

Educational Video and Audio Policy

Responsibility for Policy:	<i>Registrar and Chief Operating Officer All LJMU Staff and Students</i>
Relevant to:	<i>Relevant to Academic Partnerships? Y</i>
Approved by:	<i>Academic Board, November 2022</i>
Responsibility for Document Review:	<i>Dean, Teaching and Learning Academy</i>
Date introduced:	<i>September 2015</i>
Date(s) modified:	<i>June 2017, June 2019, June 2020, November 2020, September 2021, July 2022</i>
Next Review Date:	<i>May 2024</i>

RELEVANT DOCUMENTS

Copyright, Designs and Patents Act 1988 (the CDPA)

RELATED POLICIES & DOCUMENTS

Data Protection Policy
IT Security Policy
Room Booking Policy
Disability Policy
Student Code of Behaviour and Disciplinary Procedures

Educational Video and Audio Policy (EVA)

Principles

- **Transparency:** It is important to develop a trusting and supportive educational environment. To facilitate this, those creating EVA recordings or appearing in them should know their rights over the recordings, and their responsibilities in creating them. Similarly, those using them should be clear about their responsibilities in using them and provided with guidance to use them effectively.
- **Equitable:** EVA resources can help accommodate the diverse learning needs of our students, including students who have specific learning needs.
- **Anticipatory:** The creation of EVA recordings can be seen as part of a framework of support that anticipates students' needs by providing a study aid for review and revision; assisting students who do not have English as their first language; supporting the provision of distance learning or have recognised or temporary accessibility issue.
- **Flexibility:** Creating recording of all sessions is not mandated, and this policy recognises that not all sessions may be suitable for recording. However, creating EVA recordings provides open, versatile, and responsive learning and teaching environments to meet the needs of our evolving student population, and any changes in circumstances that may require adaptations.
- **Accountable:** Individuals making recordings and using recordings have responsibilities to ensure that they act within relevant legislation and policies.
- **Collaborative:** Students and staff should discuss the idea of creating recordings, share concerns, and potential benefits in order to use recordings in the most relevant and effective way.

Definition of an EVA recording

Educational Video and Audio recordings are any recordings created for the purposes of teaching and learning. These include:

- **Lecture capture:** This is typically staff capturing live presentations of lectures each time they present for the use of the specific cohort to support revision.

- **Video for learning:** This is typically staff recordings created as short recording focused on a difficult area of the curriculum, or as preparation of a flipped learning. These would be reused each year and might be used across a number of programmes.
- **Student assessment:** Students may be asked as part of their learning to create a recording to help support self, peer or summative assessment.
- **Video or audio feedback:** Staff or students may create a recording as feedback on a piece of formative or summative assessment.
- **Open educational resource:** Staff or students may create a recording to share beyond the institution allowing those external to learn and benefit from the university's activities.

What should not be recorded:

- there are teaching approaches that may not be suitable for recording, such as those with a high degree of interactivity. A lecturer should not change their teaching approach to facilitate lecture recording where this change would be detrimental to the student experience
- there may be legal, ethical or privacy reasons for not recording part or all of a lecture or a lecturer may have personal reasons that make it inappropriate for their lecture(s) to be recorded

Policy statements

Prior to recording

- **Copyright must be followed:** The creator of the recording needs to make sure they are following copyright legislation including (illustration for instruction & fair dealing) for educational institutions. See below for further guidance.
- **Guest speakers can only be recorded and stored within LJMU systems with their permission:** The following steps must be followed when a recording of a face-to-face or online lecture/event is delivered by someone other than a university employee.
 - The LJMU staff member organising the event is responsible for bringing this policy to the guest speaker's attention in good time.
 - The guest speaker should be asked for their permission to be recorded in good time before the event.

- The guest speaker's permission must be collected and stored. This should include that they have read and agree to follow the policy, details of title of the event/s, how the recording will be used, and how long the recording will be used for.

Making a recording

- **Everyone must know they are being recorded:** Any recording can only take place after all attendees and participants have been informed that a recording is being made and the purpose of that recording has been explained. Participants need to know what will be recorded, for instance their image, their voice and/or any text input they might make, such as using chat in an online conference.
- **If anyone does not want to be recorded allowances must be made:** Allowances must be made in order that those taking part in an event that is being recorded can take part but not appear in the recording. For instance, pausing the recording if they wish to ask a question, only recording the particular 'taught' parts of the session, editing their contribution before distributing the recording, moving to a place out of the camera's view, or informing the attendees they can turn off their audio and video in an online live meeting/lecture. Students who do not wish to be recorded must still be able to ask questions.
- **Creators of EVA resources must follow defamation laws:** Defamation is concerned with the publication of lies, or untruths and a defamatory statement which lowers the claimant in the estimation of right-thinking members of society. The general rule of UK defamation law is that the publisher of a defamation faces liability, and this applies to H.E. Institutions as publishers in the same way as any other publisher. This policy encourages LJMU staff creating EVA materials to be observant of making unjustified claims and be mindful of 'out of context' statements that may be misunderstood within the content of a video or audio recording. Even though the recordings are held in a password protected area this does not mean that they are exempt to claims of defamation.
- **Don't re-record something that doesn't belong to you:** Where a lecture includes broadcast or other material under a licence that does not clearly permit copying that material, 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 licenced material (for example, linking it from the virtual learning environment).

Releasing the recording

- **Students should not use recordings as a replacement for attendance:** The University will provide recordings of lectures to students on taught Courses, where possible, to aid their learning through review and reflection. These recordings are not, other than in very exceptional circumstances a replacement for lecture attendance or other contact hours.
- **Students cannot share EVA recordings:** Students must NOT share recordings with any other people unless they have been given explicit permission. Students with visual hearing impairments have permission for recordings to be shared with their note-taker to provide additional support.
- **Students with a recognised disability must be allowed to make recordings of lectures:** Where students have a need to make an audio recording of a teaching session because of a recognised disability, they must be permitted to make this recording for personal use in line with the [LJMU Disability Policy \(Students\) – Provision of support](#).
- **Students and the misuse of recordings:** Misuse of recordings e.g. sharing via social media will be treated as misconduct and will be handled through the appropriate disciplinary process.
- **The needs of all students must be accommodated:** Staff delivering a lecture entirely via video or audio must consider the learning needs of all their students and offer alternative formats of the content to students who require them, for instance, those with specific hearing or visual impairment. EVA resources have the potential to benefit disabled students by reducing the impact of impairments that affect notetaking in class. However, those students with visual and auditory impairments may be adversely affected by the use of recordings, particularly if there is no alternative method of delivery. For example: A visually impaired student would require additional support to review the visual aspect of a recording.
- **Use of previous lecture capture recordings:** Students should not appear visually or audibly in recordings that you are sharing with a different cohort unless the student have given their permission. Reuse of lecture capture materials is only permissible if there is no alternative to re-recording a lecture such as lecture cancellation. It is not permissible to use recordings as a replacement for planned face-to face teaching.
- **Permission needed before using recording if there are lecture cancellations:** Where teaching sessions are cancelled due to unexpected staff absence, adverse weather conditions or other unexpected University closure,

and where a rescheduled class is not possible, previously recorded content may be used as a replacement with permission of the staff member. The Programme Leader can grant permission in cases where the staff member is unable to be contacted.

- **Recordings cannot be used during strike action:** Recordings will not be used to cover University staff exercising their legal right to take industrial action.

Rights over the recording

- **Performance rights of those appearing or heard in a recording must be observed:** Individual staff retain performance rights in any audio or video recordings they are heard or appear in. This means that anyone can decline to be recorded or ask for a recorded session that they have made a significant appearance in to be edited, withdrawn or deleted, at any time. However, the University retain the intellectual property in all the teaching materials that staff create whilst working for LJMU, such as PowerPoints or lecture notes.
- **The data protection principles of the General Data Protection Regulation (GDPR) shall be upheld at all times:** A student or non LJMU employee who has been recorded can request the deletion of that recording. The staff member involved in the recording can do this on request. If the staff member or student has left the University they can also request this. All requests for the erasure of personal data need to be recorded. This can be done by emailing DPO@ljmu.ac.uk
- **Recordings cannot be used in performance reviews:** Lecturers are encouraged to review their recording to enhance their teaching practice. However, the recordings and any associated metadata will not be used by the University for staff performance review, the monitoring of staff or students, or disciplinary processes without the lecturer's permission, except in the case of alleged gross misconduct or unless staff choose to use/submit material themselves.
- **Permission required before using recordings outside of normal university business:** The University will not make commercial use of recordings without the written permission of the member of academic staff that was recorded.
- **Recordings outside of normal university business must meet regulations:** The content of any recordings for commercial use must comply with defamation, copyright, GDPR and performance rights.
- **Staff deleting recordings when leaving the institution:** When a staff member leaves the institution, they can request that their recordings are no longer used

and that they are deleted from any EVA system. In these instances, recordings cannot be used in any new teaching but will remain available to students for revision purposes until the end of the academic year.

- **Staff wishing to 'gift' their recordings when leaving the institution:** When a staff member leaves the institution, they can 'gift' their recordings for further use by the institution. The member of staff's permission for this must be collected and stored. This should include details of title/s of the recording/s, how the recording will be used and how long the recording will be used for.
- **Death in service:** In the unfortunate event of a member of staff dying the recordings created by that person must be deleted.

Recordings in student assessment

- **Recordings in student assessment:** Recordings for assessment such as student presentations should be used for grading and administration purposes within LJMU only and should not be shared beyond the institution or used in any other way. Students have the right to view recordings made of them, for example, for the purposes of grading and moderation. Upon request, they should be provided with a secure and downloadable copy of the presentation that has no time limitations associated with it.

Storage

- **Personal data:** This policy will be implemented in compliance with the Equality Act 2010, Data Protection legislation, including the General Data Protection Regulation (GDPR), the Copyright, Designs and Patents Act 1988 (CDPA) and any additional or successor legislation or regulation. No recordings of special categories (sensitive) personal data will be permitted without the written consent of the individual(s) to whom the data relate. 'Special Categories personal data' is defined under Article 9 of the General Data Protection Regulation 2016/679 to include generally any personal data concerning racial or ethnic origin, political opinion, religious belief or other belief of a similar nature, trade union membership, physical or mental health or condition, sexual life, or information relating to criminal offences.
- **Safe storage:** Once recorded, recordings must be stored in, and distributed from, cloud-based systems. Exceptions to this include:
 - Staff or students creating their own recording for future release via a cloud-based system

- Students with permission to download recordings, for instance for support due to a disability
- Staff or students releasing recordings as an open educational resource accessible beyond the institution.
- **Deletion or removal:** EVA systems may differ in the length of time recordings are available and/or stored.

Additional information

- **Using Panopto data for staff development or research:** 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. Permission to use recordings as data for research purposes is governed by the ethical procedures in place at LJMU. 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.
- **Additional information on Copyright:** Copyright protects the creators of assets such as written works, recordings and images. The UK law relating to copyright is set out in the Copyright, Designs and Patents Act 1988 (the CDPA). This document outlines certain exceptions in this act that provide allowances to educational institutions to use copyrighted materials without the permission of the copyright owner when supporting student learning (for further detail see <https://www.gov.uk/exceptions-to-copyright>).

Subject to fair-dealing, modest amounts of copyright material may be included within a lecture that is recorded under the terms of the copyright exceptions in UK law. These exceptions allow for the use of modest excerpts from literary, dramatic, musical or artistic works, sound recordings, films or broadcast provided that the use is accompanied by sufficient acknowledgement and that the instruction is for a non-commercial purpose.

For use of copyrighted materials that extend beyond the fair-dealing clause, extra consideration must be taken.

Where a recording is challenged by a rights holder or deemed unacceptable for other reasons, such as if it is judged to be defamatory in nature, the university requires others or itself to make edits or deletions to the recordings.

Using copies of limited extracts or quotations (including images) from third party material during lectures may be justifiable under certain exceptions. 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.

The links below further outline information concerning copyright that you may find useful.

<http://www.legislation.gov.uk/ukpga/1988/48/contents>

<http://www.legislation.gov.uk/ukpga/1988/48/part/I/chapter/III/crossheading/education>

<https://www.jisc.ac.uk/guides/recording-lectures-legal-considerations>

<https://www.legislation.gov.uk/ukpga/1988/48/section/180>

- **Cite your sources:** Lecturers must provide visible citations on slides and for recordings used within recorded lectures.
- **Evaluation:** LJMU will monitor the impact EVA services make on student learning through the reporting functionality available within the system and through feedback gathered from staff and student users.
- **Technical Support via a Live Camera:** Live feeds from particular cameras may be used occasionally by designated technical staff to remotely diagnose and support staff. This will only be used with the consent of the staff member involved. This occasional use policy recognises and conforms to the LJMU CCTV policy