Policy for the Recording of Teaching and Learning Activities (Learning Capture)

Contents

1. What is Learning Capture?

1.1. At The University of Reading, the term 'Learning Capture' broadly refers to the recording of audio and/or video for teaching and learning activities, created for University of Reading Students.

1.2. This includes, but is not limited to:
- recording of teaching without students present (sometimes referred to as 'personal capture', for example, 'pre-recordings' or 'screencasts'),
- recording of online or face-to-face live teaching, with students present in discussions (sometimes referred to as 'classroom capture'), and
- other activities, where necessary.

1.3. The University's approach to Learning Capture is intended to enhance the student experience by providing a useful, *complementary*, learning resource of recordings of teaching and learning activities.

1.4. The use of Learning Capture aims to provide the following benefits, amongst others – to:
- Assist students for whom English is not their first language
- Support diverse approaches to learning, increasing accessibility
- Provide a revision study aid for consolidation and reflection
- Support innovation and flexibility in the curriculum and associated pedagogical approaches
- Offer a reflection tool for staff members to develop and enhance their own teaching

1.5. Learning Capture of live teaching is not intended to be seen as an alternative to attending live teaching sessions.

2. Introduction to the Policy

2.1. This Policy sets out the requirements associated with Learning Capture, as defined in Section 1. It replaces and updates the University's Learning Capture Policy 2019/2020 and Policy for the Recording and Digital Delivery of Teaching for Academic Year 2021-22.

2.2. The expectation is that this Policy will be followed by all staff engaged in teaching and learning. Contacts for advice and guidance can be found within Section 16.

2.3. Nothing in this Policy is intended to conflict with the academic freedom of staff members, as enshrined in the University's Charter.

3. Purpose & Scope

3.1. The purpose of this Policy is to ensure that there is a consistent, responsible approach to all Learning Capture activities by University of Reading staff members, taking into account relevant pedagogical, legal, accessibility, intellectual property and data protection aspects. It aims to provide clarity on the rights and expectations of the University, its staff and students, and third parties.

3.2. All Learning Capture teaching and learning activity conducted by University of Reading staff members should be considered in scope of this Policy, which will be in effect up to and including its review as detailed in section 15.

3.3. Expectations relating to students' use of Learning Capture resources and recording of teaching and learning activities are described in the Student Policy for Learning Capture (see section 6j of the Guide to Policies and Procedures for Teaching and Learning).

4. Expectations

4.1. The specific and overarching expectations of the University's approach to Learning Capture are:

- **Recording of teaching without students present ('personal capture', e.g.,**

'pre-recordings' or 'screencasts'):

Such recordings may be used for delivery of module or programme content and supporting resources, in accordance with the University's [Teaching and Learning Framework](#) and the approach to programme delivery detailed in the relevant programme-related documentation (e.g., programme specifications).

- **Recordings of live teaching (in-person and online, e.g., 'classroom capture'):**

Staff members should normally record staff-led presentation-style elements (or parts) of live sessions where possible, and where capturing content is appropriate to the discipline, level and pedagogic approach. It is at the discretion of relevant teaching staff whether it is appropriate or inappropriate to record each live teaching activity, in line with the legal considerations and practical steps described in this policy and the School's overall approach to Learning Capture. Staff should pay particular consideration to the interactive and participatory elements of their sessions, where the legal and practical considerations can be harder to manage appropriately.

- **Accessibility**

Staff members must adhere to the legal requirements for the accessibility of recordings they create (see Section 6).

4.2. Recordings of live teaching and learning activities should be made available to the intended audience within 7 days of the event being recorded. Recordings must only be made available to students for education purposes and via University-approved systems.

4.3. Personal capture recordings should be made available to the intended audience via University-approved systems and at a time that meets the requirements/learning outcomes of the relevant programme or module (for example, by ensuring release of recordings intended as preparatory material sufficiently in advance of the relevant teaching session).

5. **Recording of Live Teaching Activity (in-person and online)**

5.1. Live teaching sessions can include, but are not limited to: presentations by a lecturer or guest speaker; participatory activities between students; and discussion between staff/students.

5.2. Recording live teaching sessions, whether online or in-person, brings additional data protection law obligations, largely due to the increased element of student participation and student/staff interaction. For more information on aspects relating to data protection, please see Section 12.

5.3. Staff members should consider whether it is appropriate to record a session, or part of a session (e.g., by using the pause function in YuJa). Situations in which recording might not be appropriate include, but are not limited to, when:

- sensitive or confidential information is being, or is likely to be, shared.
- the activity includes, or is likely to include, significant student participation and discussion. Where this is the case, consider if it is possible to only record the sections which do not include student participation and

discussion. It is recognised that some activities will necessarily include significant student participation and discussion throughout, where it is not possible to separate from non-participatory content. Where this is the case, providing there is value in the recording being made, this is accepted.

- the nature of the activity means that the recording would not be useful to students.

5.4. Staff members must make it clear to students that recording is taking place but do not need to seek consent.

- The University is a Public Body as defined within data protection laws. The University has core 'public tasks' to deliver teaching and research. These are tasks that we are necessarily required to undertake and therefore are not reliant on the 'consent' of individuals that are involved in those activities, as consent may not be freely given, appropriate, or within the student's control.

5.5. Staff must only record, upload and publish live teaching and learning activities via the following approved platforms to ensure access is only for authorised staff members and students, and compliance with accessibility requirements is met (see Section 6):

- YuJa (for capture of in-person teaching and learning activities)

- Microsoft Teams Meetings (for capture of live online teaching – with recordings being stored in SharePoint or OneDrive)

- Blackboard Collaborate (for capture of live online teaching - content must be uploaded to YuJa to ensure that the accessibility requirements described in section 6 can be met)

- Other systems whose use has been approved by the Design Authority Group (DAG). Please discuss with your DTS Business Relationship Manager.

5.6. Recordings of live teaching and learning activities should only be made available via University-approved systems and for use by authorised staff and the cohort of students registered on the relevant module at the time of the content being captured, or individuals within the cohort, as appropriate.

6. **Legal requirements for accessibility of created recordings**

6.1. Under the Equality Act 2010, the University has a statutory duty to make reasonable adjustments for disabled students to enable them to fully access material provided as part of their programme.

6.2. Appropriate reasonable adjustments will be detailed in a student's Individual Learning Plan (ILP), where applicable. Staff members may be required to record some teaching and learning activities that would not otherwise be recorded, or to provide other material in an alternative accessible format as a reasonable adjustment on request of the student, or where advised this is necessary by the Disability Advisory Service. Students may also be permitted to make an audio recording of a live teaching session with their own device. This is explained further in the Student Policy for Learning Capture (see section 6j of the Guide to Policies and Procedures for Teaching and Learning).

6.3. All recordings (and the content within those recordings) need to meet the legal requirements set out by the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018.

6.4. All pre-recorded audio/video content (see 6.5 below) must be accompanied by a transcript or captions to meet accessibility and Equality Act requirements. This is why staff must only upload and publish to the following approved platforms:

- YuJa

- Other systems where their use has been approved by the Design Authority Group (DAG).

6.5. Recordings of live teaching that are likely to be made available for more than 14 days will be deemed to be 'pre-recorded' content and the above requirement for a transcript or captions will apply.

6.6. For further information on inclusive practice and accessibility of teaching and learning materials, please refer to the University's [Policy on Inclusive Practice in Teaching and Learning](#).

6.7. For further information on captioning and provision of transcripts, please refer to the University's [Policy on the Captioning and Transcription of Recorded Sessions](#)

7. Use of personally owned devices for Learning Capture

7.1. The University recognises that video/audio may be made in different ways, including through the use of personally owned devices. Personal devices should only be used in instances where it is unavoidable and absolutely necessary and where University-issued hardware and/or approved software cannot be used for good reason, such as where staff are working remotely and do not have access to a University-provided device.

7.2. All video/audio will be subject to adherence to [University Policies,](#) and in the event that use of a personally-owned device is warranted, this will be subject to specific requirements within the University [Bring Your Own Device Policy](#).

8. Use of Recordings

8.1. Students' use of recordings must be in accordance with the Student Policy on Learning Capture (see section 6j of the [Guide to Policies and Procedures for Teaching and Learning](#)).

8.2. Recordings will not be used for performance monitoring of staff members. Recordings may be called upon in the form of evidence during the investigation of formal complaints or misconduct proceedings.

8.3. Recordings of assessment may be required for internal and external verification purposes (e.g., external examiners and external awarding or validating organisations, or the Office for Students), but will only be shared with those that strictly require access for the purposes of marking or verification, unless

agreed otherwise with the individuals featured in the recording.

8.4. Recordings of live teaching and learning activities should not be repurposed for use in a way for which they were not intended at the time of recording.

8.5. The University will not make commercial use of teaching and learning recordings without the written permission of the individuals featured within the recording.

9. **Editing Recordings**

9.1. The staff member who is the creator of the recording has the right to edit the recording. This includes removing parts of a recording to protect individuals or in relation to issues around inaccuracy, defamation or copyright-infringing material. Aside from these reasons, it is not a requirement that recordings will be edited prior to being published, but if staff members or students would like a recording to be edited, they should request this from the creator (or, in their absence, the module convenor).

9.2. Guidance on editing recordings is available on the TEL YuJa help pages

9.3. Once a recording has been published, it can still be edited for any reasonable purpose. Where an edit affects the content of the recording (e.g., where an error in the content is corrected), the staff member should ensure that students are made aware of the change.

9.4. System administrators may edit recordings at any point where there is a legal or other policy reason for doing so.

9.5. YuJa maintains a log of edits made to recordings.

9.6. A staff member who becomes aware that a recording may contain false, defamatory or copyright-infringing material should notify Legal Services without undue delay, via email: legalservices@reading.ac.uk or telephone: 0118 378 6742.

9.7. The University reserves the right to edit or withdraw a recording if necessary. If a staff member is concerned about their own material, they should seek further advice from Legal Services and, for further information about what may constitute problematic content in recordings, refer to guidance on publishing audio-visual content from the Information Management and Policy Services (IMPS) webpages.

9.8. It may be legally necessary for the University to edit recordings where it has upheld requests relating to recorded content, such as complaints regarding the infringement of third-party intellectual property, or for the exercising of rights to access and erase recorded content. If members of staff receive any such requests they should, in the first instance, forward them to imps@reading.ac.uk. IMPS (and/or Legal Services) will assess whether there are legal grounds to uphold such requests. In such circumstances, staff members may need to promptly refer content to teams dealing with such requests and/or perform editing of content themselves using University

approved tools.

10. Copying and Distribution/Sharing of Recordings

10.1.   Copying and distribution of recordings should only be done in accordance with this Policy.

10.2.   Recordings of live teaching and learning activities should be made available to the intended audience within 7 days of the event being recorded. This timeframe is to provide time for students to raise any concerns regarding publication of recorded content, and/or any editing required. If content is not made available when expected due to exceptional unforeseen circumstances, this should be communicated to students as soon as possible (e.g., by a notification on Blackboard, or a note added to the weekly learning plan).

10.3.   If, after a recorded activity is completed, the creator decides it is not appropriate to share the recording with students (i.e., due to reasons described under 5.3 that cannot be accommodated through editing of the recording), the relevant cohort should be notified as soon as possible (e.g., by a notification on Blackboard, or a note added to the weekly learning plan).

10.4.   It is recognised that some students may require earlier access to recorded materials due to a specific disability and in line with their ILP; in such situations, the recording should be made available to the individual as agreed in the ILP, with instructions not to share the material with others.

10.5.   Recordings of University teaching and learning activities for University of Reading students should not be made available for public consumption (whether on the web or otherwise) unless explicit consent has been granted by the individuals featured in the recording, and authorisation has been given by the Pro-Vice-Chancellor (Education and Student Experience). For example, recordings must not be uploaded to YouTube, Social media or other publicly available platforms without prior approval. Advice and requirements for any content placed on external platforms *prior to September 2020* can be requested from IMPS/DTS.

10.6.   Upon leaving employment at the University, former employees will not be entitled to use any recordings in which the University owns Intellectual Property rights, unless the written permission of the University has first been obtained. The University will be entitled to continue to use recordings for the purposes set out in this Policy.

- Recordings of live teaching and learning activities will be available for use by authorised staff and the cohort of students registered on the relevant module at the time of the content being captured, in accordance with the retention periods described in section 11.
- Unless explicitly intended and designed for long-term use across multiple student cohorts, personal capture recordings will not normally be re-used for additional cohorts after the creator has left the University, except for where there is a short-term need to ensure continuity of

module/programme delivery. Such recordings must remain attributable to the original creator.
- Content that has yet to reach the retention periods specified in section 11 must be suitably reassigned to another owner to ensure they remain accessible for these periods.

11. **Retention and Deletion of Recordings**

11.1.   Recordings are subject to a retention schedule. The retention periods for different categories of recordings are listed in the Recorded Content Retention Schedule and any necessary variations will also be confirmed via these documents. IMPS/DTS reserve the right to carry out audits to ensure this requirement is complied with.

11.2.   Recorded content will be managed appropriately, to facilitate deletion in line with the above retention schedules.

- To support the management, archiving and retention of recordings, staff will be required to follow any instructions regarding the administration or tagging of content.
- Recorded materials may be archived prior to deletion as detailed in the retention schedules.

11.3.   Recordings should not be deleted before the end of the applicable retention period, unless this has been pre-approved by the relevant Director of Teaching & Learning.

12. **Data Protection**

12.1.   Any Personal Data held in recorded content will be processed in accordance with the General Data Protection Regulation (GDPR) 2016, Data Protection Act 2018 and all applicable data protection laws.

12.2.   For further information regarding University privacy notices, please see Current Privacy Notices.

12.3.   Notices of recording will be displayed in rooms with recording functionality.

12.4.   University staff members or third parties (including, but not limited to, visitors) delivering live teaching to be recorded must:

- Consider whether recording is appropriate as outlined in section 5
- Inform those in attendance that a recording is taking place. This can take the form of the following, as appropriate based on the accessibility needs of the audience:

    - An announcement made at the beginning of the session to advise that recording is taking place.

    - Use of an introductory PowerPoint slide (available on the CQSD Learning Capture webpages).

     In addition to the above methods of notification of recording, information

can be provided to students in advance of the session, for example via details on the VLE or within a module's weekly learning plan.

- Make attendees aware of who they can contact in the School if they have a concern about being included in any recording.

12.5. Should a student have a personal concern regarding the publication of recorded content, this should be considered prior to making the recording available to others. Such concerns should be raised to the creator (session lead) or module convenor (in the first instance) by the student concerned, within 2 working days of the relevant session. If the concern is raised to a member of staff other than the creator of the recording, there should be liaison with the creator as part of consideration of the request.

- When considering a student request for being removed from a recording, staff should take into account the reason for the request, the practicalities of removing the student's contribution to the recorded activity, and the impact of such editing on the resulting product.
- If the request for a student's contribution to be removed is deemed to be reasonable and appropriate, the recording should be edited by the creator prior to publishing to the wider cohort.
- If the request is deemed to be unreasonable, the student should be informed of the reason for this. Whilst the University does not require student consent to use recordings that include student contributions for teaching and learning activities (see section 5.4), it is recommended that advice is sought from the relevant DTL and/or Data Protection Officer promptly, as appropriate, if a request is to be declined.
- If a student or staff member raises a request for erasure, rectification, or objection under data protection laws (including the General Data Protection Regulation), relating to published content, these must be referred immediately to imps@reading.ac.uk.

12.6. Staff should contact the Data Protection Officer if any attendees raise a concern or complaint relating to data protection or privacy (email: imps@reading.ac.uk or telephone: 0118 378 8981)

13. **Intellectual Property**

13.1. Staff members are reminded that, unless certain exceptions listed in their employment contract apply, intellectual property created during the course of employment is owned by the University, including, without limitation, the copyright in any recordings that are the subject of this policy.

13.2. Staff members must comply with their contract of employment and the provisions of the Code of Practice on Intellectual Property, including in relation to teaching and learning recordings. It is the responsibility of individual staff members to ensure that their use of third-party copyright-protected material within teaching and learning activities is fair and reasonable when relying on a statutory copyright exception under UK law (a legal defence to a claim of infringement).

13.3. The University recognises that reliance upon applicable copyright exceptions, such as fair dealing for the purpose of illustration for instruction and fair

dealing for the purpose of quotation, is fundamental to normal pedagogical practice in the physical and virtual classroom. Such exceptions enable the reasonable reuse of third-party copyright-protected content – including but not limited to text quotations, images and video clips – in circumstances that do not conflict unduly with the interests of copyright owners or the 'normal exploitation' of their work (e.g., the expectation of charging reproduction fees for commercial stock photography).

13.4.   In the context of recordings of non-commercial teaching and learning activities, made available via a secure password-protected University-approved Virtual Learning Environment or platform, and accessible only to students of the University who are formally enrolled on a programme of study to which the teaching relates, when using third-party copyright-protected material, staff must ensure that:

- accompanying acknowledgement of the author/creator and/or the title/source is included (except where this would be impossible, for example because the work is anonymous);
- use of the material supports a teaching point or critique, or is quoted for a specific purpose; and
- use is not excessive, or more than is necessary to make the relevant point.

13.5.   With the exception of very short, indivisible works used under the conditions specified above, the screening of entire audio-visual works must not be captured within recordings.

13.6.   Where guest contributors, including students, are invited to teach, or otherwise be involved in the <u>delivery</u> of a session, written consent to record must first be obtained from those individuals. It is the responsibility of the staff member who is hosting the guest contributor(s) to obtain this prior written consent and they should refer to the IMPS webpage on Image Release Forms for further detail and the relevant form. Copies of completed forms should be retained by the relevant School for the duration the recording remains available.

14. **Ownership and Review of Policy**

14.1.   This Policy is effective from the date approved in section 15 below and will be reviewed by the Sub-Committee on the Delivery and Enhancement of Learning and Teaching.

15. **Document Control**

Date Approved:	7 June 2022 (UBTLSE)
Policy Effective From:	2022/23
Next Review:	June 2025
Approving Authority:	UBTLSE and Senate
Consultation:	Legal Services IMPS RUSU Learning Capture Policy Working Group
Responsible for Policy Maintenance & Review	Sub-Committee on the Delivery and Enhancement of Learning and Teaching

Related Policies, Procedures, Guidelines and Regulations	Retention Schedule for Recorded Content (IMPS) www.reading.ac.uk/imps/-/media/project/functions/information-management-and-policy-services/documents/recorded-content-retention-schedule.pdf

16. **Contacts for Advice**

About this Policy:
CQSD (Quality Assurance and Policy) cqsd-tandl@reading.ac.uk

About Data Protection, Records Management and Copyright:
Information Management and Policy Services (IMPS) imps@reading.ac.uk 0118 378/5770

About the use of Learning Capture:
CQSD (Technology Enhanced Learning): https://sites.reading.ac.uk/tel/
Resources and Guidance: https://sites.reading.ac.uk/tel/learning-capture/
DTS Self Service Portal: www.reading.ac.uk/digital-technology-services/