., pausing (in real time) or editing (after the session), to allow for sensitive content or interactive elements of a session to be removed from the recording.
- 3.6 NTU owns the copyright in works that are created by staff during the course of their employment at NTU. However, NTU requires the consent of staff to record, copy or make available a recording of their performance and such consent is given for educational purposes.
- 3.7 Only staff and students of NTU will have the right to access any recordings, and students are only permitted to use them for private personal use in connection with their course of study at NTU. . Some recorded lectures may be made available more widely by NTU, particularly in circumstances where NTU believes that the recording would be of interest and benefit to the general public or for pedagogic research.

#### **4. *Student choice***

- 4.1 Where a recording is going to be made that will include students (e.g. presentations), then students should be given notice at appropriate points and provide their consent to being recorded:
- 4.1.1 prior to selecting the module (if relevant);
  - 4.1.2 prior to the module starting (e.g., in a module guide); and,
  - 4.1.3 immediately prior to the session that is recorded.
- 4.2 Students may opt out of being recorded or ask that their contribution be edited. However, students are not permitted to opt out where a recording is an explicit requirement of an NTU award (e.g. recording of assessed presentations).

#### **5. *Intellectual Property Rights***

- 5.1 Unless separate contract terms apply, NTU owns the copyright in recordings made by staff members in the course of their employment, or where a recording is made automatically and NTU has made the arrangements for that to happen.
- 5.2 NTU acknowledges that performers' rights of staff in their lectures are owned by the performing staff member. Consent for NTU to record performances and to make use of staff members' performers' rights are dealt with in this Policy.
- 5.3 Students and any other individuals within the audience of a recorded lecture do not acquire performers' rights, except where they make an individual and material contribution to the delivery of the event (e.g. by presenting some part of the lecture). NTU acknowledges that performers' rights of individual, material contributions by students are owned by the performing student. Consent for NTU to record

performances and to make use of students' performers' rights are dealt with in this Policy.

- 5.4 NTU also recognises that in the context of lecture capture another type of legal rights, called moral rights, arise in the audio recording element of performances. These, too, are owned by the relevant staff member or student giving such performance. It is the usual practice of NTU to acknowledge authorship by staff members on reproduction of those recordings. There is a possibility that staff or students may be asked to waive their moral rights in their performance, but this waiver must be expressly agreed in writing by the staff member or student and will be undertaken on a case-by-case basis.
- 5.5 All staff must comply with copyright legislation relating to their lectures and educational activities; guidance on use of third party materials is available from the Library Learning and Teaming team.<sup>2</sup>
- 5.6 Staff members who engage guest speakers and wish to record them must ensure that they have obtained consent from the speaker(s) in advance. Speakers should be made aware of how the recording will be used.

## **6. Exceptions**

- 6.1 Whilst it is expected that all members of staff will use the lecture capture service provided by the University there remains the ability to opt-out from the recording of specific lecture content. However, members of staff should request the 'opt-out' for specific, identified content and not for a module, course, or more generally.
- 6.2 If a staff member wishes to opt-out of recording specific lecture content, they must first discuss their reasons behind the decision with their Dean to enable the school to explore alternative provision to ensure the needs of all students are met. It should be recognised that the decision to opt-out may impact on what teaching that staff member can undertake where lecture recordings are part of a course offer or where lecture capture is required for any reasonable adjustments recommended for a student's specific needs. Where approved, the opt-out request will be recorded centrally.
- 6.3 Course teams and lecturers should communicate reasons for recording (or where opt-out applies, not recording) to students, to facilitate their understanding of appropriate use and their sense of consistency of experience.
- 6.4 Staff who are unsure about using lecture capture should seek support to engage with and optimise the technology. Where required, training will be provided to staff to optimise use.

## **7. Availability and retention of recordings**

- 7.1 Availability and retention of lecture capture recordings is as follows:

Phase 1: Recordings will be available in NOW for the academic year in which they are created.

Phase 2: Staff members may request that recordings are made available in NOW in the following academic year. If no request is made, the recordings will be

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<sup>2</sup> Details at: [www4.ntu.ac.uk/library/learning\\_teaching/copyright\\_plagiarism](http://www4.ntu.ac.uk/library/learning_teaching/copyright_plagiarism). Staff are encouraged to make use of freely licensed and Creative Commons content where appropriate ([creativecommons.org](http://creativecommons.org)).

archived for 3 academic years without further permissions being sought from the individuals who requested, or appear, in the recordings.

Phase 3: Recordings will be deleted at the end of the archive period, again without further permission being sought, unless a specific request is made to retain them.

7.2 When a staff member leaves the employment of NTU, they may request that their recordings are no longer used by NTU. This must be received in writing by the staff member's Line Manager, so that the request can be actioned.

7.3 Use of the recordings is as follows:

7.3.1 Lecture capture is the live recording of a class to create a resource that can be used for educational purposes at NTU.

7.3.2 The use of the recordings for staff development or research purposes should only be with the explicit permission of the staff member who is teaching.

7.3.3 Permission to use recordings as data for research purposes is governed by the ethical procedures in place at NTU. Ethical approval must be obtained for use of a live recording if it is expected that the findings of any investigation will be made public.

Recordings will **not** be used for: purposes of monitoring staff or students; management processes such as appraisal or performance management; nor for purposes of quality assurance and management.

## **8. Responsibilities**

8.1 Individual members of staff are responsible for:

8.1.1 Ensuring that they can use lecture capture facilities made available by NTU;

8.1.2 Ensuring that students are aware of which sessions or parts of sessions are *not* being recorded;

8.1.3 Maintaining a current awareness of intellectual property rights and ensuring that they do not infringe copyright;

8.1.4 Ensuring that in the situation where individual students are involved in a substantial way in a session, that their consent to recording their contribution is obtained;

8.1.5 Explaining lecture capture to any non-NTU staff, visiting speakers, and non-NTU students, and encouraging its full use; and

8.1.6 Following take-down procedures in the relevant policies in the event that a breach of copyright or data protection is discovered or inappropriate content is reported.

8.2 Students are responsible for:

8.2.1 Engaging with the recordings in an appropriate way, i.e., as learning resources additional to participation in class, and not as a replacement to attendance;

8.2.2 Respecting the rules under which the recording is shared or otherwise made available, i.e., for personal study purposes. Unauthorised distribution of a recording may be considered a disciplinary issue.

8.3 Module and course leaders are responsible for:

- 8.3.1 Engaging the teaching team in considering the potential uses of lecture capture on the module/course; and,
- 8.3.2 Explaining lecture capture to any non-NTU staff, visiting speakers and non-NTU students, encouraging its use and obtaining appropriate consent.

**9. Document governance**

9.1 Responsibility

Policy Owner	Deputy Vice-Chancellor
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9.2 Version Control and Change History

Version Number	Approval Date	Approved by	Amendment
1	28 June 2017	Academic Board	

9.3 Document Review

This Policy will be reviewed annually by the Deputy Vice-Chancellor in response to statutory changes, changes in University procedures or structures, or as a result of monitoring of the operation of the Policy.

**10. Other documents consulted**

JISC (2010, updated 2015). *Recording lectures: legal considerations*. JISC: