

Policy on the Use of Recordings for Teaching and Learning

10th January 2024

Approving authority:	Learning and Teaching Academic Operations Committee (LTAOC) and University Committee for Learning and Teaching (UCLT)
Consultation via:	Endorsed by UCLT, 7 June 2023. Approval by SCIBE 24 th January 2024
Approval date:	24 th January 2024
Effective date:	every 5 years from date of approval
Review period:	DP [Education & Student Life]
Responsible Executive:	Information Services
Responsible Office/Directorate:	

POLICY

**HERIOT-WATT UNIVERSITY
POLICY ON THE USE OF RECORDINGS FOR TEACHING AND LEARNING**

CONTENT

Section	Page
1 Introduction	3
2 Purpose	3
3 Scope	4
4 Principles	5
5 Access to recordings	6
6 Use of recordings	6
7 Legal basis for processing personal data and intellectual property rights	6
8 Reasonable adjustments	7
9 Communicating this policy	7
10 Lines of responsibility	7
11 Monitoring and evaluation	8
12 Implementation	8
13 Related policies, procedures and further reference	8
14 Definitions	9
15 Further help and advice	10
16 Policy version and history	10

1. INTRODUCTION

- 1.1 The University seeks to enhance the student experience by offering a wide range of learning resources to support student learning. These include the provision of recordings of lectures and other learning activities to enable students to revisit and review material as part of their course of study.
- 1.2 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 Teaching and Learning Session, to recap concepts or skills after a Teaching and Learning 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.
- 1.3 The use of recordings is not intended to replace student contact time, nor is it a replacement for attendance at Teaching and Learning Sessions but is intended to facilitate access to Teaching and Learning Activities.
- 1.4 Not all Teaching and Learning Sessions will be capable of, or suitable for, recording and it may not be practically or pedagogically appropriate for a recording to be made.
- 1.5 The overall decision as to whether a Teaching and Learning Session will be recorded rests with the session lead / lecturer. Session leads / lecturers will communicate to students which sessions will be recorded and how recordings can be used as part of the suite of learning resources for a course.

2. PURPOSE

- 2.1 This Policy together with the supporting Procedure and guidelines outlines the University's approach to the use of recording to facilitate teaching and learning at the University. This Policy is provided to ensure that there is a consistent approach to the use of recording across the University and that all Members of Staff, students and visiting presenters (such as guest speakers) are clear on their rights and responsibilities with regard to recording and the use of the recorded materials that are produced pursuant to this Policy.
- 2.2 The Policy will apply to the following uses:
 - 2.2.1 where a session lead / academic releases recordings, a student may use the recording for the purpose of their own personal study but must destroy any copy of the recording they hold on completion of the relevant course (including any period of course assessment) unless the written or email permission of the session lead / academic has been given;
 - 2.2.2 the University will provide recordings only to students enrolled on the course to which the Teaching and Learning Activity relates;
 - 2.2.3 Members of Staff may only use a recording for the purposes of providing the relevant course to which the Teaching and Learning Activity relates; and
 - 2.2.4 the University may use a recording in exceptional circumstances in order to provide continuity of education to its students (such as in the event of natural disaster (for example, fire, storm or flood); infrastructure failures

(for example, transportation or utilities); or societal events (for example, war or civil unrest)).

2.3 This Policy and use of recordings does **not**:

- 2.3.1 replace student contact time with Members of Staff or offer a replacement for (a) attendance at Teaching and Learning Sessions (such as in a lecture hall or other physical teaching space), or (b) participating online via an electronic communications platform (such as Microsoft Teams), unless this is a “reasonable adjustment” for a disabled student;
- 2.3.2 cover Members of Staff exercising their legal right to take industrial action, except where the Member of Staff gives their written or email consent;
- 2.3.3 replace the legal obligation of the University to provide a recording for disabled students who require it as part of a “reasonable adjustment” under the Equalities Act 2010. Reference is made to the **Disability Policy** [[Microsoft Word - Disability Policy October 2012 final \(hw.ac.uk\)](#)] and paragraph 10.1 of the **Procedures for Obtaining Informed Consent for Recordings and Images of People** [[CONTENTS \(hw.ac.uk\)](#)] which applies in addition to this Policy;
- 2.3.4 cover courses in which learning is wholly asynchronous and where pre-recorded learning materials with no live teaching is the primary means of this instruction (for example, HW Online). This will be covered in a separate policy [under development as of January 2024]. For the avoidance of doubt, pre-recorded materials which are prepared by Members of Staff in advance of, and to support, a Teaching and Learning Session are included under this Policy;
- 2.3.5 apply to student-led presentations where recording is solely for the purpose of assessment. Material presented for assessment should follow standard assessment policy, processes and retention timelines;
- 2.3.6 be used as a routine mechanism for managing clashes of timetabled educational activities; or
- 2.3.7 cover one-to-one meetings between Members of Staff and students. The [University Interim Policy and Guidance on the use of approved channels when communicating with students](#) applies to 1:1 and group communications between Members of Staff and students.

3. SCOPE

- 3.1 This Policy applies to any recordings created or arranged by Members of Staff for the purposes of supporting Teaching and Learning Activities and to any recording of Teaching and Learning Activities whether recorded by Members of Staff or students, on-campus (or other physical teaching space) or online. This includes recordings of:
 - 3.1.1 pre-recorded presentations or other audio-visual teaching and learning materials developed by Members of Staff or visiting presenters (such as guest speakers) to support a Teaching and Learning Session.
 - 3.1.2 Teaching and Learning Sessions.
 - 3.1.3 Groupwork.
 - 3.1.4 Student presentations.

- 3.2 This Policy applies to all Members of Staff, students and visiting presenters (such as guest speakers) of the University.
- 3.3 This Policy does not affect the rights of students with disabilities who have permission to record Teaching and Learning Activities as part of their University-agreed support arrangements.
- 3.4 Teaching and Learning Activities will only be recorded in accordance with this Policy, the associated Procedures and any related guidance.

4. PRINCIPLES

- 4.1 This Policy is underpinned by the following principles:
 - 4.1.1 Access to recordings of live teaching sessions can be a helpful tool for facilitating student learning.
 - 4.1.2 Students should, within reason and where feasible, be able to access recordings of Teaching and Learning Sessions to support their learning.
 - 4.1.3 Not all Teaching and Learning Sessions will be capable of, or suitable for, recording and it may not be pedagogically, practically or personally appropriate for a recording to be made. **The overall decision as to whether a Teaching and Learning Session will be recorded rests with the session lead / lecturer. Students should not make recordings without permission.**
 - 4.1.4 Students will be informed by the Course Leader at the start of the Course if and how recorded material will be used as part of the suite of learning resources on the relevant course.
 - 4.1.5 The rights of Members of Staff, students and visiting presenters (such as guest speakers) of the University should be respected and protected.
 - 4.1.6 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 Teaching and Learning Activity.
 - 4.1.7 All materials used in the recording will comply with copyright law and not breach a third party's intellectual property rights.
 - 4.1.8 All recorded Teaching and Learning Sessions will comply with accessibility requirements, for example captioning.
 - 4.1.9 All recordings made under this Policy must be (a) stored on the University's IT Systems (as set out in the Procedure), and (b) used, retained and deleted, in accordance with this Policy, the Procedure, the Data Protection Policy, and the Information and IT Policies and procedures.
 - 4.1.10 The University retains the right to review the content of recordings made under this Policy to verify it complies with applicable law and the

University's policies, procedures and values. Any concerns relating to such content raised by a student will be discussed with the session lead / lecturer. If such content is found to be inconsistent with relevant law in the locations it is being distributed, the relevant recording may be taken down or amended, in discussion with the relevant Members of Staff. Academic freedom will be protected throughout this process, and such removal, or necessary adaptation of the content of recordings to reflect local legislation, will not automatically be dealt with as a misconduct or disciplinary matter.

4.1.11 Where appropriate, Members of Staff will be provided with advice and support by the University on matters relating to different legal frameworks as well as the legal use of third party materials (e.g. copyright and other intellectual property).

5. ACCESS TO RECORDINGS

5.1 Recordings should normally only be accessible within the course on which they were recorded and by those students enrolled on the course, unless agreed otherwise by the session lead / lecturer. Lecturers / session leads and students should be made aware that Members of Staff are able to access all Canvas sites for their School and could access any recordings posted to the virtual learning environment (VLE).

5.2 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.

6. USE OF RECORDINGS

6.1 Students may only use a recording in relation to their studies.

6.2 Members of Staff may only use a recording for purposes of providing the relevant course.

6.3 The University may use a recording for the purposes of an investigation into alleged misconduct of Members of Staff, students or visiting presenters (such as guest speakers).

6.4 Any unauthorised publication or distribution of a recording (including uploading online or sharing via apps, video sharing platforms or social media) **and any other non-compliance with this policy** by students or Members of Staff will be considered in breach of this Policy and may be subject to disciplinary action.

6.5 Recordings must be destroyed and deleted in accordance with the process set out in the Procedure.

7. LEGAL BASIS FOR PROCESSING PERSONAL DATA AND INTELLECTUAL PROPERTY RIGHTS

- 7.1 By recording Teaching and Learning 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 Members of Staff or visiting presenters (such as guest speakers) need to record their contributions to fulfil their contractual duties or provide services, the University is processing this data as necessary to fulfil a contract with the individual.
- 7.2 By participating in a Teaching and Learning Session, Members of Staff, students and visiting presenters (such as guest speakers) are deemed to agree:
- 7.2.1 that sessions can be recorded and made available in accordance with this Policy; and
 - 7.2.2 to grant the University the necessary licences to use the recordings for the purpose stated in this Policy.
- 7.3 Where applicable, performer's rights reside with the Member of Staff or visiting presenter (such as guest speakers) delivering the Teaching and Learning Session and other participants in the recording, who agree that the University may use their performance for learning and teaching in accordance with this Policy. Members of Staff, visiting presenters and participants in a recording of a Teaching and Learning 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.
- 7.4 Any Member of Staff, student or visiting presenter (such as a guest speaker) creating a recording will ensure that it, and all materials and content used in such recording, complies with applicable copyright law and does not infringe the rights of any third party.

8. REASONABLE ADJUSTMENTS

Where students have permission from the University to record Teaching and Learning Sessions as part of any reasonable adjustments to ensure the accessibility of their studies, such recordings do not fall within the scope of this Policy.

9. COMMUNICATING THIS POLICY

- 9.1 The Course Leader is responsible for ensuring that all Members of Staff and visiting presenters (such as guest speakers) involved in a Teaching and Learning Session are aware of their duties under this Policy and the Procedure and receive appropriate training and guidance.
- 9.2 Registry and Academic Support is responsible for informing all enrolled students of this Policy and their rights and responsibilities through the Student Declaration at the point of enrolment.
- 9.3 Programme Directors and Registry and Academic Support are responsible for ensuring this information is included in all programme handbooks.

10. LINES OF RESPONSIBILITY

10.1 All queries in respect of this Policy should in first instance be raised with the relevant session lead / lecturer.

10.2 For any queries relating to the application of this policy in Schools contact the Director of Learning and Teaching (DLT) in the relevant School. Queries about recording in a specific session should be raised in the first instance with the session lead / lecturer before contacting the DLT.

10.3 For any queries relating to information technology please contact Information Services at ISHelp@hw.ac.uk.

10.4 For any queries relating to data protection please contact Information Governance at Infogov@hw.ac.uk.

11. MONITORING AND EVALUATION

11.1 **Information Services (IS)** will be responsible for reviewing, monitoring and evaluating the information technology matters relating to this Policy.

11.2 **Governance and Legal Services (GALS)** will be responsible for reviewing, monitoring and evaluating the legal, governance and data protection matters relating to this Policy.

11.3 **The University Committee for Learning and Teaching (UCLT)** will be responsible for reviewing, monitoring and evaluating the pedagogical matters relating to this Policy.

12. IMPLEMENTATION

The implementation of this Policy will be supported by the Procedure, guidance and appropriate communications, training and awareness for Members of Staff and students.

13. RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE

Policies

Data Protection Policy	https://www.hw.ac.uk/documents/heriot-watt-university-data-protection-policy.pdf
Disability Policy	https://www.hw.ac.uk/uk/students/doc/Disability_Policy_October_2012_final.pdf
Equality and Diversity Policy	https://www.hw.ac.uk/uk/services/docs/hr/policies/EDPolicy.pdf
Information Governance and Records Management Policy	https://www.hw.ac.uk/documents/information-governance-records-management-policy.pdf
Information Security Policy Framework	https://www.hw.ac.uk/documents/information-security-policy-framework.pdf

Intellectual Property Policy	https://www.hw.ac.uk/documents/HW-IP-Policy.pdf
IT and Communications and Facilities Acceptable Use Policy	https://www.hw.ac.uk/documents/it-communications-facilities-acceptable-use.pdf
IS Software for Staff and Students	https://heriotwatt.sharepoint.com/sites/is-software
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

Procedures

Procedure which goes along with this Policy	https://heriotwatt.sharepoint.com/sites/straining/SitePages/Using-video-for-RBL.aspx
Procedures for obtaining informed consent for recordings and images of people	https://www.hw.ac.uk/documents/data-protection-obtaining-consent.pdf
Procedures for Selecting Digital Formats	https://www.hw.ac.uk/documents/digital-preservation-procedures.pdf

Further reference

Equality, Diversity and Inclusion	https://www.hw.ac.uk/uk/services/equality-diversity.htm
Disability Support	https://www.hw.ac.uk/uk/students/health-wellbeing/borders/disability-service.htm https://www.hw.ac.uk/uk/services/information-governance/access/foi/8-13-support-disabled-people.htm
Guidance on Captioning	https://heriotwatt.sharepoint.com/sites/straining/SitePages/Captioning-and-recording.aspx
IS Training and support	https://heriotwatt.sharepoint.com/sites/straining
Using video and audio to support teaching Resources	https://heriotwatt.sharepoint.com/sites/straining/SitePages/Using-video-for-RBL.aspx

Privacy Notices	https://www.hw.ac.uk/uk/services/information-governance/protect/privacy-and-your-data-rights.htm
University Values	https://strategy2025.hw.ac.uk/our-new-values/

14. DEFINITIONS AND INTERPRETATION

- **Session Lead / Lecturer** means the Member of staff who delivers a specific Teaching and Learning Session.
- **“Course Leader”** means the Member of Staff who is responsible for providing teaching, learning and/or student support for a University course.
- **“Course Team”** means the academic course team or any professional services team providing teaching, learning and/or student support for a University course.
- **“Live”** means an activity which happens synchronously (i.e. in real time).
- **“Members of Staff”** means the employees, contractors, casual workers and contingent workers (such as adjunct staff, including, without limitation, approved teachers, tutors, markers and demonstrators) of the University; and “Member of Staff” shall be construed accordingly.
- **“recording”** is an audio or visual recording. It includes pre-recorded material and that which is recorded Live.
- **“Teaching and Learning Activity”** means any Live planned activity provided or engaged in for the purposes of participation in a course of study or student support activity at the University (which, for the avoidance of doubt, **does not** include 1:1 meetings between Members of Staff and students).
- **“Teaching and Learning Session”** is one instance of a Teaching and Learning Activity; and “Teaching and Learning Sessions” will be construed accordingly.
- **“University’s IT Systems”** means the University’s approved IT systems as set out in the Information Services Software for staff and students Hub
- A reference to the **“University”** will where the context requires also include Heriot-Watt University Malaysia Sdn Bhd (**“HWUM”**) where the educational activity is taking place at HWUM’s campus in Malaysia.
- A reference to legislation or a legislative provision is a reference to it as amended, extended or re-enacted from time to time.

15. FURTHER HELP AND ADVICE

For help in respect of information technology then contact Information Services on IShelp@hw.ac.uk.

For help in respect of legal matters then contact the Legal Services Team on legal@hw.ac.uk

For help in respect of data protection then contact Information Governance on infogov@hw.ac.uk

16.	POLICY VERSION AND HISTORY			
	Version No	Date of Approval	Approving Authority	Brief Description of Amendment
	V. 01	7 th August	SCIBE	Version 1 of policy, building directly on interim policy used AY22-23.
	V.02	xxx November	SCIBE	Minor amends to foreground that recording is an opt-in for session leaders and lecturers.