

Recording Educational Activities Policy

INTRODUCTION AND BACKGROUND

1. This Policy sets out NCH at Northeastern (the College) policy on the recording of online synchronous and asynchronous, as well as hybrid (face to face teaching that is also live streamed) educational activities. In order to allow for high quality student experience online, the College has asked faculty and staff to record material for asynchronous delivery via the VLE.
2. This learning model has a number of benefits for all, including the delivery of blended and remote learning, improved accessibility and opportunities for students and staff to develop digital and online skills. Furthermore, recent events in respect of the COVID-19 pandemic have further demonstrated the need for flexibility in learning delivery.
3. The recording of educational content is not intended to replace face-to-face teaching. The College recognises the multifactorial benefits of recording lectures which includes, but is not limited to, increased accessibility for students, to aid revision and exam preparation, accommodating different learning styles, helping to create an inclusive learning environment, constituting reasonable adjustments under the [Equality Act 2010](#), and assisting student learning where attendance at lectures is not possible for any reason.
4. This Policy applies to all faculty & staff.
5. Visiting, external, and/or guest lecturers and academics must enter into separate terms with the College in respect of ownership and/or use of any and all IPR they use, create and/or develop with the College or while accessing the College premises and/or resources.
6. The aim of this Policy is to document and set out the College 's expectations of its staff and the terms with which faculty & staff are expected to comply. This Policy also provides guidance in respect of the recording of lectures and educational content. For the avoidance of doubt, such educational content includes, but is not limited to, lectures, presentations (including presentation slides), workshops, tutorials, seminars, podcasts or other audio recordings, soundbites, laboratory work and student assessments (Educational Content). For the avoidance of ambiguity, educational content includes sample educational material prepared for student recruitment purposes, such as sample lectures.

NOTIFICATION OF RECORDING

7. Faculty and staff are expected to record all Educational Content that is required by the College to ensure that students are able to access Educational Content and all relevant materials online via the Virtual Learning Environment (VLE).
8. Where a recording is taken during a live session, faculty and staff are required to notify students verbally that the session is being recorded and will be made available via the VLE at a later date.

CREATING/EDITING RECORDINGS

9. Full class capture will be available in the College's onsite teaching rooms, faculty and staff may also be able to record Educational Content from:
 - 9.1. Desktop pcs and laptops via authorized software provided from time to time by the College.
 - 9.2. As advised from time to time by the College, on College sites.
10. Faculty and staff are encouraged to use the platforms indicated in guidance by the Dean for Academic Innovation & Development from time to time to record their Educational Content. If faculty and staff wish to use any other recording software they must first obtain prior written approval from their immediate line manager (for example, Head of Faculty) and the Dean of Faculties.

USE OF RECORDINGS

11. Recordings are for use by faculty, staff and students for educational purposes only.
12. Recordings of Educational Content must not be shared outside of the College for any purpose or in any format.

ACCESS TO RECORDINGS

13. The responsible member of faculty or staff must upload Educational Content to VLE promptly after completion of each relevant recording and in accordance with curriculum guidance issued from time to time and in advance of the relevant semester. Failure to ensure Educational Content is recorded and uploaded in a timely manner may result in further action, including disciplinary action being taken by the college.
14. The responsible member of faculty or staff must make recordings of Educational Content available to students via the VLE on the relevant course pages and remain available to students during the duration of the specific programme of study.
15. Access to recordings of Educational Content on the VLE must only be made available to students and faculty & staff of the College.

INTERLECTUAL PROPERTY

GENERAL

16. There are potentially numerous different IPRs that could arise in the context of the recording of Educational Content.
17. Any IPR that arises in respect of any recording of Educational Content created by staff will be owned by the College and cannot be used externally without express written permission from the College.
18. Where any IPR is not owned by the College as set out in paragraph 17, staff may be required to assign such IPR to the college.
19. If staff wish to use any third party IPR/content in the delivery of course content, then that member of faculty & staff is responsible for obtaining a licence from the relevant third party to use that content. Faculty & staff must not use third party IPR/content without such licence/ express permission to do so.
20. Faculty and staff are responsible for ensuring that all content used by them during the delivery of Educational Content, including in the recording of such content, complies with the College's Intellectual Property Policy (see Staff Handbook).

MORAL RIGHTS

20. Faculty and staff hereby agree to perpetually and irrevocably waive any and all moral rights arising from their employment with the College pursuant to section 78 of the [Copyrights, Designs and Patent Act \(CDPA\) 1988](#) or otherwise insofar as it is lawful to do so and subject to the terms of this Policy.

PERFORMER'S RIGHTS

21. Performers' rights are personal rights which attach to the individual performance a person makes, for example through their participation in a lecture that is recorded. As a result, performers have certain rights that afford protection to their own individual performance of content, rather than to the content itself.
22. Students and any other individuals within the audience of a recorded (or other similar designated teaching event) do not acquire performers' rights, except where they make a contribution which amounts to a performance (as defined in the CDPA).
23. The College acknowledges that performers' rights may arise in respect of faculty, staff and/or students who make a significant contribution to recordings of Educational Content.
24. All performers' property rights in a member of faculty & staff's performance will be owned by the College.
25. Faculty & staff agree to irrevocably and perpetually waive their performers' non-property rights that arise from:
 - 25.1. The recording of any Educational Content, and/or
 - 25.2. Their employment with the College.

26. Where any performers' property rights are not owned by the College as set out in paragraph 24, faculty & staff may be required to assign such IPR to the College.

CONSENT

27. The College acknowledges that consent is required from all faculty & staff in respect of the making and use of recording of Educational Content and has adopted an Opt-Out policy in this respect.
28. Each member of faculty & staff hereby provides the College with their consent to be recorded for the purpose of the generation of Educational Content, as detailed in this Policy, on a perpetual and irrevocable basis. The creation and uploading of any recording of Educational Content to the VLE constitutes deemed consent.
29. The College understands that there may be limited exceptional circumstances where the recording of Educational Content may not be appropriate. However, it is expected that all lectures (or other similar designated teaching events) will be recorded as a matter of course, and all material under clause 13 will be prepared as required. Where any specific content is not to be recorded this must be agreed in advance in accordance with paragraph 30 and this Policy.
30. Engagement of faculty and staff in respect of the provision of recordings of Educational Content is strongly encouraged by the College to ensure its students are provided with the highest standard of education. However, should a member of faculty & staff wish to Opt-Out of a specific lecture (or other similar designated teaching event), i.e. require that the content of a particular recording or part of it is not recorded (for example, if that content contains unsuitable content, e.g. there are potential copyright issues, it contains unpublished research material or for data protection reasons (please refer to the relevant College Policy at paragraph 44.1 below), the relevant member of faculty or staff must contact their immediate line manager (for example, Head of Faculty) and the Dean of Faculties in writing, providing details of the session which, in the opinion of that member of faculty & staff, should not be recorded, the date of the proposed recording, the programme/course title, and any such other details as the College may require. Where an Opt-Out request is made which the College finds to be unreasonable and/ or without good and proper reason, the College may, at its sole discretion, take any such action as it deems necessary to ensure that the standard of education it provides, and compliance with its rules and regulations, are maintained. Please note that it is not possible to Opt-Out of more than one (or other similar designated teaching event) or recording at a time.
31. Faculty and staff wishing to Opt-Out must provide the College with as much notice as possible ahead of the particular recording or session with which the Opt-Out request applies and, in any event, provide such notice no less than six weeks prior to the start of the applicable term, unless the relevant faculty & staff member has been employed by the College less than six

weeks prior to the start of the term , in which case notice must be give as soon as possible prior to the start of the term.

32. Should a member of faculty or staff Opt-Out, it is accepted that such Opt-Out will apply to a specific recording and not to a programme or course generally.
33. All Opt-Out requests will be securely stored centrally by the College.
34. To ensure the College is in compliance with its obligations, where a member of faculty or staff has made an Opt-Out request, the College reserves the right to arrange for an alternative member faculty or staff to record the relevant Educational Content where it is appropriate to do so. The member of faculty or staff agrees to cooperate fully with the College in respect of any such alternative arrangement.
35. Once an Opt-Out has been approved by the immediate line manager (for example, Head of Faculty) and the Dean of Faculties, it is the relevant member of faculty & staff's responsibility to:
 - 35.1. Notify their cohort if a recording will not be made available for any reason.
 - 35.2. Ensure the relevant content is not recorded or is removed from the VLE.
 - 35.3. Keep a record of that content which has not been recorded or made available.

DATA PROTECTION

36. The College's Data Protection Policy applies to all recordings of Educational Content, for more information please see section 44.1 below.

RETENTION PERIOD

37. Subject to paragraph 40, recordings of Educational Content will be retained by the College indefinitely, at the College 's sole discretion.

RESTRICTIONS

38. Students, faculty and staff must not share any recorded Educational Content to any person or third party that is not a member of the College, and recordings must not be copied, modified, disseminated, used or distributed without the permission of the College.
39. Recorded Educational Content, and any other recorded content, will not be used for measuring performance of faculty and staff or for any performance or disciplinary proceedings, or as evidence in respect of any student, faculty or staff t or third party complaints, except where the recorded educational content is the primary means for delivery of that material.
40. When an individual ceases to be a member of faculty & staff for any reason:
 - 40.1. With the exception of courses that are primarily digital and asynchronous, recorded Educational Content created by that

individual **before 1 April** will be permanently removed from the College's VLE, servers and devices by no later than the beginning of the following academic year.

40.2. With the exception of courses that are primarily digital and asynchronous, any recorded Educational Content created by that individual **after 1 April** will be permanently removed from the College's VLE, servers and devices by no later than the end of the following academic year.

40.3. Individuals must permanently remove from their own devices any recording of students created by them or others during their employment with the College. With the exception of courses where either (a) the course is primarily digital and asynchronous, or (b) the College expressly states at its discretion to the individual that the material is of exceptional commercial significance to the College, permission is granted for the individual to retain and use their own recordings in the future.

41. Save as where express consent is obtained from the student (e.g. in respect of required recorded examinations), faculty & staff are not to record students in any recordings of Educational Content, save where any minimal interaction (e.g. asking/answering questions) is unavoidable and, in which case, faculty & staff agree to use reasonable endeavours to remove such student contributions from any recordings.

STUDENT RECORDINGS

42. Students are not permitted to make recordings of Educational Content via any means, except where permitted under the [Disability Policy](#) or where express consent has been granted by the Dean for Academic Development & Innovation either for an individual case or in guidance issued from time to time. Faculty & staff are encouraged to remind Students of this restriction at the beginning of live recordings.

43. Recording of Educational Content or misuse of recordings by students may be considered a serious case of misconduct. If any student is in violation of this restriction, the relevant member of faculty and staff is required to notify their immediate line manager as soon as reasonably practicable.

SUPPORT

43. Any queries in relation to the recording of Educational Content or absence must be directed to the immediate line manager and to the Dean of Faculties.

44. Related policies:

44.1. Data Protection Policy: <https://www.nchlondon.ac.uk/about-us/academic-handbook/nch-policies-and-procedures/data-protection/>

DEFINITIONS

45. Academic Year: Means the entire 12-month Academic Year as set out by the College from time to time "CDPA" Copyright, Designs and Patents Act 1988 (as amended from time to time)

46. Educational Content: As defined in paragraph 6.
 47. IPR: Any and all intellectual property rights of any kind including patents, rights in know-how, registered trademarks, registered designs, utility models, unregistered design rights, unregistered trademarks, rights to prevent passing off or unfair competition and copyright (whether in drawings, plans, specifications, designs and computer software or otherwise), database rights, topography rights, any rights in any invention, discovery or process, and applications for and rights to apply for any of the foregoing, in each case in the United Kingdom and all other countries in the world and together with all renewals, extensions, continuations, divisions, reissues, re-examinations and substitutions
 48. Policy: This recording educational activity policy.
 49. NCH (the College): New College of Humanities at Northeastern and the Northeastern Network.
 50. Faculty & Staff: Includes all NCH employees, without exception.
 51. Students: Includes all student(s) enrolled at the College on any course.
 52. VLE: The College's virtual learning environment.
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Referenced documents	Disability Policy				
External Reference Point(s)	Equality act 2010; Copyrights, Designs and Patent Act (CDPA) 1988				