

Recording Educational Activities and Lecture Capture Policy

1. Purpose

The purpose of this policy is to establish the governing principles, responsibilities, and college policy for recording educational activities and lectures including student-initiated recordings, made by or on behalf of Al-Maktoum College of Higher Education.

The College actively promotes flexible learning platforms and recognises the use of recording educational activities and lecture capture technologies to lead on innovative learning. Lecture capture and recording educational activities including taking photos, made by or on the behalf of the college is essential in the context of our commitment to advancing equality and diversity, specifically anticipating the need for enhancing reasonable adjustments by adopting inclusive practice throughout teaching.

Lecture capture technology and recording educational activities:

- Allows students to replay lectures so they can review the material at a later stage
- Helps students to take notes with varying degree of skill and accuracy
- Assists students with additional support needs
- Assists students who do not have English as their first language
- Enables different approaches to learning
- Provides a study aid for revision and reflection purposes
- Supports a more flexible learning platform

Lecture capture is a term that defines the process of recording of classroom lectures as videos to make them available for students to review after the class. The term lecture capture is a broad definition which can be used to describe different solutions, software and hardware. This policy therefore covers all forms of lecture capture that may be used for recording and disseminating recordings of the College's educational activities including off campus.

2. Policy

a. Principles

- i. This policy will be implemented in compliance with the Data Protection Legislation, including the General Data Protection Regulations (GDPR), the Equality Act 2010, the Copyright, Designs and Patents Act 1988 (CDPA) and all successive legislations or regulations.
- ii. Copyright, ethical issues, and or the use of sensitive material may render the recording of some educational activities and lecture capture as being inappropriate.
- iii. The recording of educational activities and or lecture capture cannot be used as evidence for disciplinary procedures.
- iv. A student with additional support needs request for an educational activity or lecture capture would be normally seen as the implementation of a reasonable adjustment. At times recording or

- lecture capturing may not be appropriate, and the college will make alternative arrangements for sharing supplementary information.
- v. Not all learning environments are suitable to be captured or recorded.
 - vi. The recording of educational activities or lecture capture may be used for internal and external verification purposes to maintain integrity across assessments.
 - vii. The recording of educational activities and lecture capture is to enhance the student experience and to enable a more flexible approach to learning. This will not replace student contact hours unless the recording is an integral part of the curriculum design

b. Consent not to be recorded

Consent not required

- i. Lecture capture and the recording of educational activities deemed to be in the interests of the educational objectives at Al-Maktoum College, and therefore is a reasonable expectation of staff, guest speakers and students meeting the conditions set out under Article 6, recital 47 of the General Data Protection Regulation. Thus, personal data in these instances can be processed without obtaining prior consent of individuals.
- ii. All students, guest speakers and staff will be notified in advance where possible that a recording will be taking place.
- iii. At all times staff, guest speakers and students will have a right to know which sessions are recorded and who has access to the information.
- iv. Individuals (staff, guest speakers and students) can opt out of recording educational activities and lecture capture based on the grounds relating to specific situations or if there is a concern which relates to the college's educational aims.
- v. Individuals (staff, guest speakers and students) will be informed of their right to opt out of the recording of educational activities and or lecture capture at the earliest viable point. This must be clearly communicated and not included as a subsection of a email or note which aims to address a separate matter.
- vi. The college, as the data manager has the responsibility to process opt-outs, unless there is a compelling rationale for processing personal data which supersedes rights, freedoms, and the interest of the person being recorded, or lecture captured. If there is a case of an opt-out to the recording of educational activities and or lecture capture, the college has the legal obligation to provide the information in an accessible format.

Consent required

- vii. All individuals must give explicit opt-in consent for recordings of sensitive personal data of those who are being recorded.
- viii. Consent forms giving explicit opt-in consent must be obtained for recording all external speakers.

- ix. Any student seeking to record another student for educational purposes must gain written permission (electronically or by hand) from all individuals being recorded.
- x. When recordings do not directly support the aims and outcomes of educational activities, explicit opt-in consent must be gained.

c. Rights and recording content

- i. Students may only record lectures (audio not video) with the prior permission of the lecturer and shall only be used for their personal education purposes.
- ii. Recording is not permitted for any activity involving substantive student or members of the participation without obtaining opt-in consent from the lecturer and all participants at the beginning of the session.
- iii. Lecture captures and recordings will only be made available to the individual's whom the original content was intended and must not be re-distributed or shared by any means without full consent of all who was involved in the original recording. This includes any recordings, video or audio made by students, made for students with additional support needs or students with disabilities.
- iiii. Lecture capture and recordings linked to units and courses will be made through the appropriate learning platform, for example Moodle, MS Teams or Zoom.
- iv. The misuse of lecture capture or recordings will be treated as misconduct and will be handled through the appropriate disciplinary procedure.
- v. The College reserves the right to retain a recording or to remove a recording if already disseminated.
- vi. Recordings may be used for assessment purposes and may be shared with other educational institutions for verifying purposes of awards. These recordings will be kept for the duration of the programme and up to one year due to external verification and validation purposes.

d. Destruction and editing of recordings

- i. Any personal recordings obtained by students must be permanently deleted as soon as they have served their purpose or when the student leaves the college, whichever comes the soonest.
- ii. Individuals can request the permanent deletion of participation in recordings of educational activities if they withdraw their consent or where there is no overriding legitimate reason or interest for ongoing processing.
- iii. Any edits to a recording or lecture capture must seek permission from the person who was leading the educational activity specifying the edits which they intend to undertake.

- iv. All recordings and lecture captures must be permanently destroyed once they have served their purpose. Any recordings kept for three years must be reviewed to establish a continuing purpose.

e. Data Management

- i. Individuals have the right to make an application to request to access their data and how their data is being processed.
- ii. Where there is a legitimate need, this policy allows the College who acts as the 'data controller' to manage and process recorded data from students, employees, research and guest speakers for educational and support services.
- iii. User's access to recordings that are held in online and cloud based environments will be monitored and can be used as part of the College's data collection.

f. Copyright

- i. The College owns copyright of the lecture captures and recordings that have been undertaken by employees and guest speakers unless a separate contract applies.
- ii. **Performer rights:** It is assumed that all individuals assign their performer rights to Al-Maktoum College of Higher Education for the purpose of recording educational activities and lecture capture.
- iii. **Fair-dealing:** (Gov.uk) Factors that have been identified by the courts as relevant in determining whether a particular dealing with a work is fair include:
 - Under the terms of the copyright exceptions in the UK law which allow their inclusions for the purpose of instruction (s.32CDPA), for parody, pastiche or caricature (s. 30A CDPA), for review, quotation or criticism (s.30 CDPA) and to make an accessible copy (s.31A-F CDPA).
 - Any use of copyright material which extends beyond the Fair-dealing guidance extra discussions and considerations must be undertaken.
 - Does using the work affect the market for the original work? If a use of a work acts as a substitute for it, causing the owner to lose revenue, then it is not likely to be fair
 - Is the amount of the work taken reasonable and appropriate?
 - Was it necessary to use the amount that was taken? Usually only part of a work may be used.
- iv. **Intellectual Property:** according to s. 11(2) the Copyright, Designs and Patents Act 1988 (CDPA), the college owns intellectual property of all educational activities and teaching materials, included recorded content that is produced whilst employed within the College.