



Educational recordings policy

Education Committee

Valid from Michaelmas term 2023

Contents

| | |
|--|---|
| Section 1: Scope | 3 |
| Section 2: Terminology | 3 |
| Section 3: Key principles | 4 |
| Section 4: Recordings of lectures | 4 |
| Section 5: Recordings of other teaching sessions (tutorials, seminars, classes, practicals, assessments or any other formal teaching session) | 5 |
| Section 6: Pre-recorded content | 5 |
| Section 7: Student made recordings | 6 |
| Section 8: Permissions – staff | 6 |
| Section 9: Permissions – external contributors | 7 |
| Section 10: Permissions – students | 7 |
| Section 11: Permissions - in-copyright materials | 8 |
| Section 12: Use of recordings for other purposes | 8 |
| Section 13 – Conditions of use | 8 |
| Section 14 – Retention as part of University records | 9 |
| Section 15 – Re-use | 9 |
| Section 16: Accessibility of recordings | 9 |

Section 1: Scope

1. This policy covers issues related to the creation, access, distribution, use, reuse and repurposing of educational recordings provided on taught courses. This supersedes the Replay Lecture Capture Service for Departments and the Policy on the Recording of Lectures and other Formal Teaching Sessions by Students.
2. The policy applies to all types of educational recordings, whether the teaching is conducted remotely or in-person, and irrespective of the device or software used to create or distribute the recordings. Examples include:
 - recordings of lectures, tutorials, seminars, classes, practicals or any other formal teaching session
 - recordings made for the purposes of assessment e.g. presentations, performances
 - pre-recorded content created for the purpose of teaching and feedback
 - recordings of teaching made by students for the purposes of personal study
3. Recordings may be created by, and/or include contributions from lecturers, technical staff, guests and students.
4. This policy does not cover educational recordings that are created or repurposed for public release or commercial use.
5. This policy aims to support the responsible creation and use of recordings as an inclusive practice by providing clarity on a range of issues gathered through consultation with divisions.
6. The policy has been agreed by Education Committee on behalf of the University. Colleges may find the policy a useful guide for their own decision making.

Section 2: Terminology

7. This policy uses the following key terms:
 - 'Educational recordings' or 'recordings' are the terms used throughout to refer to any audio and/or video recordings created for purposes of teaching, learning or assessment.
 - 'Lecture recordings' is used to refer to the specific instance where a presenter-led **lecture** or **part of a lecture** is being recorded. This framing allows for the types of 'lecture recordings' created to reflect disciplinary ways of teaching.
 - The 'Replay service' refers to the University supported service for educational recordings from lecture theatres or desktop computers. The service provides a platform (currently Panopto) to create, store and distribute videos through the university supported virtual learning environment (Canvas) and is managed by Educational Media Services who can be contacted on replay@it.ox.ac.uk.
 - 'University-supported recording platforms' are Panopto, MS Teams, and Canvas (the University Virtual Learning Environment, VLE), all of which meet accessibility and privacy requirements. Before using other systems, users should read the latest [video conference services assessment](#) from Information Security. It is recommended that recordings created in other systems are

uploaded to the Replay (Panopto) service for secure storage and distribution to students.

Section 3: Key principles

8. Educational recordings are an additional learning resource and are expected to supplement rather than replace teaching sessions, which students are still expected to attend. Departments are expected to provide teaching, with prior recordings only to be used as a replacement for unexpected staff absence in exceptional circumstances and with the creator's permission.
9. Educational recordings can support learning for students (whether or not they have a disability) by enabling them to review and revisit material where this is beneficial for subject knowledge.
10. Educational recordings, and for some subjects, lecture recordings in particular, are a significant step forward in making teaching more inclusive for disabled students, in line with existing University commitments. Where recordings are not made available, departments and faculties should be clear to students as to what other anticipatory approaches they are using to enable all students to engage equally with the material.
11. To be an effective learning resource, staff and students should be guided towards appropriate use of recordings in their teaching and study.
12. The University and its departments should ensure that staff are supported in how to optimise the recordings made during teaching. The University and departments should consider the needs and quality of recording when reviewing teaching spaces.
13. Not all teaching is suitable for recording; this may be due to the balance of staff and student contributions, the content or the mode of the session.
14. It is important that academic staff, administrative staff and students are aware of their rights (including those protected by University Statutes), roles and responsibilities in relation to the creation and use of educational recordings.

Section 4: Recordings of lectures

15. The decision as to whether lectures should normally be recorded and made available to all students should be made by the relevant Department or Faculty Board, after consultation with students.
16. The following are acceptable reasons for not making lecture recordings available to all students:
 - a) Where the teaching approach is not suitable for recording, such as lectures with a high degree of interactivity.
 - b) Where making a recording would change the teaching approach in a way which is detrimental to the student learning experience.
 - c) Where material is deemed to be controversial, sensitive, or subject to frequent updating.

d) Where a lecturer has personal reasons that make it inappropriate for their lecture to be recorded.

e) Where facilities do not allow for a recording to be made.

17. Students should be informed that a recording is being made (see para 37).

18. Where lecture recordings are being made available to all students on a course, they should be provided to students as soon as practicable after the lecture, and for at least the remainder of the academic year.

19. Although the [Policy and Guidance on Undergraduate Teaching](#) includes a statement that staff should facilitate attendance at lectures by students on other courses if space allows, this provision is not currently extended to lecture recordings.

Section 5: Recordings of other teaching sessions (tutorials, seminars, classes, practicals, assessments or any other formal teaching session)

20. Typically, departments or faculties choose not to make recordings of interactive sessions (see 16a). Where a recording is made of a session which is student-led or students are the main contributors, such that their contributions could give rise to independent performance rights, the member of staff organising the session will need to ensure that each student completes a Participant Release Licence form in advance of any recording being released.

21. Where recordings are made for the purposes of assessment e.g. presentations, performances, these should be retained until they have either passed the standard retention point or until any complaint/appeal that may have been raised has been resolved, whichever is later.

Section 6: Pre-recorded content

22. Pre-recorded content or 'content capture' allows for a different approach to teaching with the ability to present, segment and pace content in different ways such as for review in advance of a teaching session or to revisit complex topics later. It can also be used to support practical or interactive teaching. However, it should not be used in lieu of live teaching sessions (see para 10).

23. Where lectures, or parts of lectures are pre-recorded, such as in a flipped learning approach¹, the University statutes stand in that the University does not claim ownership of the copyright of lectures.

24. Where pre-recorded content is intended to be used for more than a single year as part of course materials on a taught course, then this needs to be clearly indicated to the author on the Presenter Release Licence. This will also need to be flagged to the Replay team in order to ensure that recordings are protected from archiving and deletion.

¹ In a flipped learning approach, students view online materials in their own time, and at their own speed, ahead of lectures. This frees up face-to-face sessions for more active discussion and problem-solving, as well as highlighting areas of misunderstanding. Find out more on the CTL website.

25. Where pre-recorded content has been created for other purposes such as for public release or for short courses or other commercial use, then this is out of scope of this policy (see para 4).

Section 7: Student made recordings

26. There are a number of reasons why students might wish to make their own educational recordings in order to support their learning.

27. Students can be given permission to make educational recordings as a reasonable adjustment recorded in their Student Support Plan. If they have this provision they do not need to ask permission from individual academics, but should inform them as a matter of courtesy.

28. Other students who wish to make an educational recording must seek permission in writing prior to the teaching session or set of sessions from the academic(s) delivering the session. For students without the provision in their Student Support Plan, the decision whether or not to allow recording by students is at the discretion of the academic responsible, and would not normally be given if recordings are routinely made available by the department or faculty. Where a student has been given permission to record non-lecture teaching sessions the session leader should then check prior to the teaching session that there are no objections from others present to a recording being made.

29. Student-made educational recordings are only for the personal use of the student making them. They must not be shared with other students or individuals (unless for the purposes of transcription) and they must not be published or shared via any medium. Student-made recordings must be destroyed after completion of the relevant assessment.

30. Breach of this policy may constitute a breach of the [Code of Discipline under Statute XI](#). If a potential breach is identified then this should be referred to the Proctors for investigation.

Section 8: Permissions – staff

31. Under the [University Statute XVI](#) (section 7) the University does not claim ownership of the copyright in lectures and the audio or visual aids to the giving of lectures. These rights are retained by the member(s) of staff making the recording and contributing content. All staff making educational recordings therefore need to give their permission for the University to store and distribute their recordings by agreeing to a Presenter Release Licence (Annex A). This applies to all staff employed by the University whether or not the recordings are created as part of their core duties or stint of work.

32. Records of permissions must be kept within a department or faculty and an annual process of updating permissions must be undertaken prior to the start of a new academic year to cover recordings made in that academic year. For joint degrees, this should be the responsibility of the organising department or faculty of the course concerned. If this is unclear, the departments and faculties involved in delivery of the degree course are to agree responsibilities between themselves at the start of each academic year.

33. The Presenter Release Licence is still valid according to its terms even if the member of staff subsequently leaves the University, which allows the University to distribute the recordings to the intended cohort of students.
34. The personal data of staff contained within and related to educational recordings does not require permission to be processed. The primary legal basis for processing staff data in educational recordings is 'public task' as the activity is core to the University's purposes of teaching and research. The University can rely on that legal basis for the duration that recordings are retained in accordance with this policy.

Section 9: Permissions – external contributors

35. Individuals who are not staff of the University that are producing or contributing to educational recordings for taught courses will need to either
 - a) have an appropriate contract in place (covering at minimum copyright, intellectual property and data protection), *or*
 - b) complete the External Presenter Release Licence.

Section 10: Permissions – students

36. The University relies on 'public task' as the basis for processing students' personal data when making a recording which incidentally includes their contribution, as the activity is core to the University's purposes of teaching and research. The University can rely on that legal basis for the duration that recordings are retained in accordance with this policy.
37. Students should always be informed that a recording is being made. The 'Notice of recording' poster and slide (available on the [Replay website](#)) should be used when recording is taking place. Steps should be taken to inform students how they can avoid their contributions being recorded e.g. by where they sit or if they can request the pausing of recording, or how they can have their contribution removed from the recording before publication.
38. Staff should be mindful when recording sessions that may elicit disclosure of '[special category data](#)' from students as this would normally require additional conditions for processing. It is recommended that sessions including this information not be recorded, or if they are recorded that they are not scheduled for automatic release to allow the recording to be edited to remove student contributions of this type.
39. See also para 20 for situations where students are likely to have performance rights.
40. For further information, the [Student privacy policy](#) covers the collection and use of personal data arising from recordings of teaching and learning or research activities in which students are a participant.

Section 11: Permissions - in-copyright materials

41. It is imperative that staff, students and external presenters ensure they are not infringing copyright when they are making educational recordings. Copyright refers to a fixed form of intellectual expression. There are many types of 'work' covered by copyright. Those most likely to be used for educational purposes are:
- literary (any written work which is not dramatic or musical)
 - dramatic
 - musical
 - artistic (such as drawings, diagrams, paintings, photographs or sculptures)
42. Copyright protected materials may be used legally in teaching materials either with a) permission of the copyright owner via a licence, or b) under 'fair dealing' exceptions as stated in the legislation.
43. Under the 'fair dealing' legal exceptions for education ([Copyright, Designs and Patents Act 1988](#)), presenters can use a 'fair' amount i.e. an amount that is reasonable and appropriate and only using as much as is necessary, from most types of 'work' for teaching without permission from the rights owner e.g. in lecture slides, lecture notes or to display to students in class provided:
- a) You acknowledge the source, creator and/or copyright owner AND
 - b) You only make the material available to your students and staff teaching/preparing the course.
44. Teaching content may be subject to multiple Intellectual Property Rights (IPR), of which copyright is only one, other IPRs include Trademarks and Patents.
45. More information is available from the Bodleian Libraries [Guide to Copyright](#).

Section 12: Use of recordings for other purposes

46. Educational recordings will not be used by the University to substitute teaching that has been withheld as part of legitimate industrial action or for staff performance management. However, individual members of staff may use the recording of their teaching for self-reflection and enhancement of their own teaching.
47. Educational recordings may be accessed in response to a legitimate student complaint or supplied in evidence to support a legitimate student complaint.
48. Staff may use the content for which they own the intellectual property (see para 19), and which has been captured in educational recordings, in live teaching at other universities.

Section 13 – Conditions of use

49. Student use of recordings is subject to the conditions of the [IT Regulations](#) and additional conditions of the End User License, which specify:
- Use is limited to private study or personal non-commercial research

- Copies may not be downloaded for personal use.
50. Students must not copy an educational recording, give or lend a recording to another person, distribute a recording by any means (including filesharing or social media), edit or make an adaptation of an education recording. Any use of information, data or other academic content from an educational recording must be acknowledged in accordance with academic custom and any rules or guidance issued by the University.
51. Any breach of these conditions may result in action under the [University's Code of Discipline under Statute XI](#) or prompt legal proceedings (which may still be an option after a student has left the University). If a potential breach is identified then this should be referred to the Proctors for investigation.

Section 14 – Retention as part of University records

52. The Replay service has a default policy to automatically archive recordings after 13 months since last view. Recordings in the archive not viewed in two years will be automatically flagged and, unless a department requests the recording(s) are retained, will then be automatically actioned for archiving or deletion after a short period of time. Other systems in use should attempt to mirror this retention schedule so that recordings are permanently erased once they have served their purpose.
53. If it is necessary and justifiable to keep educational recordings beyond this schedule, then departments can request this by contacting the Replay team.
54. Creators of educational recordings may manually and permanently delete recordings after they are no longer available to students. If removal or deletion is required earlier than this, then a request should be made to the Replay team, supported by the Head of Department or Chair of Faculty Board.

Section 15 – Re-use

55. Noting the key principle that recordings are an additional resource and are not intended to replace teaching (para 14), there are occasions where it will be appropriate for recordings to be reused between cohorts of students.
56. Re-use always requires the permission of the creator(s) and can be facilitated by staff re-signing the Presenter Release Licence for the upcoming year.
57. All student contributions must be removed from recordings before re-use.
58. Recordings intended for re-use should be checked against the most up to date accessibility requirements prior to re-use.

Section 16: Accessibility of recordings

59. Where recordings are made available, they must be easily accessible to as many people as possible. This means making sure that people can use and get the full benefit from recordings regardless of any disability or impairment. Accessibility needs to be considered when creating material and when considering re-use.

60. Universities and other public bodies are required to ensure that digital content meets their obligations under the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations² which build on existing obligations under the Equality Act 2010.
61. The University supported recording platform has a range of accessibility features which are set out in the [Oxford University Panopto Accessibility Statement](#). Guidance is available about how to create accessible content, see for example the Centre for Teaching and Learning's [Guide to Creating Accessible Videos](#).
62. Captions (for video) or transcripts (for audio) should be added to recordings before making them available to students. Staff are not required to manually edit captions/transcripts that are automatically created and access to video content should not be restricted where it has not been possible to eliminate all errors. In terms of video production, good quality audio is the single most important factor in facilitating comprehension and attention. It also improves the accuracy of automated captions. Adding speaker notes/scripts and PowerPoint slides may be more helpful for improving the accessibility of the recording than fully accurate captions.
63. Automated captions are currently deemed sufficient to meet legal accessibility obligations, unless there are widespread caption errors which have a disproportionate impact on meaning and intelligibility. If this is the case, then manual captioning or transcription is likely to be a reasonable adjustment to mitigate disadvantage for individual disabled students. Departments are encouraged to contact the Disability Advisory Service for advice and support. The Replay team can also advise on third-party captioning services.
64. Students who require manually edited captions for increased accuracy, or text description of visual content as a reasonable adjustment, should contact the University Disability Advisory Service via disability@ox.ac.uk.
65. Departments or faculties should have clear guidance for staff provided in each teaching room on what technology is available to optimise accessibility of recordings.

Section 17: Public Sector Equality Duty

66. Educational recordings can make a positive impact on equality, by making teaching more readily accessible to disabled students. They can therefore assist the University in meeting commitments it has made to inclusive practices in its 2018-24 Strategic Plan and in the [Policy and Guidance on Undergraduate Teaching](#) and to maintaining an anticipatory approach for disabled students as set out in the [Common Framework for supporting disabled students](#). These commitments are consistent with the requirements of the Equality Act 2010.

Section 18: Review

67. This policy is for the 2022-23 academic year.

² <https://www.legislation.gov.uk/uksi/2018/952/contents/made>

Related legal frameworks, University policies, regulations, and guidance

- The [Equality Act 2010](#)
- [Video conferencing services assessment | IT Help \(ox.ac.uk\)](#)
- Policy and Guidance on undergraduate learning and teaching: [Undergraduate Learning and Teaching | Academic Support \(ox.ac.uk\)](#)
- [Student privacy policy | Compliance \(ox.ac.uk\)](#)
- [The Common Framework for supporting disabled students | Academic Support \(ox.ac.uk\)](#)
- [Statute XI: University Discipline | Governance and Planning \(ox.ac.uk\)](#)
- [IT Regulations 1 of 2002 | Governance and Planning \(ox.ac.uk\)](#)
- Regulations for the Student Disciplinary Panel: [Council Regulations 3 of 2006 | Governance and Planning \(ox.ac.uk\)](#)
- [Copyright, Designs and Patents Act 1988 \(legislation.gov.uk\)](#)
- [Accessibility guidance for Lecture Capture \(Replay\) | IT Help \(ox.ac.uk\)](#)
- [Creating accessible videos | Centre for Teaching and Learning \(ox.ac.uk\)](#)
- [Understanding accessibility requirements for public sector bodies](#)