Lecture Capture and Recording Other Educational Activities Policy

Subject: Lecture Capture and recording other educational activities

Approving Authority: Academic Board

Responsible Officer: Vice President and Vice Principal (Education)

Responsible Office: Vice-Dean Education in each Faculty

Related Procedures: Procedures for Lecture Capture and recordings of other educational activities

Related University Policies: Code of Practice for Intellectual Property

Effective Date: August 2018

Supersedes: Lecture Capture Policy and Audio recordings for lectures and oral sessions, permissions for disabled students

I. PURPOSE

The purpose of this policy is to establish the university policy, governing principles and responsibilities for Lecture Capture and recording of other educational activities made by or on behalf of King's College London, as well as student-initiated recordings.

The university’s Education Strategy promotes flexible programme structures and recognises the use of video as a method of innovative learning which supports flexibility. Recording of educational activities, including photos and moving film images, made by or on behalf of the university, is particularly important in the context of our commitment to equality and diversity, as it meets our obligations to anticipate the need for reasonable adjustments by embedding inclusive practice into teaching.

Lecture capture is widely available at Higher Education Institutions across the UK, many of which have opted for campus-wide usage based on student feedback. The recording of group-based teaching and learning activities such as lectures has consistency shown in the literature that it can provide a useful resource for students, and can be used to:

- Provide a study aid for revision; used to review difficult sections, improve the quality of notes and allow for more independent study.

- Help accommodate different approaches to learning;

- Assist students who do not have English as their first language

- Assist students who have particular educational need; and

- In turn this improves satisfaction with their programme.

This policy and its accompanying procedures are technology neutral, applying to all potential devices and technology that may be used for recordings and disseminating recordings of educational activities. It is also location neutral and includes recordings taken on and off campus e.g. field trips. Where specific requirements exist, usually relating to university wide initiatives such as Lecture Capture, dedicated statements are included.
II. DEFINITIONS

**Educational activities:** Teaching, learning and assessment activities for the interest and consumption of King’s College London staff and students which may include, but are not limited to; lectures, laboratory demonstrations, presentations, seminars, tutorials, academic teaching and student assessments, whether conducted in person or on-line.

**Recordings:** The action or process of capturing sound and visual images (still and moving) of an activity or performance for subsequent reproduction or broadcast.

**Lecture:** A session timetabled as ‘lecture’ on the university timetabling system is scheduled time for instructors to deliver themes, concepts, or key topics to groups of students. Peer interaction, questions, paired discussions, or online polling tools may be integrated during lecture sessions.

**Lecture Capture:** The digital recording of lectures using Classroom Capture Software and Podium PC, commonly referred to as Echo 360 and subsequent publication of the teaching sessions via the Active Learning Platform.

**Disabled students:** A student with a disability, long-term medical or mental health condition, or specific learning difficulty.

**Consent:** The consent of the data subject means any freely given, specific, informed and unambiguous indication of his and her wishes by which the data subject, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed.

**Personal data:** Any information relating to an identified or identifiable natural person ("data subject"). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

**Sensitive personal data:** Personal data, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership; data concerning health or sex life and sexual orientation; genetic data or biometric data.

**Data processing:** Any operation or set of operations performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**Data controller:** The natural or legal person, public authority, agency or any other body which alone, or jointly with others, determines the purposes and means of the processing of personal data.
III. POLICY

A. General Principles

1. Recording of educational activities should supplement the student experience and is not intended to replace student contact hours unless recordings are an integral part of the curriculum design.
2. Lecture Captures and any other recordings will not be used for staff performance management purposes and will not be the basis for instigating performance or disciplinary proceedings.
3. Not all teaching environments or approaches are suitable for recording.
4. A requirement for staff to change their preferred teaching style for the purpose of recording might be detrimental to the student experience and is not encouraged.
5. Ethical issues, copyright or the use of sensitive material, might render the recording of some lectures as being inappropriate.
6. Recordings of assessment may be required for internal and external verification purposes to maintain rigour in assessment.
7. A disabled student’s request for a session to be recorded is normally seen as a reasonable adjustment. Recognising there may be instances where recording is not appropriate, it is recommended that a reasonable alternative of sharing supplementary information be sought.
8. This policy will be implemented in compliance with the Equality Act 2010, Data Protection Legislation, including the General Data Protection Regulations (GDPR), the Copyright, Designs and Patents Act 1988 (CDPA) and any additional or successor legislation or regulation.

B. Consent to be recorded and to use recordings

Consent not required

1. Recording of educational activities, including classroom Lecture Capture is deemed to be in the legitimate interests of the educational objectives of King’s College London and to be a reasonable expectation of students and staff, meeting the conditions under Article 6, recital 47 of the General Data Protection Regulation (GDPR). Thus, personal data in these instances can be processed without obtaining prior consent.

2. Individuals may opt out of the recording, on grounds relating to their particular situation or concerns about detriment to the university’s educational objectives.

3. Individuals must be informed of their right to opt out of being recorded at the first viable point of communication. It must be explicitly brought to the attention of individuals and must be presented clearly and separately from any other information, along with details of the opt-out process.

4. Subject to the opt-out, as part of the Lecture Capture initiative, all sessions centrally timetabled as a ‘Lecture’ activity, in teaching rooms with facilities will be recorded.

5. It must be made clear to students and staff, in advance where possible, when a recording is taking place. At any time, students and staff have the right to know which sessions were
captured and who will have access to the recording.

6. The university as the data controller has the responsibility to approve and process opt-outs unless the university can demonstrate a compelling legitimate ground for processing the personal data, which overrides the interests, rights and freedoms of the individuals being recorded.

7. In the case of an opt-out to Lecture Capture or objection to another type of recording, if the university has an overriding legal obligation to provide the information in an accessible format, an alternative provision must be made.

Consent required

8. Explicit opt-in consent must be obtained for recordings of sensitive personal data of the staff or students being recorded.

9. Explicit opt-in consent through the appropriate consent form must be obtained for recordings of non-King’s employees (such as guest speakers).

10. Explicit opt-in consent through the appropriate consent form must be obtained where recordings are made of educational activities not directly linked to the curriculum, or those designed for public consumption. This applies for all identifiable individuals who will appear in the recording, whether they are the main focus of the recording or identifiable in the background.

11. Student's wanting to directly record other students for educational purposes (e.g. in informal or formal teaching environments or when practicing an oral presentation) must gain permission from the individual being recorded.

C. Recording content and rights

12. For any form of interactive teaching involving substantive student participation or for sessions with members of the public present (such as seminars, tutorials, special events), recording is not permitted without obtaining opt in consent at the beginning of such activities of the lecturer and all participants.

13. With prior permission of the lecturer, students are permitted to make audio recordings (not video) of lectures on personal devices for their own personal use.

14. Where practicable all recordings made by College staff or on behalf of the College staff should be made on College owned devices to support fair and lawful processing of personal data.
D. Recording storage, access, and dissemination

15. All educational recordings must be stored, accessed, disseminated and processed in accordance with the university’s Information Technology Regulations.

16. Recordings will only be made available to the individuals for whom the original recording was intended, unless explicit consent for further dissemination has been obtained from person(s) recorded.

17. Recordings made by students, made for disabled students and made on behalf of those with other personal needs are intended for the recorder’s or intended recipient’s personal use and must not be re-distributed, shared or re-used by any means.

18. Except where authorised by the University, including seeking appropriate consent, recordings of educational activities are not for public consumption by any means.

19. Lecture capture recordings linked to modules will be made available on the Virtual Learning Environment (KEATS) to authorised faculty staff and students.

20. Lecture Capture recordings will be made available within 12 hours unless a delay is requested at the time of scheduling.

21. The university reserves the right to retain a recording from individuals or to remove a recording if already disseminated.

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

23. Recordings for assessment purposes should be used for grading and administration purposes within King’s College London only and should not be shared except, as per the Student Data Collection Notice, they are shared with other educational institutions for the purpose of verifying College awards.

E. Editing recordings and destruction

24. If staff or students wish to have a recording edited, they must request a change from the person responsible for the activity being recorded. This request must specify which material they wish to have changed. In case of disagreement, the matter shall be resolved by the relevant Vice Dean of Education.

25. Recordings of educational activities made by or on behalf of the university should be permanently erased once they have served their purpose.
26. Lecture capture recordings will normally be kept by the university for up to 4 years from the date of recordings. Recordings can be retained for a longer time where a need exists.

27. Students must permanently delete all personal copies of recordings as soon as they have served their purpose or as soon as they cease to be a student, whichever comes soonest.

28. Recordings of summative assessment for the purpose of internal or external verification should be kept for the length of the programme + 1 year with reference to the College’s Retention Schedule.

29. An individual has the right to request the deletion or removal of personal data including participation in recordings of educational activities where they withdraw consent or where there is no overriding legitimate interest for continuation of processing.

F. Performer Rights

- Where relevant, it is assumed individuals assign their performer rights to King’s College London for Lecture Capture recordings and recordings of educational activities for the originally intended purpose.

G. Intellectual Property

- The university owns the intellectual property in all the teaching materials that staff generate or create whilst working for or at the College. This includes the content and recordings of educational activities as covered by the Code of Practice for Intellectual Property, Commercial Exploitation and Financial Benefits.

- Permission to record personal audio copies does not give recorders any intellectual property in, or entitlement to use, the content other than for their own personal study. Content includes information imparted by the lecturer or session lead, as well as the views and arguments of fellow students.

H. Moral Rights:

- As per the Code of Practice for Intellectual Property, Commercial Exploitation and Financial Benefits document, any ‘Covered IP’, including moral rights, created by any Personnel during the course of their duties of employment at the College; will be owned by the College.

I. Copyright

- A recording is a copyright work in its own right. Unless separate contract terms apply, the university owns the copyright in recordings made by its employees during their employment (or duties assigned to them).
• 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 that allow their inclusion for the specific purpose of illustration for instruction (s.32 CDPA), for criticism or review, or quotation (s.30 CDPA), caricature, parody or pastiche (s.30A CDPA), or in order to make an accessible copy (s.31A-F CDPA).

• 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.

J. Data management

• The university's 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.

• Where recordings are held in online environments, it should be noted that a user’s access to and use of online services can be monitored and is an example of the type of personal data held by the university, as stated in the Student Data Collection Notice.

• With regard to recordings of educational activities, individuals have the right to obtain confirmation that their data is being processed and to get access to their data. Individuals are also entitled to have personal data rectified if it is inaccurate or incomplete.

IV. REVIEW AND UPDATE

1. The policy will be reviewed no less frequently than 3 years by the Centre for Technology Enhanced Learning.

2. The procedures and associated responsibilities will be reviewed every 1 year.