

## DIGITAL EDUCATION RECORDING POLICY

### ESSENTIAL PURPOSE

The essential purpose of this policy is to allow recordings of lecture material to be made available to students to support their learning. In this way, students undertaking a module on a taught Degree Course or other College Programme will be able to review, reflect on and revise the material covered. Recordings also allow students to access the material of lectures given as part of that Course irrespective of the time zone where they are living. The policy also covers use of recordings as reasonable adjustment for students with a declared disability, and provides for the recording of some other teaching activities and assessments in limited circumstances.

### DEFINITIONS

**Lecturer** refers to the member of the academic job family (e.g. lecturer, senior lecturer, reader, professor or in the Business School assistant professor, associate professor, professor), learning or teaching job family (e.g. assistant teaching fellow, teaching fellow, senior teaching fellow, principal teaching fellow, professor of education), or any other individual delivering the Educational Activity who is engaged by the College. This includes visiting lecturers and external speakers who take part in Modules (but not external academic seminar speakers).

**Participant** refers to someone who features in a recording of an Educational Activity including the Lecturer, students and any other contributor to a discussion within the Educational Activity.

**Educational Activity** refers to any taught educational provision, including

**Lectures** – oral delivery of information, background, theories, equations, critical analysis of this material and its application to problems. This is typically supported by written or projected text and diagrams (handwritten or previously assembled), videos and demonstrations. Lectures may be given live or pre-recorded (including material for blended or alternative delivery methods e.g. flipped learning).

**Other Teaching – seminars, study groups, tutorials and lab classes** – more active styles of learning involving discussion, peer-to-peer assistance, problem solving, interactive questioning or learning by investigation. This includes discussions as part of blended or alternative delivery methods (e.g. flipped learning).

**Assessments** – written, oral or practical opportunities for students to demonstrate knowledge and understanding, and hence meet the learning outcomes of a Module. They may be formative (for feedback on progress) or summative (giving a mark).

**Module** refers to a component of a taught degree course or other College programme. The Module descriptor defines the module content, learning and teaching approach used, the assessment strategy, and the learning outcomes of the module.

**Guest Lecturer** refers to a visiting lecturer who is not employed by the College and includes keynote speakers.

### 1. GENERAL PRINCIPLES

- 1.1 The policy applies to the making and use of recordings of lectures, other teaching and assessment for the teaching of registered students of the College.
- 1.2 In the policy, references to teaching, learning and assessment materials include both traditional and digital materials.
- 1.3 The policy and its procedures are technology neutral, applying to recordings of teaching/learning/assessment materials irrespective of device or technology used for the recording and dissemination of those materials.
- 1.4 The policy establishes a default position for the recording of different Educational Activities (see 2.1 and 3.1). The policy also sets out mechanisms by which staff and students can seek to reach a collective decision about changing the default position of what is recorded for a particular Module (see 2.2, 3.2 and 4.1). This decision should be guided by the need for students to have access to recordings to meet the learning outcomes of the module.

- 1.5 Lecturers and students who feature or participate in a recording may own rights in their materials or performances, including spoken words, that feature in the recording. Ownership of rights in the recording itself will vary according to the circumstances (please refer to the [Table of Rights](#) for more detail). Where the College owns any rights in a recording, this will not extend to the underlying materials, with Lecturers and students retaining performers' rights, copyright and related rights in their respective contributions. In a collaborative spirit, the owners of rights in the teaching materials featured in a recording irrevocably license the College to use such rights to enable the recordings to be used for the defined purposes outlined in this policy (see 2.3, 3.4 and 4.3).
- 1.6 Where permitted, access to recordings is best provided via the College's Virtual Learning Environment (VLE), currently Blackboard, or by other College-authorized restricted-access platforms or VLEs as these platforms are available on-line to all students and use of recordings in this context is more likely to meet the fair usage requirements for third-party copyright. If a Lecturer wishes to host material on open platforms, for example YouTube and GitHub, they must ensure that the location of this material is well sign-posted, available on-line to all students and meets the requirements set out in 1.10 and 1.11.
- 1.7 Recordings of Educational Activities, especially involving any form of interactive teaching with student participation or any form of assessment, may not be used for any other purpose other than the defined purposes in this policy without further agreement from all Participants/rights holders in the recording.
- 1.8 Departments may agree in advance with a team of Lecturers to specifically commission teaching materials which are intended to be used for several years on a variety of modules. Such modules and courses may be for use within the College, or in collaboration with a commercial partner. With such specifically commissioned modules and courses, copyright, performers' rights and reuse of modules will be determined by the College's [Intellectual Property Policy](#) and any agreement between the Department, the lecturer and any commercial online platform provider, but the principles of access to such materials by students contained in this policy are expected to apply.
- 1.9 The [Staff Privacy Notice](#), [Student Privacy Notice](#) and [Recording Guidelines](#) detail how the College will use and share data and/or metadata in relation to the recordings. The data recorded is used to identify a student's level of access to specific recordings and associated materials (for example, presentations, Q&A transcripts, quizzes, notes) held within the system, report on a student's usage of the system, provide students with support and maintain the College's IT system.
- 1.10 With regard to personal data processed in the making and sharing of recordings with students, and with reference to Article 6 of the UK GDPR, the College deems the recording of Lectures, and where considered necessary, Other Teaching and assessments to form part of the College's public interest tasks and legitimate interests in furthering the educational objectives of the institution, and therefore does not necessarily require consent from all Participants before proceeding. If both of the following conditions are met, then a Participant's consent for data protection reasons is not required: a) the Participant has been notified in advance that the session will be recorded; and b) the Participant has been notified that they have the right to object to being recorded, and informed of what action, if any, they may take to avoid being recorded. The use of sensitive personal data, as defined in current legislation<sup>1</sup>, for example as part of Medical Courses, should be compliant with applicable data protection legislation. Guidance can be found [here](#).

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<sup>1</sup> Specifically article 9 Paragraph 1 of the General Data Protection Regulation (GDPR): "...personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation..."

- 1.11 Staff and students should ensure that recordings do not:
  - a) infringe the intellectual property rights, including copyright, of any third party;
  - b) contain any restricted information in actionable breach of confidence or in breach of data protection law;
  - c) constitute a breach of any publishing or collaboration or other agreement that governs research or work at the College or elsewhere.
- 1.12 Students are permitted to use recordings only for their own private study and non-commercial research. Students may be required to agree to a usage policy at the point of access of recordings. Students in breach of the usage policy may be subject to disciplinary proceedings.
- 1.13 Recordings cannot be used in disciplinary procedures apart for the exceptions set out in 1.14 and 1.15 below.
- 1.14 A student disciplinary panel (and the investigation preceding it) shall have access to a specific recording where there is an alleged *major offence* by students as defined under the Student Disciplinary Procedure.
- 1.15 A College staff disciplinary panel (and the investigation preceding it) shall have access to a specific recording where there is alleged *gross misconduct* by staff as defined under the Staff Disciplinary Policy.
- 1.16 Recordings will not be used to cover College staff exercising their legal right to take industrial action.
- 1.17 Recordings will not be used for staff performance management. However, individual members of staff may use the recordings of their teaching for self-reflection and enhancement of their own teaching.
- 1.18 Recordings are not intended to be used for continuing professional development or career progression.
- 1.19 Where lectures are recorded, disabled students will have access to these recordings as part of a reasonable adjustment under their Student Support Document (SSD). On occasions when it has been agreed that recording of their lectures should not take place, the Lecturer should permit individual disabled students to have access to additional material as recommended as a reasonable adjustment in their SSD.
- 1.20 Recordings may be used for College research to improve student access to Educational Activities (for example, in improving captioning and transcription techniques).
- 1.21 This policy is supplemental to the College's Intellectual Property Policy available [here](#). To the extent that there is any inconsistency between this policy, the [College IP Policy](#) and the [College Recording Guidelines](#), the Digital Education Recording Policy shall prevail.

## **2. Recording of Lectures**

- 2.1 The recording of Lectures enables students to revisit sessions and is considered by Imperial College and Imperial College Union (ICU) as an important element of learning resources. The Digital Education Recording Policy consultation indicated that students value recordings to revisit difficult or complex concepts, to improve their lecture notes and for revision. The general principle of this policy is that all Lectures will be recorded.
- 2.2 A Lecturer who considers that recording a Lecture is not in the best interests of the students should consult with student representatives and bring the matter to the Departmental Staff/Student Committee or equivalent to come to a consensual decision whether the material is to be recorded. This decision should be guided by the need to meet the learning outcomes of the Module. The relevant parties should use reasonable endeavours to make a prompt but informed decision. During the period that the recording of a Lecture is under discussion, the default position is that the Lecture or type of Lecture should continue to be recorded and made available to students. If it is decided that the material should not be recorded, this may be implemented for the current year and the decision should be noted in the course handbook as being a change from the default at the first available opportunity. If an agreement cannot be reached, the Head of Department's decision is final.

- 2.3 Where recordings of Lectures are made, Participants (Lecturer and students) grant to the College all necessary consents in respect of their performers' rights and moral rights and, in respect of underlying copyright works owned by them that feature in a recording, a non-exclusive, worldwide and irrevocable licence to use such works as part of that recording for the purposes set out in this policy. The Lecturer also grants the College a non-exclusive, worldwide and irrevocable licence to use any rights that he or she may own in the recording itself for the purposes set out in this policy.
- 2.4 The Lecturer, College, and (where relevant) the module should be identified in any recording of a Lecture before it is shared or made available.

### **3. Recording of Other Teaching**

- 3.1 More active styles of learning involving discussion, peer-peer assistance, problem solving, interactive questioning or learning by investigation are provided by seminars, discussions as part of alternative delivery methods, study groups, tutorials and lab classes. Language classes also come into this category. The Digital Education Recording Policy consultation indicated that students and many staff were concerned that recording of highly interactive teaching, particularly when in smaller groups, might inhibit students from contributing, reducing the educational value of such sessions. The general principle of this policy is that Other Teaching will not be recorded.
- 3.2 If the Lecturer or a student considers that recording of Other Teaching is, in fact, in the best interests of the students, the Lecturer and student cohort undertaking the Module should firstly discuss this. If an agreement is reached, this can be implemented immediately and noted at the next Departmental Staff/Student Committee or equivalent. If an agreement is not reached, the Lecturer should consult with student representatives and bring the matter to the Departmental Staff/Student Committee or equivalent to come to a consensual decision whether the material is to be recorded. This decision should be guided by the need to meet the learning outcomes of the Module. If it is decided that the material should be recorded, this may be implemented for the current year and the decision should be noted in the course handbook as being a change from the default at the first available opportunity. The relevant parties should use reasonable endeavours to make a prompt but informed decision. During such period that the recording of the specified Other Teaching is under discussion, the default position is that the specified Other Teaching should not be recorded. If an agreement cannot be reached, the Head of Department's decision is final.
- 3.3 If a teaching session contains a blend of both Lecture and Other Teaching, the principles of Section 2 and Section 3 will apply to the relevant parts.
- 3.4 Where recordings of Other Teaching are made, Participants (Lecturer and students) grant to the College all necessary consents in respect of their performers' rights and moral rights and, in respect of underlying copyright works owned by them that feature in a recording, a non-exclusive, worldwide, irrevocable licence to use such works as part of that recording for the purposes of this policy. The Lecturer also grants the College a non-exclusive, worldwide and irrevocable licence to use any rights that he or she may own in the recording itself for the purposes set out in this policy.

### **4. Recordings made for assessment**

- 4.1 The general principle of this policy is that recordings of Assessments should not be made. Recordings of Assessments may be made where they are required to meet the learning outcomes. Examples of such Assessments could include: group presentations, design pitches etc. A Lecturer who considers that a change of default position regarding recording of an Assessment is in the best interests of the students should consult with student representatives and bring the matter to the Departmental Staff/Student Committee or equivalent to come to a decision. The relevant parties should use reasonable endeavours to make a prompt but informed decision. During such period that the recording of the specified Assessment is under discussion, the default position is that the specified Assessment should be recorded. If an agreement cannot be reached, the Head of Department's

decision is final. If it is decided that the material should be recorded, this may be implemented for the current year and the decision should be noted in the course handbook as being a change from the default at the first available opportunity.

- 4.2 It may be necessary for recordings to be made for the security of remote assessments. The College's Digital Assessment Working Group, consisting of staff and student representatives, will advise the Senate on whether recordings are necessary for this purpose. If the Senate should decide that recordings are necessary for the security of Assessments, this decision will override 4.1.
- 4.3 Where recordings of Assessments are made, Participants (Lecturer and students) grant to the College all necessary consents in respect of their performers' rights and moral rights and, in respect of any underlying copyright works owned by them that feature in a recording, a non-exclusive, worldwide, irrevocable and perpetual licence to use such works as part of that recording for the purposes of this policy. The Participant (Lecturer or student) also grants the College a non-exclusive, worldwide and irrevocable licence to use any rights that he or she may own in the recording itself for the purposes set out in this policy.

## **5. Use of recordings**

- 5.1 The College will provide guidance to students on how to benefit from recorded Educational Activities and [how to use recordings](#) of Educational Activities appropriately.
- 5.2 A Lecturer will use their academic judgement to decide on the content of an Educational Activity including whether material is given afresh each year or reuses pre-recorded content.
- 5.3 Recordings of Lectures associated with a specific Module are made available for use by the cohort of students for which the recordings are prepared. Use in other Modules or otherwise is at the discretion of the Lecturer who prepared the material. Individual Departments may set limits on the reuse of material within the Modules for which they hold responsibility.
- 5.4 Recordings of Other Teaching associated with a specific Module are made available for use by the cohort of students for which the recordings are prepared. Use in other Modules or otherwise is at the discretion of the Lecturer who prepared the material and, if applicable, other Participants in the recording. Individual Departments may set limits on the reuse of material within the Modules for which they hold responsibility.
- 5.5 Students do not have the right to access recordings for Modules on which they are not registered, but may be allowed access by Departments if the lecturer grants permission, for example to view recordings of optional advanced Modules.
- 5.6 Excluding specifically commissioned Modules (as described in 1.8 above), other uses of recordings of Educational Activities made under this policy, for example, use in external facing outreach activities of the College, may require additional permissions from rights holders in the recordings. These permissions should ensure compliance with copyright law regarding use of third-party materials, if any, as well as the GDPR.
- 5.7 Recordings of Educational Activities made according to this policy in a particular year will be provided to the students registered on the relevant Module in the academic year when the recording was provided until they finish their course or otherwise leave the College, whichever is sooner.
- 5.8 If a Lecturer wishes to use or make available a recording of a Lecture made under this policy in circumstances in which the Lecturer may derive a commercial benefit, the Lecturer must first obtain the College's permission in writing. This paragraph is without prejudice to the Lecturer's right to share component parts of Lectures as anticipated under paragraph 1.6 and to otherwise deal freely with any underlying rights in the recording that they own, subject to the other provisions of this policy.

## **6. Accessibility**

- 6.1 Recordings must not breach equality legislation and must comply with the [College's Freedom of Speech Policy](#) in line with UK law.
- 6.2 [The Equality Act 2010](#) places an anticipatory responsibility on the College in making reasonable adjustments to its services. Recordings of Educational Activities in themselves represent provision of teaching resources in an alternative format.

- 6.3 Departments will provide clear, accessible guidance for students on how to access recordings made by an automated system or assembled by the Lecturer in advance of delivery.
- 6.4 Practical guidance on production of video captioning can be found [here](#).
- 6.5 The College will provide clear, accessible training and guidance as required for staff on how to make and distribute recordings. Further information can be found on the College website on [Accessibility standards](#) and guidance for [making accessible videos](#). If required, College will provide additional support such as making reasonable adjustments for staff.

## **7. Third party copyright**

- 7.1 Publishers of journals, books, images, graphics and some web-based materials often hold copyright in that material. Any Participant presenting such material in a recording should ensure that they do not infringe third party rights, including copyright.
- 7.2 The College will provide sources of advice to Lecturers with queries over potential copyright infringement. Use of third-party materials within a recording of an Educational Activity may fall within one of the "fair dealing" or other exceptions to copyright infringement. The use of third party materials is covered in the Library Services [Copyright Guidance Webpages](#).
- 7.3 Lecturers should provide visible citations on slides and for recordings used within recorded teaching and learning materials. Citations should refer to the author of the work.
- 7.4 If a Lecturer is contacted by a third-party claiming that their copyright (or any other right) is infringed by the recording of the Lecturer's Educational Activity, the Lecturer should contact the College Legal Services department immediately for guidance on next steps.

## **8. Keynote Speakers and Guest Speakers**

- 8.1 If a keynote or guest speaker (but **not** an external academic seminar speaker) delivers a lecture as part of a College event that is not part of a taught course (**Event Lecture**) it is expected that the Event Lecture will be recorded for posterity and archiving purposes as well as to inform the public, whether as current news or for historical interest. The College may not commercialise any such recording unless the parties agree otherwise.
- 8.2 The keynote or guest speaker retains all rights owned by them in materials used in the Event Lecture and grants the College permission (not to be revoked) under such rights to the extent needed for the College to archive the recording for posterity and share the recording with the public as part of a news item or for historical interest, and provides all necessary consents in respect of his or her performers' rights in relation to the College's use of the recording in this way. This should be explained in the letter of invitation.