

Interim Policy on the use of recording for teaching and learning purposes during academic year 2022-23

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1.0 Introduction

1.1 The use of recording for teaching and learning purposes can facilitate access for students and assist in developing understanding of subject matter. Recordings can provide students a means to engage with new concepts in advance of a session, to recap concepts or skills after a teaching session, or as a revision tool. The use of recording for teaching and learning purposes can also benefit students with certain disabilities or those whose first language is not English.

1.2 In recent years the recording of live teaching sessions and the use of pre-recorded materials has increased substantially, with students and staff appreciating the advantages this has for learning beyond the specifics of the pandemic context. Recording of some learning and teaching activities is therefore essential to enable the University to achieve its mission.

1.3 The use of recordings is not intended to replace student contact time, nor is it a replacement for attendance at live sessions: it is to facilitate access to teaching and learning activities.

1.4 An interim policy was developed in AY20-21 which recognised the need for clear guidance given the substantial increase in online and blended learning. This interim policy was revised and updated for AY21-22. Work is underway to develop a long-term policy on recordings and performance rights relevant across the full sweep of HWU's educational offer. To provide clarity for AY22-23, the interim policy has been reviewed and extended for use for one further academic year.

2.0 Purpose

2.1 This interim policy outlines the University's approach to the use of recording to facilitate teaching and learning in Academic Year 2022/23. The interim policy is provided to ensure that there is a consistent approach to the use of recording across the University and that all staff, students and guests are clear on their rights and responsibilities with regard to recording and the use of the recorded materials that are produced.

3.0 Scope

3.1 This interim policy applies to AY2022/23. (Previous versions of this policy were applied for learning and teaching that commenced in AY20-21 and AY21-22.)

3.2 It applies to any recordings created by University staff for the purposes of supporting teaching and learning at Heriot-Watt University and to any recording of live teaching and learning activities whether recorded by staff or students, on-campus (or other physical

teaching space) or online. This includes recordings of:

- Pre-recorded presentations or other audio-visual teaching and learning materials developed by staff
- Live teaching or learning activities or sessions
- Groupwork
- Student presentations
- Assessment

3.3 The interim policy applies to all staff, students and guests of the University.

3.4 This interim policy does not affect the rights of students with disabilities who have permission to record learning and teaching activities as part of their University-agreed support arrangements.

The interim policy does not apply to 1:1 meetings between students and staff. The [University Interim Policy and Guidance on the use of approved channels when communicating with students](#) applies to 1:1 and group communications between staff and students.

4.0 Principles

4.1 This policy is underpinned by the following principles:

- The rights of staff, students and guests of the University should be respected and protected.
- The University will apply data protection by design and data minimisation to the recording of personal data; this means recording only as much personal data as is necessary for the learning and teaching activity
- Students should, within reason, be able to access recordings of live teaching and learning activities to support their learning.
- All activities used during a recorded session and in the recording itself will comply with copyright restrictions.
- All recorded sessions will comply with accessibility requirements, for example captioning.
- All recorded content must be stored on University managed media, used and disposed of in an appropriate manner, in line with University security and records retention policies.
- The University retains the right to review material to verify it complies with policies on appropriate content. Any concerns relating to course content raised by a student will be discussed with the relevant staff members (e.g. Course Leader). If the material is found to be inconsistent with relevant law in the locations it is being deployed, the material may be taken down or amended, in discussion with the relevant staff members. Academic freedom will be protected throughout this process, and such removal, or necessary adaptation of content to reflect local

legislation, will not automatically be dealt with as a misconduct disciplinary matter. Where appropriate, staff will be provided with advice and support on matters relating to different legal frameworks as well as the legal use of 3rd party materials e.g. copyright and intellectual property.

5.0 Definitions

A 'recording' is an audio or visual recording. It includes pre-recorded material and that which is recorded live.

'Live' means activity which happens synchronously / in real time.

'Teaching or learning activity' is any planned activity provided or engaged in for the purposes of participation in a course of study or student support activity at Heriot-Watt University. This **does not** include 1:1 meetings between staff and students.

A 'session' is one instance of a 'teaching and learning activity'.

'Lecturer' includes any member of staff or guest providing teaching and learning activities.

'Course team' includes any academic course team or any professional services team providing teaching, learning or student support. 'Course Leader' includes the leader of an academic course team or of a professional services team providing teaching, learning or student support.

6.0 Recording of live teaching and learning sessions

6.1 The decision as to whether a live teaching and learning activity will be recorded rests with the Course Team. This decision should be made with reference to whether the mode of the teaching and learning activity or session and the particular content is conducive to being recorded.

6.2 Students should be notified of this policy and alerted to the use of recording through (a) the Student Declaration and (b) the appropriate programme handbook and any course-specific guidance.

6.3 Where it is the intention for a live teaching and learning session / activity to be recorded, students should be notified in advance.

- For online sessions, participant video and sound should be switched off by default at the start of the session to give opportunity for participants to choose to share their video and sound.
- There should also be a part of each session (online or on campus) which is not recorded so that students can engage and ask questions off the record.

6.4 Recordings of live teaching and learning activities should only be created using University approved software. [Guidance on approved software is available from the IS [training](#) site in Information Services.]

- Where a live teaching and learning activity is provided by a member of University

staff, they any recording should be initiated by the staff member.

- Where a live teaching and learning activity is engaged in collectively by a group of students as part of their coursework or assessment, they should agree in advance who will initiate the recording. It should be stored and shared in keeping with the specifications provided on the course.
- Where a student individually engages in course work or assessment that requires recording, they should initiate the recording. It should be stored and shared in keeping with the specifications provided on the course.

6.5 When lecturers provide live teaching and learning activities which will be recorded, they should ensure they have appropriate copyright clearance and include appropriate citations for any material covered by the recording.

6.6 Recordings might include all or any of the following:

- The content provided in the session (visual and audio)
- Discussions in the session (verbal and written)
- Those present in the session and their participation in the session

6.7 All participants need to be aware that their contributions to recordings, including text-based 'chat', are legally discoverable and that everyone should communicate with clarity, professionalism, courtesy and respect, remembering the University's Values.

7.0 Notification of recording and opt out

7.1 In the course specifications, in advance of each session and at the start of the session it should be stated by the lecturer if it is to be recorded. Students should indicate at this point if they do not wish to be recorded.

7.2 The lecturer has the right to apply discretion when recording, and pause or subsequently edit or delete a recording, for example if sensitive material is being taught or if the recording is considered to be interfering with interactive teaching.

7.3 There are situations where all or part of a live teaching and learning activity / session should not or cannot be recorded, these include:

- i. where the teaching and learning activity is delivered in a way that makes recording unsuitable e.g. high level of interactivity,
- ii. where discussion or activities contain confidential or personal information or are commercially or politically sensitive,
- iii. where there may be legal, ethical or privacy reasons for not recording,
- iv. where a lecturer or student has personal reasons that make it inappropriate for their activity to be recorded,
- v. where the facility to record the activity is not available in the learning space.

7.4 The lecturer is responsible for deciding whether the interests in not recording part or all of a live teaching and learning activity / session outweigh the interests in recording. It is

good practice to keep a note of this decision and any relevant information which informed it for future reference.

7.5 If a student does not wish to be recorded, they should make this known to the Course Leader at the start of the course or to the lecturer at the start of the live teaching and learning session. Where a student does not wish to be recorded, they may have the following options open to them:

- For online sessions:
 - Stay in the session but hide their identity and not contribute to discussions (for example, in an on-campus session this may include moving to be out of sight / sound of the recording equipment, in an online session this may include not using the mic or chat etc.).
 - Ask the lecturer to switch off the recording temporarily during which they may contribute. This may be appropriate if a student is generally happy to be recorded but wishes to share something personal or sensitive which relates to the course.
- For on-campus sessions:
 - Discuss with teaching team how contributions are being recorded to ensure specific student(s) contributions are not included.

7.6 If a lecturer does not wish to be recorded, they should work with their Course Team to ensure that any material that requires to be shared from their live teaching sessions is made accessible in other ways.

7.7 1:1 meetings between staff and students are private and confidential and must not be recorded unless there is an exceptional, compelling business need and the explicit consent of both parties. The business need and the consent of both parties must be documented in a written exchange between the parties. If such a recording is made, the staff member is responsible for deleting it as soon as possible and controlling access strictly on a need to see basis. Such recordings must never be uploaded to course sites or other pages that are accessible by people other than the parties to the meeting as this would constitute a serious breach of the [University Data Protection Policy](#) and data protection law.

8.0 Storage of live recordings

8.1 Recordings of live teaching and learning sessions or activities will be stored as follows:

- Collaborate Ultra will automatically be stored on the course page on the VLE (Canvas). This takes place immediately after the end of the recorded session.]
- MS Teams will replace Collaborate Ultra from the start of Semester 2, AY22-23 when Collaborate Ultra will no longer be available. Course teams can choose to use MS Teams for teaching from Semester 3 onwards. From January 2023, all online synchronous teaching which would have been conducted via Collaborate Ultra will be done via Microsoft Teams.]
- MS Teams recordings will be stored on Stream and may be linked to or embedded in the course page on the VLE (Canvas).

- Wolfvision or other lecture recording software on-campus will be stored on SharePoint and may be linked to or embedded in the course page on the VLE (Canvas).
- Guidance on where and how to store recordings may be updated as technology develops. This will be kept up-to-date by Information Services and communicated to staff and students through appropriate training and guidance sites.

8.2 Live recordings that include student participation or which identify students **will only be stored for the academic year of recording plus one further year and six weeks.**

8.3 Pre-recordings or recordings made live that do not include or identify students may be reviewed and re-used by Course Teams, with the agreement of the staff who developed the materials.

8.4 A student, lecturer or guest may request that the Course Leader make the recording unavailable for any of the following reasons:

- considers that defamatory, inaccurate, discriminatory or inappropriate material is included within a recording,
- considers that personal or sensitive material relating to them is included within a recording but which they did not intend to share or are subsequently unhappy sharing. In this case, the Course leader will seek advice from dataprotection@hw.ac.uk and the Information Governance team will recommend an appropriate response.

8.5 The Course Leader may choose to take an alternative approach to ensuring that such material is not shared e.g. editing it from the recording that is made available to students. The Course Leader should keep a copy of the original recording.

9.0 Access to live recordings

9.1 Recordings should normally only be accessible within the course on which they were recorded, by those students enrolled on the course, unless agreed otherwise by the Course Leader. Only students and staff enrolled on the course should have access to the recordings. Course Leaders and students should be made aware that staff are able to access all Canvas sites for their School and could access any recordings posted to the VLE.

9.2 Where students create a recording for the purposes of groupwork on a course they should ensure that all members of the group have access to the recording. Groupwork recordings should not be made available more widely within the course unless under the direction of the Course Team.

10.0 Use of live recordings

10.1 Students may only use a recording for personal use in relation to their studies. Students must destroy any copy of the recording at the end of their studies and assessment on that course. This limits storage to a maximum period of storage to the academic year of recording plus one further year and six weeks.

10.2 Staff may only use a recording for purposes of providing the course.

10.3 The University may use a live recording for the purposes of an investigation into alleged misconduct of staff, students or guests.

10.4 Any unauthorised publication or distribution of a recording (including uploading online, sharing via apps or social media) by students or staff will be considered in breach of this policy and may be subject to disciplinary action.

11.0 Disposal of recordings

11.1 Students should not delete any recordings of student-only coursework, group work or assessment activities without explicit permission from the Course Leader.

11.2 At the end of each academic year Course Leaders should review their course content and dispose of all recordings of live teaching and learning activities which contain student participation or which identify students made during the year.

11.3 Students, staff and guests must destroy any copy of the recording at the end of their legitimate use of the material and within the maximum period of storage of the academic year of recording plus one further year and six weeks.

12.0 Legal basis for processing personal data and Intellectual Property Rights

12.1 By recording learning and teaching activities, the University is processing personal data under the lawful basis that the processing is necessary to perform a task in the public interest. Where staff or guests need to record their contributions to fulfil their duties, the University is processing this data as necessary to fulfil a contract with the individual. By participating in a live teaching and learning activity or session staff, students and guests are deemed to understand that a) the University will record and make the recording available in accordance with this guidance and b) agree to give the University the necessary licences to use the recordings for the purpose stated in this policy.

12.2 Performer rights reside with the staff member delivering the session and other participants, who agree that the University may use their performance for learning and teaching in accordance with this policy. Presenters or participants in a session wishing to assert their (moral) right to be identified as author or performer should do so as part of the recording, for example through including an introductory slide.

12.3 Any staff, student or guest creating a recording will ensure that it complies with copyright restrictions.

13.0 Reasonable adjustments

13.1 Where students have permission from the University to record sessions as part of any reasonable adjustments to ensure the accessibility of their studies, such recordings do not fall within the scope of this guidance.

14.0 Communicating this policy

14.1 The Course Leader is responsible for ensuring that all staff and contingent workers such as Adjunct Professors and guest presenters involved in teaching and learning activities are aware of their duties under this policy and receive appropriate training and

guidance. Registry is responsible for informing all students enrolled of this policy and their rights and responsibilities through the Student Declaration at point of enrolment. Programme Directors and Registry are responsible for ensuring this information is included in all programme handbooks.

15.0 Use of recordings beyond the course / studies

15.1 Where students have produced work which they wish to share outside of the course, they may do so provided:

- They have written consent of each student involved in the production of the work
- They have written consent of each student and staff member who are part of the recording
- They have ensured they have appropriate copyright clearance for any material covered by the recording.

Further information

- **University Data Protection Policy** <https://www.hw.ac.uk/documents/heriot-watt-university-data-protection-policy.pdf>
- **University Information Governance and Records Management Policy** <https://www.hw.ac.uk/documents/information-governance-records-management-policy.pdf>
- **University privacy notices for students and employees** <https://www.hw.ac.uk/uk/services/information-governance/protect/privacy-and-your-data-rights.htm>
- **University Policy on Intellectual Property, Confidential Information and Commercialisation** <https://www.hw.ac.uk/documents/HW-IP-Policy.pdf>
- **University IT and Communications and Facilities Acceptable Use Policy** <https://www.hw.ac.uk/documents/it-communications-facilities-acceptable-use.pdf>
- **University Policy on Use of Approved Channels when communicating with students** <https://www.hw.ac.uk/uk/services/docs/learning-teaching/policies/Use of Approved Channels when communicating with students.pdf>
- **University equality and diversity policy** <https://www.hw.ac.uk/uk/services/docs/hr/policies/EDPFinal.pdf>
- **University guidance on copyright** <https://www.hw.ac.uk/uk/services/is/learning-teaching/copyright.htm>
- **University disability support guidance** <https://www.hw.ac.uk/uk/services/information-governance/access/foi/8-13-support-disabled-people.htm>