1. Introduction

1.1. This document sets out the University’s policy on the recording of lectures and any content that goes with them.

1.2. The purpose of this policy is to provide information to Academic and Professional Services staff on the University’s expectations regarding the use of Lecture Capture using the University’s Stream Capture system for educational activities.

1.3. It is expected that the institutional Stream Capture software will normally be used to record lectures. Other systems can be used if the quality of the recording is equivalent to that captured by Stream Capture.

1.4. The University supports the recording of lectures (Lecture Capture) to complement face-to-face teaching as part of its commitment to engaging students in their learning and increasing access for students to learning resources. Lecture Capture recordings are intended to supplement, rather than replace, face-to-face teaching.

2. Definition and requirement

2.1. The minimum requirement for recording a lecture for the purposes of this policy is an audio recording of the lecturer’s voice.

2.2. However, members of staff should note that screen capture can be more useful for students and is the recommended option where possible. Screen capture is defined as voice over PowerPoint slides, visualizer, or other presentation material alongside the oral delivery.

2.3. Stream Capture can also record a video of the member of staff presenting the session. This may be useful when demonstrating or showing artefacts but is not a requirement.

2.4. This policy covers all three paragraphs above (2.1, 2.2 and 2.3) and defines them as Lecture Capture.

3. Strategy and Implementation

3.1. The University has built an in house system to record lectures called Stream Capture. Information about how to use the software can be accessed from https://www.liv.ac.uk/csd/stream-capture/. Stream Capture links to the University’s streaming server (https://stream.liv.ac.uk/) and to the University’s timetabling system, ORBIT (https://www.liv.ac.uk/orbit/) and the virtual learning environment, VITAL (https://vital.liv.ac.uk/). Staff development and guidance on the use of Lecture Capture can be accessed from http://www.liv.ac.uk/elearning/vital/stream-capture/

3.2. The Stream Capture embedded recording system has been installed in many lecture theatres but coverage is not complete at present and provision will be
3.3. During the academic year 2016/17, lectures will continue to be captured as part of the ongoing roll out and implementation of lecture capture and Departments will make it clear at the beginning of each semester, which modules will be supported by lecture capture.

3.4. From the 2017/18 academic year, the University expects all lectures to be captured, except where there is good reason not to (see section 4).

3.5. The University will continue to monitor and evaluate the use of lecture capture to ensure that it enhances the student learning experience.

3.6. The University will continue to develop the Stream Capture software so that it supports a variety of teaching approaches.

3.7. Recorded lectures will not be used to monitor staff performance.

3.8. Recorded lectures will not be used to replace multiple teaching of large cohorts.

3.9. Except in the case of distance learners, access to recorded lectures are a supplement to face to face attendance and not a substitute. Recorded lectures will not be used by the University to replace student contact time for campus-based students. The service is provided to supplement contact time. If recorded material is introduced into teaching sessions as part of a blended learning strategy, Stream Capture may be used to record materials.

3.10. Recordings will, by default, be available only to students who are registered on the module in which the recording was made unless agreed otherwise by the lecturer(s) presenting the lecture.

3.11. Students are not permitted to share recordings.

4. Deciding when to record

4.1. The University recognises that occasionally members of staff may have legitimate reasons for not wishing their lecture to be recorded. This policy therefore establishes a right for a member of staff to make a case for not recording a lecture.

4.2. Staff will be able to make a case for not capturing their lecture if they have a good reason why the provision of recorded materials is inappropriate, for example, the University recognises and acknowledges that:

- Not all teaching approaches are suitable to be captured;
- Where the University supported recording equipment is not installed in a room, it will not be possible to capture a lecture;
- A requirement for staff to change their teaching approaches for the purpose of recording may be detrimental to student learning;
- For ethical reasons the use of sensitive material may render the recording of some teaching and learning activities inappropriate.

A mechanism for making the case to not be recorded will be available through TULIP and will require sign off from the Head of School.

4.3. Members of staff have the right to apply discretion and edit a recording prior to making it available to students, for example if sensitive material has been
inadvertently captured.

4.4. Seminars, tutorials and other small group learning activities should generally not be recorded. In terms of providing support to disabled students, alternative means such as a written summary of the key points (provided by the member of staff delivering the session or nominated other) is often a more valuable support in this context than a recording.

5. Consent, Data Protection and Take Down

5.1. Subject to the right to opt out set out in section 4, staff and students are deemed to consent to the University recording and making the recordings available in accordance with this Policy. Students need to be aware that this is the case by the inclusion of a Recording Notice. This will ensure that they may opt-out - as is their right under data protection.

5.2. No recordings of sensitive personal data will be permitted without the written consent of the staff or students being recorded. ‘Sensitive personal data’ is defined under section 2 of the Data Protection Act to include generally any data relating to an individual concerning their racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health or condition, sexual life, or information relating to criminal offences.

5.3. Recordings will often engage data protection rights because they include the “processing” of personal data where individuals can be identified. For example, a video recording may show faces of those attending. It is much more unlikely that individuals will be identifiable when the definition of Lecture Capture in 2.2 is used. Where the concern is about the likely disclosure of personal identity (personal data) it is recognised that personal data must be kept secure from unauthorised access, accidental loss or destruction. Therefore recordings cannot be put on Stream. In this case members of staff are encouraged to contact the Legal, Risk and Compliance Department (http://www.liv.ac.uk/legal/data_protection/policy/) for clarification of the particular issue (see 5.1).

5.4. Irrespective of consent for recording, the University can remove materials if there is a risk to data protection from any recorded materials.

5.5. If a member of staff becomes aware that any defamatory, inaccurate or copyright infringing material is included within a recording or any other reason why it would be expedient for the University to recall a recording, they must contact the University Computing Services Department immediately (http://www.liv.ac.uk/csd/getting-help/).

6. Editing

6.1. Recordings appear automatically on VITAL overnight. However, where there is good reason, the lecturer may recall a recording once published (by contacting the CSD Help Desk) and edit it at a later date.

7. Support for disabled students

7.1. Members of staff must ensure that disabled students are provided with appropriate support to access the lecture effectively. For some disabled students, a recording of the lecture is a recommended anticipatory reasonable adjustment, aimed at reducing the impact of barriers commonly experienced by the disabled student within the lecture environment.
7.2. If the member of staff does not provide recordings via the Stream Capture system, a disabled student with this recommendation is entitled to make an audio recording of the lecture with their own recording device on the understanding that this is for personal study use only. The recording cannot be shared. Where a recording is not possible, the member of staff should discuss alternative means of support, for example such as written notes provided from the lecture.

8. Student audio recordings

8.1. If the lecture is recorded using Stream Capture students are not permitted to audio or video record the lecture.

8.2. During the period leading up to full implementation, if the lecture is not being recorded using Stream Capture, the decision to allow students to record the audio using their own equipment will lie with the individual staff member(s) presenting the lecture.

8.3. However, in the absence of a Stream Capture recording, a disabled student has an entitlement to audio record the lecture for their personal use only, consistent with section 7, if this is deemed a reasonable adjustment in relation to their needs.

8.4. Students are bound by UK copyright law. This applies to any copyright materials they may use in the course of their studies, both online and in printed form. Further details can be found from http://libguides.liv.ac.uk/copyright.

8.5. The making, sharing of recordings, or retention of recordings in contravention of this policy statement, for example, where consent to record has not been granted, or a recording has been uploaded to the internet, will be considered as a breach of the Code of Student Conduct, and may be subject to legal action.

9. Intellectual property / copyright & confidentiality

9.1. In accordance with the University contract of employment and copyright law (Copyright, Designs and Patents Act 1988 s11.2), the University will own all rights in any recordings (including rights in the sounds made) created in the course of employment. Staff and students will retain performance rights, but grant to the University a non-exclusive royalty free licence in perpetuity to performance rights for the purpose of teaching and research. The University will be the copyright holder of the recording and will, where appropriate, endeavour to acknowledge the lecturer as the author and performer of the recording.

9.2. Staff should ensure they have appropriate copyright permissions for any material used in the recording including images and videos and acknowledge sources appropriately.

9.3. If a lecture includes materials which have been created in the course of employment at the University of Liverpool, or copyright has been assigned to the University of Liverpool, then these resources may be used in the lecture, and it recorded, without risk of copyright infringement.

9.4. If a lecture includes material whose copyright is owned by third-parties, it is the responsibility of each staff member not to infringe the intellectual property rights of third-parties when these materials are used in lectures. If lectures contain such third-party copyright material, to avoid risk, either a copyright exception, a licence, or direct permission to use the work must apply to use these materials legitimately.
Alternatively, the work must have been made available to use by it being either out of copyright, the waiving of copyright or via Creative Commons licence.

9.5. Staff should not include data or results in recorded lectures or presentations that are subject to a duty of confidentiality. Inclusion would constitute a public disclosure and could prejudice a future patent application or constitute a breach of an obligation of confidentiality and result in civil liability.

9.6. Further advice is available from the Library (See http://libguides.liv.ac.uk/copyright).

10. Visitors

10.1. If a guest lecturer teaches on a module where lecture capture is being used, it is the responsibility of the module leader to check with the guest lecturer whether s/he agrees to be recorded.

10.2. Lectures given by visiting lecturers cannot be recorded unless permission has been granted.

10.3. As a general default position visitors will retain their rights in a recording made of them or by them. However, the visitor allows the University, under non-exclusive licence, the right to use the recording in the most general terms available. In particular the University may use the recording for any purpose, free of charge, in perpetuity and with the right to take legal action against any party breaching the University’s rights. If the visitor agrees to be recorded, then they also agree to the use of copyright conditions set out in section 9.

11. Safe keeping

11.1. Recordings will be subject to the same retention policy as other data on VITAL. If a recording contains third party copyrighted materials, then the duration it is made available for on VITAL should be in conjunction with any time-bound limitations of use connected with its copyright clearance. (See http://libguides.liv.ac.uk/copyright)

11.2. Security measures should be commensurate with the sensitivity of data involved. For more guidance see the University’s Code of Practice on Use of Personal Data and the University's Information Security Policy.