

## **Educational Video and Audio Recording Policy**

<b>Responsibility for Policy:</b>	Registrar and Chief Operating Officer
<b>Relevant to:</b>	All LJMU staff, students and Academic Partnerships
<b>Approved by:</b>	Academic Board, 29 September 2021
<b>Responsibility for Document Review:</b>	Dean, Teaching and Learning Academy
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<b>Next Review Date:</b>	May 2023

### **RELEVANT DOCUMENTS**

- Copyright, Designs and Patents Act 1988 (the CDPA)

### **RELATED POLICIES & DOCUMENTS**

- Digital Learning Policy
- Turnitin policy
- Code of Practice for CCTV Systems
- Data Protection Policy
- IT Security Policy
- Room Booking Policy
- Disability Policy (Students) – Provision of support
- Non LJMU Employee Recording Permission Form
- Student Code of Behaviour & Student Disciplinary Procedures

# **Educational Video and Audio Recording Policy**

## **1. Introduction**

This document sets out the University's policy on the creation, storage and distribution of Educational Video and Audio resources (EVA) and covers the use of hardware and software to create educational materials to support LJMU students. The policy is designed to safeguard the University, its staff and its students from litigation relating to aspects of recording, storage and distribution of EVA resources and ensure compliance with data protection legislation. The data protection principles of the General Data Protection Regulation (GDPR) shall be upheld at all times. Please note that the policy relates to all resources stored and distributed within password protected institutional systems such as the VLE (Canvas) and to the external distribution to anyone external to the institution, e.g. via videos uploaded to YouTube.

## **2. Rationale**

EVA can be used to facilitate a range of educational applications, including the recording of lectures, site visits, student presentations, guest lectures and software and equipment demonstrations. The recording of these types of activities can support students by:

- providing a study aid for review and revision;
- helping to accommodate diverse learning styles, including students who have specific learning needs;
- assisting students who do not have English as their first language;
- supporting the provision of distance learning and Internationalisation by providing a platform that supports recording and remote viewing of teaching and learning materials.

## **3. Objectives**

- To create an institutional policy that is informative, encouraging, supportive and conducive towards staff engagement in the creation of educational video and audio resources.
- To remove barriers which may discourage and prevent academic staff from creating educational video and audio resources.
- To clarify for academic staff the intention and aims of the introduction and intended use of LJMU's EVA system and any other occasional use of EVA systems.

## **4. Principles**

- All participants, including external speakers and members of public, must know the recording is taking place and the purpose of the recording.
- The creator of the recording needs to make sure they are following copyright laws including (illustration for instruction & fair dealing) for educational institutions.
- Staff delivering a lecture entirely via video or audio must consider the learning needs of all of their students and offer alternative formats of the content to students who require them, for instance, those with specific hearing or visual impairment.

- LJMU staff involved in the creation of EVA resources will always be in control of the distribution of those resources

## **5. LJMU EVA system**

The current LJMU EVA systems cover a range of different recording software, including Panopto, Teams, Adobe Connect and Zoom, that can be used to record, store and distribute recordings; and hardware such as camera and microphones.

## **6. Recording**

All LJMU staff have access to various systems that allow them to record video, audio, PowerPoints and carry out desktop screen capture from any LJMU PC, personal computer, and some mobile devices.

## **7. All participants must know the recording is taking place**

These systems can only be used to record 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.

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 still will be able to ask questions using private chat function.

## **8. Recordings of Guest Speakers**

Where a face-to-face or online lecture/event is delivered by someone other than a University employee, the main LJMU staff member organising the event is responsible for bringing this policy to their attention in good time and ensuring that both parties complete the Non LJMU Employee 'Non LJMU Employee Recording Permission Form'. This process must be completed before recording the event. The non LJMU employee retains their performance rights in the recording made, but grants the University, under non-exclusive licence, the right to use the recording in line with this policy. The School should retain copies of completed form for the duration of the period that the recording remains available. See Non LJMU Employee Recording Permission Form.

## **9. Recordings of Students**

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. Recordings of summative assessment for the purpose of internal or external verification should be kept for the length of the programme + 1 year and then deleted. If the student requests not to be recorded this has to be respected.

If an LJMU project involves recording a student presentation or performance, the same process as recording a Guest Speaker must be followed. LJMU staff member organising the project is responsible for bringing this policy to the attention of the student in good time and ensuring that both parties complete the Non LJMU Employee 'Non LJMU Employee Recording Permission Form'. This process must be completed before recording. The student retains their performance rights in the recording made, but grants the University, under non-exclusive licence, the right to use the recording in line with this policy. The School should retain copies of completed form for the duration of the period that the recording remains available. Performance rights must be respected and if the student declines and an alternative approach taken. See Non LJMU Employee Recording Permission Form.

Any session or meeting where participants are likely to disclose personal information must not be recorded. This includes Personal Tutorials and small group sessions that emphasise discussion.

### **10. Support for Students with legitimate long-term leave of absence or a recognised disabilities**

Staff are strongly encouraged to capture their lectures when a request to this effect has been received from a student who cannot attend for a period through illness or other unavoidable circumstances or has a particular disability. In these cases, staff are also strongly encouraged to make the recordings available to all students not just the individual concerned unless there are compelling reasons not to do so.

EVA resources have the potential to benefit disabled students by reducing the impact of impairments that affect note-taking 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 hearing-impaired student would require an alternative format for the audio component of a recording if there was to be no other method of delivery.

Attendees with hearing impairments have permission for recordings to be shared with their note taker to provide additional support.

Where students have a need to make an audio recording of a teaching session because of a recognised disability, they will be permitted to make this recording for personal use in line with the LJMU Disability Policy (Students) – Provision of support.

### **11. 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

The EVA systems allow full control of any recording by the individual who has recorded it. The creator of the recording remains in control of that resource and can, edit and delete recording, and select how and when it is released. EVA systems may have integrations with each module in the VLE. Any staff on that module in VLE can

gain access to the recordings and will have same permissions over the recording as the creator. This mirrors the permissions of any content added to the VLE.

## **12. Deletion or removal**

EVA systems may differ in the length of storage. Recordings in Panopto will be automatically deleted if the recording has not been viewed for over 3 years. Recordings can be downloaded prior to the expiry date if there is a need to keep a backup beyond 3 years.

When a staff member leaves the institution, they may 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. If there is a case of death in service, recordings will be deleted.

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 they have left the University then the School can do this on their behalf. All requests for the erasure of personal data need to be recorded. This can be done by emailing [DPO@ljmu.ac.uk](mailto:DPO@ljmu.ac.uk)

## **13. Distribution**

EVA systems are usually connected to the VLE, and recordings can be easily shared within modules. Students will access lecture recordings “on demand” via the desktop version. Recordings that contain sensitive personal information should not be shared. Lecturers should ensure that there is no personal information in recordings before sharing. The lecturer may, at their discretion, provide download access to all students on the course where, in the lecturer’s opinion, this is appropriate. The Panopto app allows videos to be downloaded and stored on mobile devices for a period before automatic deletion from that device. LJMU does not prevent the distribution of recordings beyond the University however copyright, data protection and defamation rules need to be strictly followed and applied (see below).

## **14. Commercial use 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.

## **15. Performance review**

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.

## **16. 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.

## **17. 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>

## **18. Defamation**

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 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 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.

## **19. Performance rights for staff members**

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. For further information, see the following links.

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

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

## **20. 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.

## **21. Misuse of recordings**

Misuse of recordings will be treated as misconduct and will be handled through the appropriate disciplinary process.

## **22. 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.

## **23. Staff Training**

LJMU will support staff in the use of the software and hardware required to produce EVA resources. This will include training for staff, and support for hardware such as microphones, where they have been installed, to ensure they are in working order.

## **24. 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.

## **25. 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.

## **Links with other LJMU policies**

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