

## **AUDIO AND VIDEO CAPTURE POLICY (RECORDING OF TEACHING ENVIRONMENTS)**

### **1. INTRODUCTION**

- 1.1 The University of Huddersfield is committed to inspire its students to enjoy an outstanding University experience and to attain the highest academic and professional standards. As part of that commitment, the University has invested in audio and video recording technology across the campus and digital estate (e.g. Audio and video capture, Brightspace and MS Teams).
- 1.2 The University recognises the potential advantages to students of audio and video recording of teaching environments. Students value the opportunity to revisit sessions at their own pace and use recordings as part of their revision. In addition, these technologies offer potential benefits to those students who do not have English as their first language or to disabled students.
- 1.3 The University also recognises that there may be occasions where, for reasons of personal safety, students need to remain anonymous. When the session is being recorded online, students who do not wish to be identified should discuss this with the course leader in advance of the session so that appropriate measures can be put in place.
- 1.4 Audio and video recording technology is provided to supplement the student experience and will not replace student contact hours, which may be in physical proximity or through an online platform. It should not be seen as an alternative to attending a lecture and the University's attendance monitoring policy and procedures continue to apply in both the physical and virtual environments.
- 1.5 This policy applies to video and audio recordings made of appropriate sessions using University provided technology installed in teaching spaces (whether physical or digital) and which will only be made available to students via Brightspace for educational purposes.
- 1.6 This policy will be reviewed by UTLC on an annual basis.
- 1.7 Any failure to follow this policy by staff or students may result in disciplinary action.

### **2. IMPLEMENTATION**

- 2.1 Implementation of this policy will be the responsibility of School Directors of Teaching and Learning, reporting to their respective School Senior Management Teams, with oversight by University Teaching and Learning Committee.

### 3. RECORDING

- 3.1 Where recording facilities are available, the University will automatically capture all timetabled lectures and other appropriate teaching and learning activities and make these available securely on Brightspace, except where there has been a legitimate opt-out under the procedure set out at section 5 below.
- 3.2 It is not intended for sessions to be captured that do not involve tutor input, such as sessions that are entirely focused on student group work, student studio activities, etc., unless there are specific reasons to do so (e.g. recording activity for external examiner review). Sometimes such sessions will take place in teaching spaces equipped with audio and video capture technology. If the session has been assigned through the correct procedure as not being suitable for capture, then the capture facility will be turned off.
- 3.3 Students and staff will be informed in advance about which sessions are scheduled to be recorded. This will be done at the start of each term. Students must also be reminded at the beginning of each recorded session that it is being recorded.
- 3.4 All recordings will only be made available to students registered on the course associated with that teaching activity via Brightspace. Recordings must not be made more widely available except in accordance with section 7 below.
- 3.5 Recordings will only be available by streaming to provide increased security of the information contained in the recording.
- 3.6 Recording on campus may be paused by the lecturer, for example when carrying out a sensitive discussion during the session. This option is not available in MS Teams. Physical teaching spaces where audio and video capture technology is installed will be equipped with the technology to clearly indicate to the lecturer when a lecture is being recorded and when recording has been paused. The pause button should not be used at the start of a session to turn off recording; the correct authorisation procedure should be followed to opt out of recording.
- 3.7 Recordings will normally be kept for two years and will then be deleted.
- 3.8 Students and staff must not share a recording with anybody who is not entitled to access it under this policy.
- 3.9 Recordings will not be used by managers for reviewing teaching as part of the academic staff appraisal process. Academic staff may use recordings as part of that process to draw attention to particular examples of good practice.

## **4. EDITING**

- 4.1 Whilst it is not an expectation or requirement that recorded sessions will be edited, the technology includes an option to allow academic staff to edit a recording before it is published on Brightspace, should they wish to do so.

## **5. WHERE AUDIO AND VIDEO RECORDING IS NOT NECESSARILY APPLICABLE**

- 5.1 The University recognises that, in addition to the sessions referred to above to which recording will not apply, there are other teaching activities that may not be suitable for capture, particularly where a high degree of audience interactivity is used and students might feel inhibited from talking freely, or where commercially sensitive matters or personal topics might be discussed (e.g. client consultation, discussion of unpublished work or personal case studies). This policy therefore establishes a process for selecting which sessions will be recorded and recognises that there may be valid reasons why staff occasionally need to pause or stop recording in progress.
- 5.2 Notwithstanding the above exclusions, the University recognises that deleting or manually turning off recordings can impact negatively on students' learning experience. This approach is more likely to impact negatively on students with disabilities for whom lecture capture is a significant part of an inclusive learning experience. The use of recording significantly reduces the requirement for additional interventions such as manual notetakers to support students in lectures and facilitates students' autonomy. In addition to aiding independent learning, recorded material is increasingly used by all students to support revision, allowing them to review material as they prepare for end of year examinations. Therefore, staff and students are required to record sessions, wherever possible.

## **6. RECORDINGS BY STUDENTS**

- 6.1 Students must not make their own recordings where audio and video recording is being employed, except where consent under 6.2.2 is given, or where students are specifically required by the University to make recordings under their programmes of study or research (in which case all appropriate consents must be obtained from those being recorded).
- 6.2 The Equality Act 2010 places a legal obligation on the University to ensure that "reasonable adjustments" are made to remove or reduce any disadvantage students might have in accessing the facilities and services of the University because of a disability. It is widely recognised within the Higher Education sector that the recording (audio and/or visual as appropriate) of a taught session or meeting is a reasonable adjustment for a student who is not in a position to take their own notes as a result of a disability. Where a disabled student has a

Personal Learning Support Plan (PLSP) in place that recommends the recording of sessions then the following will apply:

- 6.2.1 if audio and video recording is being employed for a session that the student is timetabled to attend, then the student must not make their own recording, unless their PLSP expressly recommends this;
  - 6.2.2 if audio and video recording is not being employed for a session the student may make a personal recording, provided that none of the circumstances set out above apply. Where section 5 applies to a session the lecturer should liaise with the student to find an appropriate alternative means of making a record for that session.
- 6.3 Where audio and video recording is not being employed and a student does not have a PLSP in place but wishes to record the session for their own personal study purposes, then they must approach the lecturer for consent; the lecturer can give or withhold consent at their discretion and, where consent is given, the whole class must be informed that recording is taking place. If consent is not given, or there is objection to recording from the class, then the student must not record the session.
- 6.4 Where any student makes a personal recording of a session or meeting, including those recommended to make a personal recording through a PLSP, the student agrees that the recording will only be used for their own private study, that it will not be shared or copied and that it will be deleted as soon as the assessment period for the relevant module has ended.

## **7. INTELLECTUAL PROPERTY AND COPYRIGHT**

- 7.1 Subject to third party rights in copyright (see below) and any moral rights that lecturers may have in the recording, the University owns the intellectual property in the content of materials used in lectures and other teaching sessions and is also the owner of any recordings of such sessions. Recordings are covered by the University's Intellectual Property Policy.
- 7.2 Except where authorised in advance by the Pro Vice-Chancellor (Teaching and Learning), recordings of University teaching and learning activities (whether made via the University's recording functions or by individuals) are not for public consumption by any means, whether on the web or otherwise. The University will not make commercial use of recordings without the written permission of the member of academic staff that was recorded.
- 7.3 Teaching materials used in sessions may contain third party rights, including copyright (e.g. images, recordings and articles). It is the responsibility of the

lecturer to ensure that intellectual property rights of third parties are not infringed by being included in lecture materials and that there is no other confidential or defamatory content, whether or not the session is being recorded. It should not be assumed that because the materials are being used in an educational context that it will “be alright”.

- 7.4 Using copies of limited extracts or quotations (including images) from third party material during lectures may be justifiable under certain exceptions in the Copyright Designs and Patents Act 1988 e.g. s30 (Criticism and Review) and s36 (Copying and extract of works by educational establishments). However, the proportion taken from the original work must be insubstantial and the source must be acknowledged appropriately within the lecture if it is feasible to do so.
- 7.5 Where third party material is covered by the University’s institutional licences, i.e. the Copyright Licensing Agency Higher Education Licence, the Newspaper Licensing Agency Licence and the Educational Recordings Agency Licence Plus, it is permissible to include such material in the lecture materials and the recording, provided that the terms of the individual licences are adhered to. Where a lecture is being recorded, this would include ensuring that the recording is only made available securely via Brightspace to those students registered on the course associated with that teaching activity.
- 7.6 Where the University does not have an appropriate licence or other permission in place for third party material to be used in teaching materials and/or for such material to be recorded, it must be removed from the recording before publication. [Further guidance on copyright](#) in an educational setting is available on the website.
- 7.7 Where notice is received of a potential infringement of third-party rights, or where an allegation is made of defamation or of a breach of confidentiality contained in a recording, the notice and take down procedure at annex 1 will apply.

## **8. DATA PROTECTION AND CONSENT**

- 8.1 Recordings are likely to include the processing of personal data where individuals can be identified. Recordings will be processed in accordance with Data Protection Act legislation and the University’s Data Protection Policy.
- 8.2 Subject to section 5 above, the lawful basis under which the University may process personal data for the purposes of audio and video recording of teaching environments is that it is in the legitimate interests of the educational objectives of the University and of its students for online access to lecture content to be made available to deliver additional learning support for our students.

- 8.3 Students being recorded for the purposes of assessment do not need to give consent as the recording is an expectation of the assessment process. Students should be made aware that an assessment is being recorded prior to the assessment.
- 8.4 Where a guest (i.e. not a member of staff) is invited to teach or otherwise be involved in the delivery of a session scheduled for audio and video recording, then and written consent must first be obtained from that individual using the standard form of consent, a copy of which is attached at annex 2. Copies of completed consent forms should be retained by the School for the duration of the period that the recording remains available.
- 8.5 If it is intended for a student presentation or performance to be captured for purposes other than assessment, written consent must first be obtained from the student(s) involved using the standard form of consent, a copy of which is attached at annex 3. Copies of completed consent forms should be retained by the School. Copies of completed consent forms should be retained by the School for the duration of the period that the recording remains available.

## **9. SUPPORT FOR STAFF AND FURTHER GUIDANCE**

- 9.1 [Further information](#) is available on the website.

## 10. ANNEX 1 – AUDIO AND VIDEO CAPTURE POLICY – NOTICE AND TAKEDOWN PROCEDURE

1. If the University is informed by a third party of a potential breach of copyright in relation to a recorded teaching session that has been published on Brightspace in accordance with the University Audio and Video Capture Policy, or receive a plausible complaint that such recorded and published material is defamatory, this procedure should be followed.
2. If you have discovered material which you consider to be unlawful, please send your complaint to [it.support@hud.ac.uk](mailto:it.support@hud.ac.uk) with the subject "Audio and Video Capture Take Down", including in your email the following information:
  - 2.1. Your contact details.
  - 2.2. Details of the recording about which you wish to make a complaint. If the complaint refers to part of a recording only, please clarify which part of the recording is relevant to your complaint.
  - 2.3. The website address where you found the material.
  - 2.4. Details of the reason why you consider that the published material breaches copyright or is defamatory.
  - 2.5. If you consider that the material is defamatory, please explain what why you consider it to be defamatory and what meaning you attribute to the material you are complaining about. Please also clarify which aspects of the material are factually incorrect or constitute opinions not supported by fact.
  - 2.6. If you are complaining about breach of copyright, please explain which aspect of the material constitutes a breach and state whether you are the rights owner or are authorised to act for them.
3. The following 'Notice and Takedown' procedure will then be invoked:
  - 3.1. IT Support will acknowledge receipt of your complaint by email and will carry out an investigation and assessment of the validity and plausibility of your complaint, including contacting the contributor(s) to the captured material and taking legal advice where appropriate. You may be contacted as part of the investigation to encourage a swift and amicable resolution to the satisfaction of both parties.
  - 3.2. The investigation and assessment process will be concluded within five working days of receipt of your complaint. If the process cannot be completed in that time for good reason (such as staff unavailability or due to holidays) you will be advised of a revised timescale. Where this is the case, the material that you have complained about will be temporarily removed pending the conclusion of the process.

- 3.3. You will be notified by email within 48 hours of the conclusion of the assessment and investigation process, with the following possible outcomes:
- if the University believes that your complaint is valid the relevant recording will be edited as appropriate to permanently remove the material that is the subject of your complaint;
  - if the University does not believe that your complaint is valid, no further action will be taken and the material will remain in publication on Brightspace in accordance with the University Audio and Video Capture Policy.



## 11. AUDIO AND VIDEO CAPTURE CONSENT FORM – GUEST LECTURERS

COURSE/MODULE

TITLE OF LECTURE(S):

DATE(S):

CREATOR OF RECORDING: The University of Huddersfield (the “University”)

**This form is to be signed by the person who has agreed to be recorded and filmed as the principal party to, or as part of, a lecture or lectures carried out within the University. The purpose of this form is to seek consent for the recording(s) to be taken and subsequently to be used for the purpose of making the recording available to students of the University on the University’s student virtual learning environment, as described below. The University in turn offers a commitment to only allow said recordings to be used appropriately and sensitively.**

I, the undersigned:

- agree to the lecture(s) listed above being recorded in audio and/or video format by the University. Where a recording is being made, I will notify everyone present that a recording is being made;
- confirm that where material is included in the recording which is the intellectual property, including copyright, of another party, I have permission to include the materials in my lecture for the purpose set out above;
- understand that any copyright or other intellectual property which arises in the recording belongs to the University and that the recording may be made available to students of the University in accordance with the University’s Audio and Video Capture Policy. This may include conversion to digital format and storing and publication on the University’s student virtual learning environment;
- agree to license/assign all performance rights in the film and/or recordings of the lecture(s) listed above to the University;
- agree to waive all moral rights in my performance in the film and/or recordings of the lecture(s) listed above to the University; and
- consent to the use of my personal data being processed for the purposes of this recording and subsequent publishing as outlined above. My personal data will be processed in accordance with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation 2016. I understand that my image and/or recordings will be used for the purposes set out above only and that copyright in the recordings will be retained by the University.

FULL NAME

NAME OF ORGANISATION

CONTACT TELEPHONE

EMAIL ADDRESS

SIGNED

DATE

## 12. AUDIO AND VIDEO CAPTURE CONSENT FORM – STUDENTS

COURSE/MODULE:

TITLE OF LECTURE(S):

DATE(S):

CREATOR OF RECORDING: The University of Huddersfield (the “University”)

**The purpose of this form is to seek consent from students giving a performance, presentation, recital or similar, which is not for the purposes of assessment, to that session being recorded and captured by the University using audio and video technology and subsequently being used for the purpose of making the recording available to students of the University on the University’s student virtual learning environment, as described below. The University in turn offers a commitment to only allow the recordings to be used appropriately and sensitively.**

I, the undersigned:

- agree to the lecture(s) listed above being recorded in audio and/or video format by the University;
- grant to the University a licence in perpetuity to record/film materials created by me that are included within the lecture(s) listed above and to make the recording available to students of the University in accordance with the University’s Audio and Video Capture Policy. This may include conversion to digital format and storing and publication on the University’s student virtual learning environment;
- agree to license/assign all performance rights in the film and/or recordings of the lecture(s) listed above to the University; and
- consent to the use of my personal data being processed for the purposes of this recording and subsequent publishing as outlined above. My personal data will be processed in accordance with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation 2016. I understand that my image and/or recordings will be used for the purposes set out above only and that copyright in the recordings will be retained by the University.

FULL NAME

STUDENT NO.

SIGNED

DATED

| <b>POLICY SIGN-OFF AND OWNERSHIP DETAILS</b> |  |
|--|--|
| <b>Document name:</b>                        | Audio and Video Capture Policy<br>(Recording of Teaching Environments)   |
| <b>Version Number:</b>                       | V4.2   |
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| <b>Approved by:</b>                          | UTLC   |
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| <b>Compliance Checks:</b>                    | Compliance checks are completed as part of Quality Appraisal activity and identification/ remedy where non-compliance identified |
| <b>Related Policies/Procedures:</b>          | Regulations for Taught Students 2022-23, Regulations for PGR Students 2022-23  |

| <b>REVISION HISTORY</b> |             |  |                      |
|-------------------------|-------------|--|----------------------|
| <b>Version</b>          | <b>Date</b> | <b>Revision description/Summary of changes</b>   | <b>Author</b>        |
| V1.0                    | 19/09/2018  | First redraft under the new Policy Framework. Minor changes to reflect the General Data Protection Regulation (GDPR) | University Solicitor |
| V2.0                    | May 2019    | Formatting to fit policy template<br>Minor clarification of point 3.3  | Director of Registry |
| V3.0                    | May 2020    | Change of policy name/description of activity to cover a wider range of potential recording                          | Director of Registry |

|      |          |   |                      |
|------|----------|---|----------------------|
|      |          | technologies in both physical and online environments                     |                      |
| V3.1 | Aug 2020 | Further typographical errors corrected and minor points of clarity        | Director of Registry |
| V4.0 | Aug 2021 | Update for accessibility; use of headings, fonts and hyperlinks           | Director of Registry |
| V4.1 | Nov 2021 | Change of ownership; recognition of HR stakeholding                       | Director of Registry |
| V4.2 | Nov 2022 | Typographical error corrected. Removed link to procedure as now embedded. | Director of Registry |