

## Recording Educational Activities Policy

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### INTRODUCTION AND GENERAL PRINCIPLES

1. This Policy sets out New College of the Humanities (the College) policy on the recording of online synchronous and asynchronous, as well as hybrid (face to face teaching that is also live-streamed) educational activities.
2. In order to allow for high quality student experience online, the College has asked faculty to record material for asynchronous delivery via the VLE.
3. As a general rule, all synchronous online and hybrid lecture sessions are to be recorded and made available in line with the College's Accessibility Statement.. It is however possible to turn off this setting or to pause a recording. The College acknowledges that there are situations where all or part of an educational activity should not or cannot be recorded. For example, classroom discussion of ethically or otherwise sensitive material or copyright issues might mean that the recording of some educational activities would be inappropriate or would negatively affect student experience. The lecturer is responsible for deciding when the interests of not recording part or all of an educational activity outweigh the interests in recording. 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.
4. The recording of group-based online teaching and learning activities can provide a useful resource of students and can be used to, amongst other things:
  - 4.1. Allow students to catch up on synchronous sessions in case of illness or connectivity issues.
  - 4.2. Aid revision.
  - 4.3. Help accommodate different learning styles in ways that recognise the added challenge that online instruction will entail for some students.
  - 4.4. Assist students who have particular educational needs.
5. Recording of educational activities should supplement the student experience and is not intended to replace student contact hours unless recordings are an integral part of the curriculum design or this has been specified as a reasonable adjustment for students with specific learning differences.

6. This Policy is not applicable to solely face-to-face educational activities. The College does not propose the introduction of lecture capture technology for face-to-face learning.
7. Students will continue to be able to make audio recordings of face-to-face teaching as stated in the Student Disability Policy if consent is given by the lecturer. Recordings made by students will be subject to the same constraints in distribution as those made by or on behalf of the College.

### USE OF RECORDINGS

8. The College's recordings of asynchronous, synchronous or hybrid learning activities will only be made available to the student cohorts/sections they were intended for. They are not for public consumption by any means. Any part of these recordings must not be copied or passed on to anyone else, other than for transcription purposes. Once a personal copy of a recording has served its purpose, it should be permanently erased. Students or staff found to be in infringement of this principle may be subject to disciplinary proceedings.
9. Recordings of synchronous and hybrid sessions and asynchronous material will be accessible by the teaching cohorts/sections concerned for one academic year or until the end of the resit period. At the end of this period the lecturer can opt-in to have their asynchronous recordings roll over to the next academic year. Unless instructed to the contrary, the recording will be unpublished and will no longer be accessible by students. All recordings of synchronous or hybrid sessions will be unpublished at the end of the academic year or the end of the resit period. Recordings will be held in accordance with the GDPR and the College's Data Protection Policy and Data Retention Schedule.
10. Except where a recording is the primary mode of teaching delivery for a particular aspect of teaching, it will not be used for performance management purposes. Where applicable, recordings will only be used for performance or disciplinary processes proportionately to existing policies of the College for face-to-face teaching.

### PARTICIPANT, COLLEGE AND THIRD-PARTY RIGHTS

11. The College owns the intellectual property in the content of lectures and other teaching and is also the owner of the intellectual property in any recordings made by it or on its behalf. Nonetheless, the College will only re-use a recording under circumstances other than their original intent or for longer than the period set out in paragraph 9 if the member of faculty grants permission to do so.
12. Except where Heads of Faculty/Director of Apprenticeships (in consultation with faculty and with the agreement of the Dean of Academic Development & Innovation) have established a consistent approach to be followed for educational reasons, lecturers have the right:

- 12.1. To decide whether or not the interests of not recording part or all of an educational activity outweigh the interests in recording (paragraph 3).
  - 12.2. To edit the recording before uploading.
  - 12.3. To unpublish their recordings sooner than the period set out in paragraph 9.
13. In general, recording of educational activities is deemed to be in the legitimate interests of the educational objectives of the College and to be a reasonable expectation of students and staff, meeting the conditions under Article 5, recital 47 of the GDPR. Thus, personal data in these instances can be processed without obtaining prior consent.
14. Some recordings, however, require explicit opt-in consent, for example:
  - 14.1. Any form of interactive teaching involving substantive student participation.
  - 14.2. Guest speakers.
  - 14.3. Sessions with members of the public present.
15. In these cases, explicit opt-in consent through the appropriate consent form must be obtained for recording. In the case of a one-off event, a centrally provided consent form should be handed out at the beginning of this event. In the case for a course that will include interactive teaching throughout, the opt-in consent form should be given to students at the beginning of the course. The consent form and the operation by which they will be presented to students or participants is still to be confirmed.
16. This Policy, including which activities require explicit opt-in consent and when students and Faculty may opt out, should be clearly presented to students and faculty at the beginning of the academic year or at the beginning of their employment. It is also good practice to clearly signal to students when the recording of a synchronous session has begun and has ended or when the recording will be paused.
17. Individuals may opt out of being recorded on grounds relating to their particular situation. Students have to be given the opportunity of opting out on a case-by-case basis, too, for example when they are uncomfortable having their contributions to a particular topic recorded. In both cases, the College has the responsibility to approve and process opt-outs unless the College can demonstrate a compelling legitimate ground for processing the personal data, which overrides the interests, rights and freedoms of the individuals being recorded. As stipulated in paragraph 3, the lecturer is responsible for deciding when the interests of not recording part or all of an educational activity outweigh the interests in recording. They should consider whether pausing the recording, or (in the case of a hybrid session) allowing a student to move to a different part of the classroom, or inviting the student to turn their camera off and change their zoom name, or contribute via an anonymous Padlet would allow the recording to proceed.
18. If a session is not recorded at all, the College has an overriding legal obligation to provide the information conveyed in an accessible format. The

lecturer could, for example, make use of asynchronous discussion (for instance via the VLE discussion forum) or a shared Google doc where students together summarise the most important elements of the session or discussion, in addition to the synchronous or hybrid session to offer an accessible alternative. Please ask the Online Learning Group for further advice on this.

19. Use of third-party materials may fall within the “fair dealing” exception if used for the sole purpose of illustration for instruction. Notwithstanding, 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 licensed material (for example, linking it from the VLE).

<b>Title: Recording Educational Activities Policy</b>					
<b>Approved by: Academic Board</b>					
Version number	Date approved	Date published	Owner	Location	Proposed next review date
1.1	September 2020	September 2020	Online Learning Group	Academic Handbook; Policies and Procedures; General	July 2021
1.0	July 2020	July 2020	Online Learning Group	Academic Handbook; Policies and Procedures; General	July 2021
Referenced documents	Student Disability Policy; Data Protection Policy and Data Retention Schedule				
External Reference Point(s)	GDPR; Padlet; Zoom; Google				