

Board of Management

Learning and Teaching Committee

Date of Meeting	Tuesday 27 September 2022
Paper No.	LTC1-C
Agenda Item	3.3
Subject of Paper	Learning Capture Policy
FOISA Status	Disclosable
Primary Contact	Dr Derek Roberson, LTA
Date of production	16 September 22
Action	For Approval

1. Recommendations

This paper is for discussion and approval.

2. Purpose

The purpose of this paper is to facilitate discussion and approval of the final draft of the College's Learning Capture policy, which is intended to clarify the various rights and obligations that are involved in the production and sharing of audio and video material to support learning and teaching.

3. Consultation

This paper was produced by the Learning and Teaching Academy. It draws on policy and practice across the tertiary education sector. The College's Data Protection Officer has been consulted during the production of the policy and an EQIA has been approved by the EDI Manager. The policy has been approved by SQAC, Academic Board and SMT.

4. Key Insights

The policy is presented in Appendix 1.

5. Impact and Implications

5.1 Implication for the student experience

The policy supports the move to active, blended and connected learning envisioned in the Student Academic Experience Strategy, particularly that 'learning experiences are accessible, customisable and personalised'. It does so by addressing aim 2.3 ('Provide and implement the best possible Virtual Learning Environment for our students and staff which is accessible, inclusive, reliable and adaptable')

5.2 Equality Impact, Diversity and Inclusion and Legal compliance

The intention behind the policy is to extend the existing *Audio or Audio/Video Recording of Learning & Teaching Activity as a Reasonable Adjustment Procedure*, which lays out our legal obligations around making learning and teaching inclusive and accessible. This policy adds an anticipatory element to support students with undisclosed needs.

In addition, the policy seeks to make clear the rights and obligation of staff and students with regard to the production, sharing and use of audio and video material produced to support learning and teaching.

Appendix 1

Learning Capture Policy

1. Introduction

The College already facilitates the recording of learning and teaching activity for students with a disability as specified within a Personal Learning Support Plan (PLSP) via the existing [Audio or Audio/Video Recording of Learning & Teaching Activity as a Reasonable Adjustment Procedure](#). This Learning Capture policy builds on and expands that provision. The requirement for a new, broader, policy is driven by:

- the increased prominence of audio and video material to support the College's move to blended learning as part of the *Student Academic Experience Strategy*
- a desire to support the effective use of audio-visual material, including classroom recording, as part of blended learning pedagogy
- a desire to make anticipatory adjustments for students with additional support needs. While the existing procedure covers students with a PLSP, and is mandatory, this policy is intended to support all students, including those with undisclosed needs.

The College supports the use of learning capture as it facilitates effective learning design, allows students to review class material, helps to support different approaches to learning and teaching, acts as a reasonable adjustment for students with differing support needs, assists students who have English as a second language and increases student satisfaction. Learning capture, and, in particular, the recording of classroom activity, is intended to supplement student learning as part of a blended approach and not to replace live classroom interaction.

2. Definitions

The policy uses the term 'learning capture' to describe various forms of recorded teaching that can be used to support learning. Learning capture includes, but is not limited to:

- recordings of synchronous classroom activity, either on campus or online,
- pre-recorded screencasts, podcasts, webinar recordings, interviews, demonstrations or pieces to camera.

This policy covers audio-only and moving visual images with or without audio.

3. Purpose and Aims

- This policy sets out the College's position on ensuring that students, as a routine part of their learning and study, have access to learning capture

material, and to specify the rights and obligations of the various stakeholders in the process.

4. Scope

- This policy covers any video or audio material produced by College employees, or, with suitable agreement, external participants, in support of learning and teaching at the College.

5. Policy Statement

- Learning capture is intended to allow students to engage effectively with learning materials as part of a blended approach to learning and teaching and to aid revision. Lecturing staff are encouraged to incorporate learning capture as part of their course and programme learning design.

5.1 Learning capture requirements and availability

- The facilitation of recordings for students with a PLSP that specifies access to learning capture as a reasonable adjustment is mandatory under the existing *Audio or Audio/Video Recording of Learning & Teaching Activity as a Reasonable Adjustment Procedure*, unless covered by the exemptions listed there.
- Learning capture beyond that policy is not mandatory, but is recognised as playing a part in effective blended learning design. There are benefits to learning and to the student experience to making recorded material available and College staff are encouraged to record their own presentation material, classroom activity (either on campus or online), practical demonstrations, assessment feed-forward and feedback sessions.
- In order to promote student access to recordings, in particular where a student has unreliable or inconsistent access to Wi-Fi when studying off campus or where a student has a relevant need, recordings will be available to download for offline viewing.
- In order to meet accessibility requirements, learning capture recordings must include captions. Automated caption generated by software are acceptable, but captions on recordings for courses where a student has a PLSP related to hearing impairment should be edited for accuracy.

5.2 Recording classroom activity

- While the recording of classroom activity is not intended to replace live classroom interaction, the College may, in exceptional circumstances, use recordings of classroom activity to provide primary support for learning during periods of disruption. Examples of exceptional situations might include significant disruption from adverse weather, pandemic, government guidance or the loss of part of the College estate. Under these circumstances, classroom

recordings may be used if supported by other learning opportunities, such as revision or study sessions at a later date.

- Learning capture will not be used to replace teaching during periods of industrial action.
- The College will not use learning capture recordings for staff performance review, but lecturers may use their own recordings as part of their own review processes, such as to facilitate peer observation of their teaching.
- Recordings do not constitute a replacement for student attendance at classes unless the College has specified this as a reasonable adjustment for a student with a PLSP.
- When recording classroom activity recording can be paused by the lecturer, for example when carrying out a discussion or groupwork or dealing with a sensitive topic.
- Classes should only be recorded when facilitated by a member of staff employed by the College and not when delivered by, for example by a guest speaker, except with their express agreement. Permission to record should be sought from the external speaker in advance and the external speaker must complete a Performer Consent form.

5.3 Intellectual property and Performers' Rights

- Learning capture is created by lecturers during their paid employment with the College. The College is, therefore, the owner of all learning capture content, including its copyright and intellectual property.
- Students are granted access to learning capture content solely for their personal use in support of their studies. Any use of a recording for any other purpose, or any unauthorised distribution of a recording will be considered in breach of the College's [IT Acceptable Use Policy](#) and may lead to disciplinary action being taken against the student.
- Students are permitted to make audio-recordings of classes for their own personal use. The use of personal recordings for any purpose other than private study is a disciplinary offence
- Where learning capture content includes third-party materials, it is the responsibility of the lecturer to ensure that the intellectual property rights of third parties are not infringed by being included in a recording. Advice on acceptable use of third-party material, including what is permitted under various licences held by the College, [is available from the Library](#). Only material that complies with College licensing agreements or that might be considered 'fair dealing' as illustration for instructional under Section 32 of the Copyright Designs and Patents Act of 1988 may be recorded.
- Where a member of College staff has performer's property rights in the learning capture recording they agrees that the College may use their performance for the purposes highlighted in this policy. Members of College staff wishing to assert their right to be identified as author or performer should do so as part of the recording, for example on an introductory slide.

5.4 Data protection, retention and reuse

- The College provides the Panopto software to record, process and store learning capture recordings. Panopto recording software is available to all staff through an integration with Canvas or directly online.
- Learning capture recordings should be shared via Canvas using the Panopto integration.
- Recordings of online events can also be made within MS Teams. Teams recordings are stored in SharePoint and are set to expire after 3 months. Recordings that are required beyond the 3-month period should be copied to Panopto.
- Some material recorded during learning capture, such as staff or student voice or image, will be considered as personal data and will be stored, retained and processed in accordance with the [College's GDPR policy](#). The College is using this information to provide a learning capture service in support of learning and teaching. Information processing in this case is covered by the contractual condition specified in [the GDPR policy](#).
- Where student images or voices may be recorded during a recording, lecturers should inform students that the session will be recorded. Staff and students are encouraged to negotiate how recording of such sessions will be approached to strike the right balance between allowing students to discuss matters freely while providing a recording to support learning. Where personal details of a participant are recorded which could compromise their own or another's safety, privacy or wellbeing, steps should be taken to delete that section of the recording before issue.
- The [College retention policy](#) states that learning and teaching material stored online is retained for a minimum period of the current academic year plus 1 year. The College will therefore retain learning capture recordings for a minimum period of 2 years. Panopto recordings are archived automatically at the end of each academic year, but can be made available beyond this period in line with the retention policy. Recordings are stored securely and only students and staff with appropriate permissions have access to them. Anyone wishing to delete material sooner than the normal 2-year period must obtain permission from the Associate Dean for their subject area.
- The College reserve the right to remove recordings that are in breach of copyright laws, contain sensitive personal data, or include content that may be regarded as obscene or defamatory. Decisions to do so will be taken by the Associate Director of the Learning and Teaching Academy in consultation with the relevant Associate Dean for the relevant curriculum area.

6. Document Control and Review

Approval status	
Approved by	

Date Approved	
EQIA Status	
Review Date:	
Lead Department	Learning and Teaching Academy
Lead Officers	Associate Director, LTA
Board Committee	
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7. Revision Log

Version date	Section	Description
V.0 (August 2022)		Draft policy for approval