



## Policy on the Recording of Lectures and other Teaching and Learning Activities

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### 1. Introduction

#### Overview

- 1.1. This Policy applies to audio, video and/or multi-modal recordings of taught sessions used for teaching purposes (“**Recordings**”), including:
  - 1.1.1. all on-campus activities (both synchronous and asynchronous) recorded using the University’s automated lecture capture system;
  - 1.1.2. all pre-recorded material;
  - 1.1.3. broadcasts delivered on-line in real time; and
  - 1.1.4. any other recordings,together with associated materials (such as transcripts of Recordings). “*Record*” and “*recorded*” shall be interpreted accordingly.
- 1.2. The University of Manchester (the “**University**”) intends that the classroom (whether virtual or otherwise) shall at all times be a safe space for the exchange of ideas, even where such ideas may be controversial or sensitive.
- 1.3. The University recognises that Recordings can be a useful learning resource which may, for example:
  - 1.3.1. aid study and revision by allowing students to review taught content (especially more complicated material);
  - 1.3.2. provide flexibility and accessibility to students who are unable to attend at the time and/or facilitate distance learning (where the course unit(s) are designed for remote teaching);
  - 1.3.3. aid those for whom English is not their first language; and
  - 1.3.4. assist some students who are considered to be disabled within the meaning of the Equality Act 2010 (“**disabled students**”).
- 1.4. Recordings are intended to be supplemental to, and not replacements for, taught sessions.

#### Purpose and aim

- 1.5. The purpose of this Policy is to set out a framework for the making and subsequent use of Recordings.
- 1.6. The Policy aims to strike a balance between the rights and responsibilities of all those involved, including students, staff and any other person who contributes to the content of a Recording (an “**External Contributor**”), with particular regard to privacy, accessibility, dignity at work, inclusion and academic freedom. It also aims to support the professional judgement of teaching staff with regard to determining appropriate methods for achieving learning outcomes.

## Scope

- 1.7. This Policy applies to all students and staff at the University (including any person who was when the relevant Recording was created, made and/or developed, but is not currently, a student and/or member of staff at the University) and any External Contributor.
- 1.8. This Policy must be read in conjunction with the University's Intellectual Property Policy (the "**IP Policy**").

## Available support and guidance

- 1.9. Any student or member of staff who requires support and/or assistance in relation to any issue that may arise under this Policy is encouraged to speak with their Academic Advisor or line manager (as appropriate).
- 1.10. The University's Disability Advisory and Support Service ("**DASS**")<sup>1</sup> is available to assess and recommend reasonable adjustments for disabled students and staff.

## 2. **Recordings – general provisions**

### Participating in a taught session

- 2.1. Any student, member of staff and/or External Contributor who participates in a taught session acknowledges that the University may make and use a Recording of that taught session in accordance with the terms of this Policy.

### Recording taught sessions – default position

- 2.2. Subject to paragraphs 3.2, 3.5, 3.12, 4.2 and 7.2:
  - 2.2.1. a lecture of limited interaction<sup>2</sup> (or part thereof) will normally be recorded and made available via the University's digital learning environment<sup>3</sup> to students registered on the relevant course unit; and
  - 2.2.2. a more interactive taught session<sup>4</sup> (or part thereof) may only be recorded:
    - 2.2.2.1. with the express prior consent of all participants, such consent to be sought at the discretion of the member of staff delivering that specific taught session (or their nominee);
    - 2.2.2.2. if the relevant learning environment is capable of making a useful Recording; and
    - 2.2.2.3. providing such Recording will not be made available to students who did not participate in that taught session.
- 2.3. Where a disabled student requests a Recording of a more interactive taught session, the academic should contact DASS for advice.

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<sup>1</sup> Further information is available at: <http://www.dso.manchester.ac.uk/>

<sup>2</sup> In this Policy, "*interaction*" refers to interaction that would be captured in such a way as to identify a student. A lecture of limited interaction is a lecture where over two-thirds of the time is spent on exposition by the lecturer and interaction with students is typically optional and is incidental to the main learning (e.g. ad-hoc questions from students, or a short Q&A session at the end). See "*A Glossary Of Teaching Activities and related concepts*" <https://documents.manchester.ac.uk/display.aspx?DocID=56002> for further details.

<sup>3</sup> The University's digital learning environment includes all digital systems used for teaching and learning that are protected by a University login.

<sup>4</sup> A "*more interactive taught session*" is any session (or part thereof) where there is a greater emphasis on student participation (e.g. lectures with moderate or significant interaction (as defined in "*A Glossary Of Teaching Activities and related concepts*" <https://documents.manchester.ac.uk/display.aspx?DocID=56002>), seminars, tutorials, small group sessions, workshops, etc.).

- 2.4. Where a taught session consists of components which have varying degrees of interactivity, members of staff may (where reasonable) apply the default position set out at paragraph 2.2.1 to each of those component parts, rather than to the taught session as a whole.
- 2.5. Staff shall be provided with training, equipment and support to ensure that Recordings adhere to regulatory and legal requirements for accessibility and the protection of intellectual property (“IP”) which belongs to any other party. Workload allocation models should ensure that adequate time is accorded for creating, editing and managing Recordings, including time to ensure training and compliance with accessibility requirements.

### 3. **Recordings - additional provisions for staff**

#### Exceptions to the default position

- 3.1. The University recognises that there may be circumstances in which it is not appropriate to make a Recording available (either in whole or in part) to students under the default position set out at paragraph 2.2.1. For example, where:
  - 3.1.1. ethical or otherwise sensitive issues are being discussed;
  - 3.1.2. recording may inhibit open discussion; and/or
  - 3.1.3. the session is taught in such a way that makes recording unsuitable or unfeasible (e.g. where there is extensive use of writing surfaces without recording capacity).
- 3.2. Where a member of staff delivering a taught session considers that:
  - 3.2.1. the circumstances detailed at paragraph 3.1 apply;
  - 3.2.2. their concern cannot be addressed at the time of Recording; and
  - 3.2.3. their concern outweighs the benefit to students of providing a Recording,they may choose not to make a Recording of that taught session available to students, providing that they consider giving students a reasonable alternative learning resource to assist learning.

#### External Contributors

- 3.3. Any member of staff delivering a taught session that is to be recorded must ensure that they (or their nominee) obtain the prior consent of any External Contributor participating in that taught session to a Recording being made and used in accordance with this Policy.
- 3.4. Where a member of staff delivering a taught session (or their nominee) asks an External Contributor for their prior consent to it being recorded under paragraph 3.3, the External Contributor may choose whether or not to provide their consent without giving a reason for their decision.

#### Editing a Recording

- 3.5. Any member of staff or External Contributor who delivers, or makes a substantial contribution to, a taught session that is recorded may (for example, where particularly sensitive issues are being discussed):
  - 3.5.1. pause a Recording at the time of recording (where possible); and/or
  - 3.5.2. edit a Recording before uploading it to the University’s digital learning environment in accordance with paragraph 3.8.
- 3.6. Members of staff and/or External Contributors may at any time request that the member of staff who delivered a recorded taught session (or their nominee) edit or delete their contribution to a Recording of that taught session.

- 3.7. Upon receipt of a request from a member of staff, External Contributor or student to edit or delete their contribution to a Recording under paragraphs 3.6 or 4.2, the member of staff who delivered that taught session (or their nominee) shall consider the request and (where appropriate) amend the Recording accordingly.

#### Making Recordings available to students

- 3.8. The member of staff who delivered a recorded taught session (or their nominee) shall ensure that Recordings are made available in an accessible format<sup>5</sup> to those students registered on the course unit for the remainder of the academic year, subject to paragraphs 2.2.2.3, 3.2, 3.5 and 4.2.

#### Further use of Recordings by members of staff

- 3.9. Notwithstanding paragraph 3.8, a member of staff may choose to make a Recording of a taught session which they delivered more widely available (e.g. on another course unit or via an open licence in accordance with section 13 of the IP Policy), providing that they make all relevant modifications and apply appropriate safeguards to avoid infringing the rights of others (see also section 6). For example:

- 3.9.1. make appropriate acknowledgments;
- 3.9.2. secure any relevant licences and/or permissions from other participants who appear, and/or any third parties whose IP appears, in the Recording;
- 3.9.3. comply with reporting requirements and all other terms of existing licences; and/or
- 3.9.4. remove any third party content from the Recording).

- 3.10. A member of staff may also use a Recording of any taught session which they delivered:

- 3.10.1. for their own development;
- 3.10.2. to facilitate peer observation of their teaching; and/or
- 3.10.3. if they are subject to an investigation under any University policy or procedure and they consider that the relevant Recording may be helpful as supporting evidence,

providing that the Recording was made in accordance with this Policy.

#### Further use of Recordings by the University

- 3.11. The University may use a relevant Recording as part of its investigation under a formal disciplinary and/or grievance procedure, providing that the Recording was made in accordance with this Policy.

- 3.12. The University will not use a Recording:

- 3.12.1. as a substitute for a member of staff taking industrial action; and/or
- 3.12.2. to monitor staff or their performance.

#### Leaving the University's employment

- 3.13. Any member of staff who has left, or is about to leave, the University's employment, may withdraw their consent to the use of any Recording (or part thereof) of a taught session which they delivered and/or in which they feature substantially.

- 3.14. If a member (or former member) of staff withdraws their consent to the use of a Recording under paragraph 3.13, the relevant School must ensure that with effect from the end of the academic

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<sup>5</sup> If staff have any queries regarding what constitutes an "accessible format", they should contact DASS to discuss.

year, their contribution to the Recording is edited (where possible) or the Recording is deleted (where it is not possible to edit).

#### 4. Recordings - additional provisions for students

##### Consent to the recording of a more interactive taught session or “special category” sensitive data

- 4.1. Where a member of staff delivering a taught session (or their nominee) asks participants for their prior consent to it being recorded under paragraphs 2.2.2.1 or 7.2.2, a student may choose whether or not to provide their consent without giving a reason for their decision.

##### Student’s request to edit or delete their contribution to a Recording

- 4.2. A student may at any time request that the member of staff who delivered a recorded taught session (or their nominee) edit or delete their contribution to a Recording of that taught session. Any such request shall be considered in accordance with paragraph 3.7.

##### Recordings required for assessment and/or professional accreditation

- 4.3. If, where recording is a compulsory requirement of assessment and/or professional accreditation, a student:
- 4.3.1. chooses not to participate in the relevant taught session, the student will be awarded a mark of zero for that assessment component; or
  - 4.3.2. makes a request that their contribution to the Recording of the relevant taught session be edited or deleted under paragraph 4.2, the member of staff who delivered that taught session (or their nominee) shall ensure that the student’s contribution to the Recording is amended (where appropriate) and the student will be awarded a mark of zero for that assessment component, unless it has already been marked by the time of the request.

##### Permitted use of a Recording

- 4.4. A student may use a Recording for their personal, non-commercial, educational use and development for the remainder of the academic year only, subject to paragraph 4.9.
- 4.5. A student therefore must not use any Recording (either in whole or part) for any purpose other than as set out at paragraph 4.4 without having first obtained the written consent of the member of staff who delivered the relevant taught session. To be clear, students must not without first having obtained such consent (amongst other things):
- 4.5.1. use a Recording for any commercial purpose;
  - 4.5.2. copy or modify a Recording; and/or
  - 4.5.3. share a Recording with any other person(s) (including via social media and/or on any content sharing site).
- 4.6. Any failure to comply with paragraphs 4.4 and/or 4.5 will be a breach of this Policy, for which disciplinary action may be taken by the University under section 8.

##### Recordings by students

- 4.7. Students are not permitted to record any taught session.

##### Deletion of a Recording following use

- 4.8. Students must delete any Recording(s) that they have downloaded once used and, in any event, by the end of the academic year (save as where use is permitted under paragraph 4.9).

Use of a Recording in an investigation of a student under a University policy or procedure

- 4.9. Any student may use a Recording if they are subject to any University policy or procedure and they consider that the Recording may be helpful as supporting evidence.
- 4.10. The University may use a Recording as part of its investigation of a student under any University policy or procedure, providing the Recording was made in accordance with this Policy.

**5. Intellectual property rights related to Recordings**

Ownership and other rights related to Recordings

- 5.1. Ownership of, and any associated rights in relation to, a Recording shall be determined in accordance with the IP Policy, the key provisions of which are set out at this section 5 insofar as they apply to Recordings and/or associated materials.

Teaching materials

- 5.2. Subject to some exceptions, any IP (including Recordings and other teaching materials) created, made and/or developed by a member of staff during the course of their employment, shall belong to the University and the rights set out at paragraphs 4.2 and 4.3 of the IP Policy shall apply.

Licence granted to the University

- 5.3. Where the University has agreed in writing that a student, member of staff and/or External Contributor retains any IP in a Recording (or content of a Recording), the student, member of staff and/or External Contributor (as appropriate) grants to the University an irrevocable, non-exclusive, worldwide, royalty-free licence (with a right to sub-license) to use the Recording and any associated materials for the purposes set out in this Policy, with effect from the date of creation.

Moral rights

- 5.4. In accordance with section 4 of the IP Policy, to the extent that any moral rights (e.g. the right to be identified as the author or director, the right to object to derogatory treatment and/or the right not to suffer false attribution) exist in any Recording which belongs to the University, the University will not generally require the member(s) of staff who delivered the relevant recorded taught session to waive any of their moral rights, unless set out in a separate agreement.
- 5.5. The University will acknowledge the author of a work where the law requires or otherwise, where reasonably practicable.

Performers' rights

- 5.6. Any person (including a student and/or External Contributor) who delivers, or makes a substantial contribution to, a recorded taught session may have (and continue to have) performers' rights in the Recording of that taught session.
- 5.7. In accordance with section 4 of the IP Policy, to the extent that any performers' rights or associated rights arise in relation to a Recording, the relevant rights-holder consents to the making and use of the Recording for the purposes set out in this Policy, with effect from the date of the Recording.

**6. Respecting the rights of others**

General

- 6.1. Students, members of staff and External Contributors must respect, and must not knowingly or recklessly do any act which would infringe, IP which belongs to any other party.

Using IP which belongs to any other party

- 6.2. Where a student, member of staff and/or External Contributor intends to use IP which belongs to any other party (including the University), they must ensure that (where appropriate):

- 6.2.1. the intended use is authorised by the terms of a collective (or blanket) copyright licence (e.g. a CLA (Copyright Licensing Agency) licence or ERA (Educational Recording Agency) licence);
  - 6.2.2. the intended use falls within one of the statutory exceptions to copyright;<sup>6</sup> or
  - 6.2.3. they obtain the written permission of the relevant rights-holder to the intended use (either in a formal licence or otherwise).
- 6.3. Where a student, member of staff and/or External Contributor determines that paragraph 6.2.1 or 6.2.2 applies, they should:
- 6.3.1. document their assessment and the reasons for it; and
  - 6.3.2. comply with the requirements of that licence and/or statutory exception (as appropriate).
- 6.4. Students, members of staff and External Contributors must not use any IP which belongs to any other party unless paragraph 6.2.1, 6.2.2 or 6.2.3 applies. Any failure to comply with this paragraph:
- 6.4.1. will be a breach of this Policy which may result in action being taken by the University under the relevant University disciplinary procedure in accordance with section 8; and
  - 6.4.2. may also constitute infringement of IP which belongs to another party.

#### Requests to use IP which belongs to the University

- 6.5. Any request pursuant to paragraph 6.2.3 to use:
- 6.5.1. a copyright work which belongs, or is licensed, to the University must be sent to the [Library's Copyright Guidance Service](#) at [uml.copyright@manchester.ac.uk](mailto:uml.copyright@manchester.ac.uk); and
  - 6.5.2. any other IP which belongs, or is licensed, to the University must be sent to the Associate Vice-President with responsibility for IP (or their nominee).

#### Infringement of the rights of others

- 6.6. Any student, member of staff and/or External Contributor who suspects, or becomes aware, that any Recording may potentially or actually infringe IP which belongs to any other party must:
- 6.6.1. immediately notify the Head of the relevant School (or Directorate as appropriate), providing full details of the nature of the (suspected) infringement; and
  - 6.6.2. provide all further assistance as reasonably required.
- 6.7. Any person who is not a student, member of staff or External Contributor who suspects, or becomes aware, that any Recording may potentially or actually infringe the rights of any other party (including rights related to the protection of IP, privacy and/or reputation) must contact the University's Copyright Guidance Service in accordance with the [University's Takedown procedures](#).<sup>7</sup>

## **7. Data protection**

- 7.1. The University may record any teaching and learning activity as a necessary method of achieving a legitimate aim (i.e. delivering teaching and learning). This processing is consistent with the University's public task lawful basis set out at Article 6 of the UK GDPR. As such, consent is not required from staff and students for data protection purposes. Nevertheless, where significant student participation is part of the teaching and learning activity to be recorded, the University will obtain the consent of students prior to recording (as set out at paragraph 2.2.2.1).

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<sup>6</sup> Further guidance is available from <https://www.gov.uk/guidance/exceptions-to-copyright> and the [Library's Copyright Guidance Service](#).

<sup>7</sup> The University's Takedown procedures is available at <https://documents.manchester.ac.uk/display.aspx?DocID=32640>.

- 7.2. Where it is expected that a discussion may contain “*special category*” sensitive data (e.g. medical information, political opinions, details of sexual orientation or sex life, racial or ethnicity information or information relating to criminal activities or offences, etc.), the member of staff delivering that specific taught session must ensure that:
  - 7.2.1. all participants in the taught session are informed that it may include such data; and
  - 7.2.2. they obtain all participants’ express consent to the recording of that taught session. This is the required condition under which this type of personal data may be processed and is a requirement of Article 9 of the UK GDPR.
- 7.3. All data will be managed in accordance with the University’s [Data Protection Policy](#), which allows the University, as a data controller, to process personal data for the purposes for which it was collected (as explained in the relevant privacy notice), providing it is stored appropriately and kept for no longer than necessary.

## 8. **Breach of this Policy**

- 8.1. Any suspected breach of this Policy must be reported to the Head of the relevant School (or Directorate as appropriate) in the first instance.
- 8.2. In the event that any student, member of staff and/or External Contributor breaches any term of this Policy, the University may refer the matter for consideration and take any action it considers appropriate under the relevant University regulation, code, policy and/or procedure.



Version amendment history		
Version	Date	Reason for change
2.0	July 2021	Review and revision of policy by Steve Pettifer/TLSG and approval by Senate
1.1	March 2015	Review and minor updates. (Web links also updated August 2016 and January 2018)
1.0	June 2013	Creation and approval by TLG and Senate

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