

Policy cover sheet

Policy name	Policy on Recordings of Teaching Materials/Lectures, and other Teaching, Learning and Assessment Activities
Purpose	To outline the usage and management of recordings or other digital material for the purposes of teaching and learning
Owner	University
Contact	Melissa Rielly; melissa.rielly@admin.cam.ac.uk or educationalpolicy@admin.cam.ac.uk
Approved by	General Board's Education Committee
Approval date	2 October 2020 (v.1) 30 June 2021 (v.1.2)
With effect from	5 October 2020
Next review due	June 2024
Version	<p>1.2, approved 30 June 2021</p> <p><u>Changes from the previous version</u></p> <ul style="list-style-type: none"> • Clause 1.6 has been amended to clarify that performers' rights are held with respect to the performances, and that "defined purposes" are those as set out in the Policy. • Clauses 2.1, 2.3, 3.1, and 4.2 have been strengthened so as to remove doubt that when consent is given to a recording, this includes consent for making a recording of the performance, for the purposes as outlined in the Policy. • Clause 2.6 has been amended so as to clarify that additional consent may be required, as well as permissions. • References to Statutes and Ordinances have been updated to the 2020 edition • An appendix has been added to present alongside the Policy a series of clarifying statements made by the Education Committee about teaching in 2021-22 during anticipated continued restrictions.

Policy on the Recording of Teaching Materials/Lectures and Other Teaching, Learning, and Assessment Activities

v.1.1.2, approved 30 June 2021

The purpose of this document is to establish the policy for the recording of teaching, learning and assessment activities at the University, which takes effect from 5 October 2020 and supersedes the University's [Lecture Capture Policy](#) and [Use of recordings for remote teaching and learning Policy](#). Recordings made prior to this date will fall under the two policies noted above.

The Policy on the Recording of Teaching Materials/Lectures and Other Teaching, Learning, and Assessment Activities (this "Policy") deals with materials prepared for and used in the teaching, learning and assessment of the University's students, including:

- Recordings of lectures/teaching material prepared by University staff members; this includes pre-recorded lectures and teaching content
- Recordings of teaching/learning sessions (supervisions, small-group teaching, seminars, classes and practicals, or any other form of interactive teaching)
- Recordings of student submissions for formative or summative assessment.

Appended to this Policy are statements made by the General Board's Education Committee with regard to the 2021-22 academic year.

1. General principles

- 1.1 The Policy applies to University staff members (including College Teaching Officers and College Research Fellows) and to registered students of the University, in accordance with the University's Intellectual Property Rights Policy in [Statutes and Ordinances 2020, Chapter XIII, Section 3, p.1069](#) (IP Policy), as amended and republished from time to time.
- 1.2 The Policy applies to the use of teaching/learning/assessment materials for the teaching of registered students of the University.
- 1.3 References to "teaching materials", "learning materials" and "assessment materials" include both traditional and digital materials, and may include by way of example, digital quizzes, electronic documents and recordings prepared by University staff members and students.
- 1.4 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.
- 1.5 The Policy and its procedures do not place any geographical or temporal limitations on the preparation of teaching and other materials.
- 1.6 By law and under the terms of the IP Policy, staff members and students who make and/or feature or participate in a recording governed by this Policy may each hold some intellectual property rights in the recording. The University may be deemed, at least in part, the producer and director of some recordings, with staff members and students holding performers' rights to their performances and copyright and related rights in their respective contributions. In a collaborative spirit, these rights are retained by the respective rights holders who license the University to use the recordings for the defined purposes set out in this Policy. Specific procedures regarding consents are set out in this Policy in the sections for each activity.

- 1.7 Where permitted, access to recordings is provided via the University's Virtual Learning Environment (VLE), currently Moodle, or by other University-authorized restricted-access platforms or VLEs.
- 1.8 Recordings of teaching 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.
- 1.9 In compliance with the General Data Protection Regulation (GDPR), personal data processed in the exercise of the educational objectives of the University under this Policy are managed in line with the University's data protection policies and procedures, available at: <https://www.information-compliance.admin.cam.ac.uk/data-protection>. Recordings of activities governed by this Policy are retained, stored and destroyed in line with the University's [Statement of Records Management Practice and Master Records Retention Schedule](#), and in the case of summative assessments, by Faculty Boards' retention policies following the [General Board's Guidance on examinations data and scripts](#). Specific procedures regarding consents are set out in this Policy in the sections for each activity.
- 1.10 Staff members 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 publishing or collaboration or other agreement that governs research or work at the University or elsewhere.¹
- 1.11 This Policy does not affect the rights of disabled students to record as a reasonable adjustment under their Student Support Document (SSD), provided that they comply with the rules and restrictions set down by the University and issued by the Disability Resource Centre (DRC).² Staff members who have chosen not to consent to the recording of their lecture(s)/teaching materials should still permit individual disabled students to make recordings if this is recommended in their SSD.
- 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 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.
- 1.14 Recordings are not intended to be used for continuing professional development or career progression.

¹ Further information and support on these issues may be accessed:

- Copyright information via the Legal Services Division:
<https://www.legal.admin.cam.ac.uk/copyright-compliance>
- Data Protection information via the Information Compliance Office:
<https://www.information-compliance.admin.cam.ac.uk/data-protection>

² <https://www.disability.admin.cam.ac.uk/students/current-students/advice-and-guidance/recording-lectures>

1.15 Recordings may be used for University research to improve student access to lectures and other teaching material (for example, in improving captioning and transcription techniques).

2. Recordings of lectures/teaching materials

2.1 The University's IP Policy states that copyright arising from activities undertaken by a University staff member in the course of their employment belongs to the staff member and is applicable to copyright and moral rights in literary, artistic, dramatic and musical works, and performers' rights. (Regulation 7). For clarity, when consent is given to a recording this extends to the making of the recording and the performance thereof, for the specific uses as set out in this Policy.

2.2 Under the IP Policy, in relation to teaching materials prepared by a University staff member for use in the teaching primarily of the University's students, unless the Faculty Board or other body responsible for teaching has agreed explicitly to the contrary, the University has a non-exclusive, royalty-free, perpetual licence to use the material for teaching in the University (Regulation 30).

2.3 External guest lecturers (or their employer where appropriate) are required to agree to the terms of the University Guest Lecturer Consent Form for the consent and making and use of their recordings for the specific uses set out in this Policy, including before recordings may be made, wherein they agree to grant the University a non-exclusive licence to use their teaching materials/recordings for the primary purpose set out in 2.5 below. A template for this purpose will be provided by the University.

2.4 With regard to personal data processed in the making of recordings, and with reference to Article 6 of the GDPR, the University deems the recording of lectures/teaching materials to form part of the University'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 all of the following conditions are met, then a participant's consent is not required:

- (a) the participant's contributions are optional, not expected, or otherwise not required in order to meet the learning objectives of the session
- (b) the participant has been notified in advance that the session will be recorded
- (c) 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

Consent to process any personal data in a recording must be obtained from any participant where not all of the above conditions are met. This consent may be obtained verbally or in writing. It is the lecturer/session leader's responsibility to maintain a record of this consent (including a note of consents given verbally).

2.5 In the first instance, recordings of lectures/teaching materials associated with specific modules or courses of study are made available for use by the cohort of students, or individuals within the cohort, for which the recordings are prepared. Use in other modules/course sections or otherwise is at the discretion of the staff member who prepared the material, and other participants in the recording, if applicable. Individual Faculty Boards may set limits on the reuse of material within the courses for which they hold responsibility.

2.6 Excluding Commissioned Teaching/Learning Works (defined in 2.7 below), other uses of recordings of lectures/teaching materials that may be agreed, for example, for use in external facing outreach activities of the University, may require additional consent and permission from rights holders in the recordings and/or in underlying materials to ensure

compliance with copyright law regarding use of third party materials included in the recordings, if any, as well as the GDPR.

- 2.7 “Commissioned Teaching/Learning Works” are works that the University has specifically requested the University staff member concerned to produce, and which do not fall within the staff member’s agreed employment terms, whether in return for special payment or not, and whether or not the Commissioned Teaching/Learning Works consist of and/or include teaching material/underlying works owned by the contributing staff member. Terms regarding contributions to Commissioned Teaching/Learning Works may be agreed on a separate case-by-case basis between the University and the staff member concerned, for example, to match the University’s legal commitments in agreements with third parties for the teaching of non-registered students.

3. Recordings of teaching sessions (supervisions, small-group teaching, seminars, classes and practicals)

- 3.1 For the purposes of this policy, University staff members and students grant to the University a non-exclusive licence to make their recorded content and performance in a teaching session available to the University staff member in charge of the session and other students registered on the relevant module, session or course of study or supervision group as appropriate, unless the Faculty Board or other body responsible for teaching has agreed explicitly to the contrary. For clarity, when consent is given to a recording this extends to the making of the recording and the performance thereof, for the specific uses as set out in this Policy.
- 3.2 With regard to personal data processed in the making of recordings, and with reference to Article 6 of the GDPR, for any form of interactive teaching involving the expectation of, or requirement for, student contribution, consent to the recording of such activities by all participants is required. This consent may be obtained verbally or in writing. It is the responsibility of the lecturer or session leader to maintain a record of this consent (including a note of consents given verbally). Where the session is deemed not to require participation, clause 2.4 of this Policy will apply.
- 3.3 Recordings of teaching sessions (supervisions, small-group teaching, seminars, classes and practicals) associated with specific modules or courses of study are made available for use by the cohort of students, or individuals within the cohort as appropriate, for the purpose for which the recordings are prepared.
- 3.4 Recordings of teaching sessions, including excerpts, are not for wider release, including use by the general public.

4. Recordings made of or for assessment

- 4.1 Recordings for assessment may be made by staff and/or students as determined by their respective Faculty or Department.
- 4.2 For the purposes of this policy, University staff members and students grant to the University a non-exclusive licence to make their recorded content and performance in a summative assessment available to the University staff member and examiners as determined by their respective Faculty Board or Degree Committee. For clarity, when consent is given to a recording this extends to the making of the recording and the performance thereof, for the specific uses as set out in this Policy.
- 4.3 With regard to personal data processed in the making of recordings, and with reference to Article 6 of the GDPR, the University deems the recording of assessments, where considered

necessary, to form part of the University'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 is not required:

- (a) the participant has been notified in advance that the examination or submission will be recorded
- (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

Consent to process any personal data in a recording must be obtained from any participant where both of the above conditions are not met. This consent may be obtained verbally or in writing. It is the examiner's or student's responsibility to maintain a record of this consent (including a note of consents given verbally), depending on who is making the recording. Recordings for assessment must only be accessible for the explicit purpose they were originally produced.

5. APPENDIX: Statements by the General Board's Education Committee

The following statements were approved by the General Board's Education Committee at its meeting of 30 June 2021, and apply only to the 2021-22 academic year.

Clarifying statement on recording lectures

Teaching in the 2021-22 academic year will be delivered by a blend of in-person and online teaching. The balance of the blend will depend on the stringency of social distancing and other regulations in force at the time. Lectures, defined as large-scale, non-participatory sessions, will all normally be delivered online. Where possible, teaching by seminars, practicals, supervisions or other interactive formats will be delivered in person, and it may even be possible for lectures to smaller groups to be given on this basis. While we wish to encourage in-person teaching wherever possible, no member of staff will be compelled to participate in such teaching if they have concerns about their health or wellbeing. If large-scale lecturing in person becomes permissible, the university will reintroduce it as soon as possible.

Whether delivered in-person or online, for this academic year only it is expected that all lectures will be recorded. Exceptions will be permitted where the content of the session would risk the safety or security of students or staff.

Lectures are only one part of the rich education that Cambridge offers, and at this time there is no requirement to record other types of sessions; however, lecturers should be mindful that any students unable to attend in-person sessions are provided with appropriate alternatives to engage with the intended learning outcomes. Guidance on the conversion of face-to-face teaching to online formats is available from the [Cambridge Centre for Teaching and Learning](#).

Clarifying statement on access to recordings

In support of the expectations to record lectures in 2021-22, the General Board's Education Committee agreed the following points with regard to availability of recorded lecture material:

- Limiting access to lecture recordings is not desirable and may disadvantage some learners.
- Students should be expected, and supported, to engage with recorded material in an appropriate fashion. To support this, departments should provide clear and consistent information about the content of recorded materials. Where appropriate, it may also include scheduling short 'live' online question and discussion sessions and/or indicating potential relevance for students' small-group teaching such as supervisions, seminars or classes.
- The default expectation is that recordings, once published, should be made available to students for the remainder of the academic year. This will encourage greater inclusivity, not only on disability and health grounds, but also in the adjustment to new modes of learning. It will enable students to engage fully and responsibly with the material as adult learners.
- Where departments identify a pedagogical reason to limit access, this may be done under the following conditions:
 - It must be a course-level decision supported by the Faculty Board, and not one made by individual lecturers;
 - Where such restrictions exist, they should be no shorter than the Term in which the teaching takes place, plus 2 weeks;
 - Departments must show clear consultation with students in developing such a policy;
 - Departments must provide advice and guidance to students about how they can engage with online material in ways which are appropriate to their education and to their circumstances; for example, a suggested timeline for watching recordings, or to

identify when supervisors can reasonably expect them to have engaged with certain topics or elements.

- Students should be encouraged to communicate with course organisers regarding any concerns about availability of lecture recordings.

Students' rights to attend scheduled lectures

The University's Statutes and Ordinances³ offer any matriculated student paying the University Composition Fee the ability to attend any scheduled lecture; note that this does not apply to courses of practical instruction or any other courses noted as 'closed' or restricted. With the expectation that many lectures will be offered only online during the 2021-22 academic year, the General Board's Education Committee has confirmed that this right may be exercised by requesting to be added to the relevant Moodle course(s) where the lectures are presented.

Where this is not feasible due to inclusion of additional, restricted content in the same course, alternative solutions may be put in place through discussion with the [UIS Lecture Capture team](#). It is anticipated that these requests will be minimal and relatively straightforward to implement, but the situation will be kept under continual review; should there be evidence that this causes additional burden to staff and students, GBEC will revisit the issue.

³ See Chapter 1, Section 16, regarding the University Composition Fee (2020 p.149), Regulation 4(a): <https://www.admin.cam.ac.uk/univ/so/pdfs/2020/ordinance01.pdf>