

# **Online Teaching Materials & Recordings Policy Temporary Policy due to Coronavirus (COVID-19) – 2020-2021**

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### Scope and Background:

The COVID-19 pandemic and requirement to ensure social distancing on City, University of London's ("City's" or the "University's") campus has necessitated an urgent need to move to remote working and online delivery for the many of City's programmes in academic year 2020/2021.

City is in consultation on its long-term Lecture Capture Policy and Online Teaching Material Policy and those processes will continue during the course of academic year 2020 / 2021.

This temporary policy seeks to provide urgent clarification and assurance to staff and students about the ways that recorded and other teaching, learning and assessment materials created by staff for the University will be used in academic year 2020/2021.

While this policy is concerned primarily with the recording of synchronous lecturing, the policy, where relevant, also applies to other forms of asynchronous lecturing and the creation of relevant online learning materials that might be necessary in academic year 2020/2021 owing to the exceptional circumstances presented by the COVID-19 pandemic.

*This policy may be superseded by the long-term Lecture Capture and Online Teaching Material Policy if they are finalised during the course of academic year 2020/2021.*

*Any material that is produced/created/uploaded while this policy is in force (including any material deployed at a later point, but created and uploaded to the VLE during this policy's lifespan) will continue to be governed by the stipulations set out herein*

### This policy should be read in conjunction with:

- Intellectual Property Policy - <https://staffhub.city.ac.uk/policies/research-and-enterprise-policies/intellectual-property-policy>
- Data Protection Policy - <https://staffhub.city.ac.uk/policies/information-technology/data-protection-policy>
- Copyright Policy - [https://www.city.ac.uk/\\_data/assets/pdf\\_file/0004/130288/CopyrightPolicyNov2018.pdf?\\_ga=2.169165730.2022300546.1596709073-942260142.1596709073](https://www.city.ac.uk/_data/assets/pdf_file/0004/130288/CopyrightPolicyNov2018.pdf?_ga=2.169165730.2022300546.1596709073-942260142.1596709073)
- Taught Student Attendance and Engagement Policy - <https://staffhub.city.ac.uk/policies/student-and-academic-services-policies/taught-student-attendance-and-engagement-policy>
- Student Charter - <https://studenthub.city.ac.uk/student-administration/student-charter>
- Academic Misconduct Policy – <https://staffhub.city.ac.uk/policies/student-and-academic-services-policies/academic-misconduct-policy>
- Student Discipline Regulations
- Guidance on the use of virtual classrooms - <https://sleguidance.atlassian.net/wiki/spaces/SETG/pages/2007891969/Recording+Virtual+Classrooms+-+Guidelines>

## **Equality and Diversity statement**

City is committed to promoting equality, diversity and inclusion in all its activities, processes, and culture, under its Public Sector Equality Duties and the Equality Act 2010. This includes promoting equality and diversity for all, irrespective of any protected characteristic, working pattern, family circumstance, socio-economic background, political belief or other irrelevant distinction.

Where relevant to the policy, decision-making panels will ensure a reasonable gender balance (with at least one man and one woman) and will actively consider representation of other protected groups.

### **1. Introduction**

- 1.1. While there are many potential educational benefits attached to video and audio recording for educational purposes, it is important to acknowledge that the recording of lectures and the production of online materials also raises questions for staff and students, particularly in relation to how recordings and other materials will be used. This temporary policy aims to address these questions and provide clarity for all stakeholders for Academic Year 2020/2021.
- 1.2. City aims to ensure students are taught and supported with a variety of high quality technologies and is committed to providing an inclusive learning environment.
- 1.3. The use of mobile devices, multimedia management capabilities, lecture capture technology, social media and online learning platforms are transforming the potential use of audio and video recordings for educational purposes.
- 1.4. This policy applies to recordings made or distributed using the Echo360 Lecture Capture system and other technology on campus and also to other recordings and materials including those that are created remotely and away from the campus by City's staff for educational purposes using other technology e.g. using Zoom and Microsoft Teams, Kaltura, PowerPoint or Adobe Connect, collectively referred to as 'Lecture Recordings' hereafter.
- 1.5. Video and/or audio recording for educational purposes may be one of the tools that can support City's implementation of the Equality Act (2010) and meet its statutory duty to provide anticipatory reasonable adjustments.
- 1.6. The default position under this policy is that all lectures, both synchronous and asynchronous, will be recorded using Lecture Capture or other software and an audio recording and any associated presentational materials (e.g. PowerPoint slides) or other online materials will be made available to students via the Virtual Learning Environment (VLE), Moodle.
- 1.7. The definition of lecture may include small-group teaching sessions such as tutorials and seminars, although this is at the module leader's discretion. This is because it is recognised that not all sessions will be suitable for recording (see Clause 2.4) and that the recording of small-group sessions with higher levels of student participation, or group work, may not always be possible, may discourage student participation and will require additional precautionary measures to be taken to ensure appropriate consent is obtained (see Clause 3.2).

1.8. Examples of factors that may be taken into consideration in determining whether a lecture or small-group teaching session is suitable for recording may include:

1.8.1. Whether an effective pedagogical approach would need to be changed significantly for recording to take place;

1.8.2. Whether the session contained a high proportion of student group work;

1.8.3. Whether the session included large proportions of sensitive or confidential information, which it would be impractical to edit out.

## **2. Recordings**

2.1. Staff are expected to provide recorded content for all lectures (whether these are delivered in an asynchronous or synchronous format) unless there is a particular reason not to do so.

2.2. Recorded Lectures may be either:

2.2.1. Synchronous (online or face-to-face) Lectures, which should normally be recorded.

2.2.2. Asynchronous lecture recordings made in advance and shared

2.3. Students should always be notified of the recording of any online or face-to-face (synchronous) lectures and be made aware of how to not feature in any recording

2.4. City recognises and acknowledges that not all teaching styles are suitable for capture and while the default position is that all lecturers should be recorded, this policy does not restrict or prevent academics or other relevant teaching staff e.g. Tutors, Visiting Lecturers from choosing the most appropriate teaching style for their discipline.

2.5. Both Synchronous and Asynchronous lecture recordings should be uploaded to City's Virtual Learning Environment (VLE) 'Moodle'.

2.5.1. Synchronous lecture recordings should be uploaded as quickly as possible following the recording of the session taking place, although staff have the right to edit their recorded lectures before doing so

2.5.2. Asynchronous lecture recordings should be uploaded in order to provide students with sufficient time to review the materials, and the sequence and timing in which to engage with materials should be made clear within the VLE

2.6. Any decision to delay uploading material to Moodle needs to be considered alongside requirements set out within the Equality Act 2010.

2.7. Lecture recordings, transcripts of such recordings and any other teaching materials made available to students for educational purposes are only for the personal use of staff and students, and must not be disseminated, in whole or part, including via social media. Re-posting of content without permission by students or staff is treated seriously and potentially as a breach of the Student Discipline Regulations, Academic,

Integrity and Misconduct Policy or Disciplinary or Dismissal Procedures for staff. This includes transcripts of recorded material.

- 2.8. Lecture recordings and other materials provided by City's staff to students are for private study. Students are not permitted to share any recordings with anyone else nor to use recordings for private commercial use. Any downloaded recordings or other online materials should be deleted from devices once they have served their purpose. For students, this will be on completion of the relevant assignment, or on leaving the University, whichever is sooner.
- 2.9. Recording of educational activities, using mobile devices or other recording equipment by students without consent fails to deal with the rights and interests of those being recorded and is a potential breach of the Data Protection Act.
- 2.10. Students should not assume that they may use their personal devices to record lectures or other teaching sessions without consent from the person or people, including other classmates, they wish to record. Academics or other relevant teaching staff should ultimately decide whether their students should be permitted to record them. Where recordings involve other students, their permission must also be gained.
- 2.11. City retains the right to withdraw a recording at any time if concern is raised due to, for example, potential infringement of copyright, or data protection issues. If this happens the staff member who has produced the recording will immediately be informed in full of the particular concerns raised, and where this is an option, will be given the opportunity to edit the recording to remove the part(s) around which concerns were raised.
- 2.12. Lecture recording is not designed nor intended as a capability or performance tool and its use will not be the basis for instigating performance proceedings. Individual members of staff can choose to use lecture recordings to: reflect on their practice; to enhance teaching; and to provide evidence of what they do, but that would be an individual choice. They should not form part of any management selection process.
- 2.13. The use of lecture recordings will not be the basis for instigating disciplinary proceedings by City, University of London. However staff and students who are the subject of recordings reserve the right to request that recordings are used as evidence in formal disciplinary or grievance proceedings.

Such recordings will only be used as evidence where the assertion under the relevant process is a matter that constitutes serious misconduct that does not reflect the standards of behaviour that are expected by the University of either staff or students.

Recordings will not be used as evidence as part of a general complaint's procedure.

Such recordings could be used by individuals wishing to provide evidence supporting or rebutting a particular perspective or if the University wishes to progress matters as part of a formal process where there is sufficient evidence to suggest that misconduct has occurred.

Any use of recordings would be on the basis that the recording is used solely for the purposes of ensuring that natural justice is respected through the use of that recording and that all parties will comply with data protection considerations. Such issues will be managed in accordance with the relevant student and staff procedures applicable at the time.

Where a complaint is found to have been brought vexatiously, it is understood that that this may form the grounds for further action under the appropriate student or staff procedure against the student or staff member who made the claim.

### **3. Consent**

#### **3.1 Staff**

- 3.1.1 City's expectation is that all lectures will be recorded unless it is not possible to do so.
- 3.1.2 The expectations around recording small-group teaching, involving extensive student participation, may be different and will be determined by the staff leading these groups.
- 3.1.3 Staff may choose to opt out of synchronous Lecture Recordings and should do so in writing to their Head of Department.
- 3.1.4 Whilst staff do not need to give a reason for opting out, they are welcome to share specific concerns. This will not affect their right to refuse being recorded. The opt-out request will be recorded by the Head of Department and (if relevant) all scheduled recordings for the appropriate sessions will be stopped.
- 3.1.5 There is a statutory duty to make reasonable adjustments to eliminate disadvantage to disabled students under the Equality Act 2010. Where staff opt-out, the starting point would be to identify a reasonable alternative. In seeking to identify a reasonable alternative, staff should seek guidance from City's Student Counselling, Mental Health and Accessibility Service.

#### **3.2 Students**

- 3.2.1 Academic or other relevant teaching staff should remind students of their right to opt out at the beginning of a lecture class, for example, by displaying a slide at the beginning of the lecture.
- 3.2.2 Students that do not want to be recorded or have any contribution to a class recorded should refer to online classroom virtual guidance <https://sleguidance.atlassian.net/wiki/spaces/SETG/pages/2007891969/Recording+Virtual+Classrooms+-+Guidelines>. This might for example involve students being required to turn off their camera or microphone or to not post written comments.

- 3.1.1 There are many educational benefits to active learning and students should be encouraged to take part in interactive sessions as part of the student experience.

As set out in clause 1.7, in the case of small group work and/or other high-level participatory sessions, City recognises that there is a need to consider whether lecture recording is appropriate. This will include consideration of whether doing so would dissuade students from participating in the session and benefiting from the educational experience.

- 3.1.2 Students may not be permitted to request to opt-out of recordings where a recording is an explicit requirement of a University award (e.g. recording of assessed presentations).

### 3.2 Guest or External Speakers

- 3.2.1 Staff who wish to record guest or external speakers must ensure they have obtained agreement from the speaker(s) in advance. Speakers should be made aware that they will be recorded and should agree to the intended use(s) of the recording and should sign the appropriate consent form.

## 4. Data Management

- 4.1. All data will be managed in line with the University Data Protection Policy. The University Data Protection Policy allows the University as 'data controller' to process personal data in relation to employees, students, research subjects and other users, for education and student/staff support services where there is a legitimate need.
- 4.2. Lecture recordings and associated materials for educational purposes are not kept in perpetuity. The University's retention period for recorded lectures are defined by the following:
  - 4.2.1. Lecture Recordings are made available to the relevant cohort of students for the current year and next academic year and after any final assessments / exams / resits relating to the module(s) being studied. This is because many of City's programmes build year on year and it is therefore necessary for students to be able to revisit recordings from their previous year.
  - 4.2.2. Academics and other relevant teaching staff may however request that a Lecture Recording is no longer used for any purpose whatsoever by the University. This must be received in writing to their Head of Department, so that the request can be acted on. Should such a request be made, the recordings will be removed in their entirety following any final assessments / exams / resits relating to the module(s) being studied.
  - 4.2.3. When an academic or other relevant teaching colleague leaves the employment of City, they may request that their recordings are no longer used for any purpose whatsoever. This must be received in writing to their Head of Department, so that the request can be acted on. The recordings will be removed

in their entirety following any final assessments / exams / resits relating to the module(s) being studied.

## **5. Intellectual Property and other legal considerations**

**5.1. Intellectual Property** – As stated in City’s Intellectual Property Policy, City owns the intellectual property of the teaching and assessment materials created by staff.

Where City and employee have agreed that the employee retains some or all of the intellectual property rights to material used within a lecture recording, the employee agrees, to grant City a non-exclusive licence to use materials for the essential purpose in this policy.

**5.2. Performance Rights** - Staff retain ownership of their performance rights and grant to City a licence to use recordings for two years for the purpose of allowing the University to manage them (for example, to archive, move or delete files) without seeking further permission or permission being required and for the reasons referred to in clauses 4.2.1, 4.2.2 and 4.2.3.

**5.3. Moral Rights** – This policy does not affect the moral rights attributable to staff. For example, staff continue to have the right to be attributable to their work; not to have their work subjected to derogatory treatment.

**5.4. Copyright** - Staff should be familiar with their responsibilities under the University’s Copyright Policy and seek appropriate guidance and support to make informed decisions about copyright.

It is the responsibility of individual members of staff, students or others working on behalf of City to ensure any third party copyright material (which is defined as material authored by others is used legitimately in recorded lectures and their online materials. The individual must determine whether the intended use is either: lawful under statutory exception (for example fair dealing for purposes of quotation or illustration for instruction as per the Copyright, Design and Patents Act 1988), or permitted by licence. If neither of the above applies, the individual must obtain permission from the copyright holder. This permission should be retained by the individual who requested it until such time as use of the copyrighted material is no longer required. If the copyrighted material is transferred to an archive, the permission documentation must also be transferred. Information on managing copyright can be found in City’s [Copyright](#) Guide.

## **6. Breaches**

Any breach of this policy should be reported to the Director of Learning Education and Development (LEaD) or the Director of Human Resources for matters relating to staff.

<b>Policy Identification Number</b>	
<i>Policy ID to be inserted by SP&amp;PU</i>	
<b>Policy Title</b>	
Online Teaching Materials & Recordings Policy (Temporary 2020/2021)	
<b>Policy Enabling Owner and Department</b>	<b>Responsible for Implementation and Department</b>
LEaD	LEaD
<b>Approving Body</b>	<b>Date of Approval</b>
Executive Team	2 September 2020
<b>Last Reviewed</b>	<b>Review Due Date</b>
September	2020/2021
<b>Publication of Policy</b> ( <i>tick as appropriate</i> )	
For public access online (internet)? <input type="checkbox"/>	For staff access only (intranet)? <input checked="" type="checkbox"/>
<b>Queries about this policy should be referred to</b>	
Head of Employee Relations & Policy Development	