

## **UNIVERSITY OF LEEDS**

### **Policy on Audio or Video Recording for Educational Purposes**

#### **Introduction**

1. This Policy deals with the recording by the University, its students or others of activities with an educational purpose<sup>1</sup> (“educational activities”). All types of audio or video recordings are covered in all media. Unless indicated otherwise “recordings” referred to under this Policy are to both audio and video recordings.
2. Recording by the University of educational activities is an important part of the University’s strategy to enhance the quality of the student experience (see <http://strategy.leeds.ac.uk/>), and the University regards recording as part of mainstream academic work.
3. The University cannot guarantee the availability of recordings for every educational activity. However, recordings are an important part of the University’s delivery of its educational objectives in the public good. The use of recordings is a well-established practice at many Universities and something that students expect as part of a 21st century University offering. Recordings are often invaluable to those students whose circumstances, including those with disabilities, mean they cannot otherwise fully benefit from the educational activity. Recordings support the Inclusive Teaching Practice baselines (see: <https://inclusiveteaching.leeds.ac.uk/>), and help to ensure that the teaching requirements of our diverse student population are met.
4. The University recognises that sometimes members of staff or students may have legitimate reasons for not wishing to be recorded, especially by video recording. These reasons will be considered and where appropriate, respected. This policy – which aims to promote responsible recording within a practical, legal and ethical framework – establishes a right to opt out of recording, with the agreement of the Head of School/Service.
5. Recordings by the University may be used for any purpose supporting the University’s educational objectives. This may include making recordings available internally in any media or platform. Subject to the explicit consent of the member of staff concerned, it may also include making recordings available externally in any media or platform and may also involve granting rights to other third parties and generating income.
6. Recordings will not be used as a performance management tool.
7. Recordings may be used to respond to complaints by staff or students, or be provided where requested by external regulatory bodies for example the OfS or the Office of the Independent Adjudicator.
8. This policy applies to the recording of all educational activities using any system. Currently, most audio video recordings are made using Mediasite, but recordings of educational activities using other systems e.g. Collaborate Ultra, Microsoft Teams, Microsoft Stream etc. are covered by this policy<sup>2</sup>.

#### **Deciding when to record**

9. It is to be assumed that all educational activities may be recorded by the University, but recording by students and others is not permitted except as provided in paragraph 20 below.

---

<sup>1</sup> Educational purpose means any purpose related to taught student education at the University, and may include research activity or the repurposing of research activity as appropriate. This policy does not however cover the recordings made for purely research or archival purposes.

<sup>2</sup> Updates to information about system functionality referenced in this policy will be reviewed annually, but due to rapid changes in system functionality (sometimes outside of the University’s control) it may become outdated before review.

10. The University's general position is that where possible all appropriate educational activities will be recorded, but the decision as to when the University shall record, which activity is to be recorded, how to record<sup>3</sup> and how best to use those recordings<sup>4</sup>, is ultimately the responsibility of the Head of School/Service<sup>5</sup> where the educational activity is primarily based. It is recommended that a decision by a Head of School is made after consideration by the School's Taught Student Education Committee/School's Research and Innovation Committee (as appropriate).

## **University Recording**

### *Agreement*

11. Staff and students are required to familiarise themselves with this policy, and will be deemed to have read and understood it. Any questions or concerns should be raised with the contacts referred to at the end of this Policy at the earliest opportunity.
12. Unless the University's Data Protection Officer has explicitly agreed otherwise<sup>6</sup> no recordings of special category personal data will be permitted without the explicit (opt-in) consent of those being recorded. Educational activities which may potentially involve recording special category data should consider use of the live editing facilities, or request an exemption (see paragraph 17). 'Special categories' of personal data' are defined under Article 9 of the General Data Protection Regulation ("GDPR"). Special categories of personal data consist of "personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation". See Annex for model express consent form (doc1).
13. Recordings will only be edited, published or shared by the content owner (i.e. the individual recorded) in the system, unless that individual gives written permission for someone else to edit, publish or share recordings on their behalf.

### *Editing*

14. Recordings shall include an editing function<sup>7</sup>. If staff or students at any stage wish to have a recording edited, they must request a change from the person responsible for the activity being recorded. This request must specify which material they wish to have changed and why they want the change. A request must be made immediately after the recording otherwise it is unlikely to be considered. In cases of disagreement, the matter shall be resolved by the Head of School/Services where the recorded activity is primarily based. When using the Mediasite system, staff are advised to make use of the pause button provided in all rooms with recording facilities, to conduct live editing of recordings. Live editing should be used carefully so as not undermine the general principle to have activities recorded as much as possible.

### *Notice*

15. The University will inform Students and staff about the recording of teaching activities and

---

<sup>3</sup> For example, recording audio and screen capture as a minimum or video, audio and screen capture if preferred

<sup>4</sup> It is assumed recordings will be made available to students via the VLE. Explicit consent from the member of staff concerned will be required for external publication.

<sup>5</sup> Throughout this Policy the Head of School/Service may nominate individuals to act on their behalf.

<sup>6</sup> Under GDPR there can be occasions where recordings of special category data do not need consent, but these should be exceptional and will require close scrutiny and additional actions to protect the privacy of those concerned.

<sup>7</sup> Editing of recordings is not currently possible within Blackboard Collaborate Ultra (June 2020). Therefore, if there are problems with the recording this should be deleted by staff.

the existence of this Policy. Information will be given as part of the student contract and the student and staff privacy notices.

16. In addition to the above there shall be a notice in all rooms where recordings are to be made. These notices will remind staff and students that they may be recorded and who they should contact if they wish to opt out of or edit a recording. See Annex (doc 2).

#### *Exceptions*

17. The University recognises that recording is not appropriate for all teaching and learning activities; for this reason, subject to the caveats in paragraph 20, staff, can with the agreement of their Head of School or their nominee, be exempted from having their teaching activities recorded where they can demonstrate a sound pedagogical, legal or other justifiable reason based on their particular situation.
18. A request by a member of staff or student for an exemption from recording must be sent in writing to the relevant Director for Student Education and the relevant Head of School. The request should explain the reasons for the desired exemption from the general practice of recording. The decision on whether to allow opt out will rest with Head of School. Where the Head of School wishes to seek further guidance this can be obtained from the Audio Video Recording Policy Guidance for Heads of School document. Until a decision has been made by the Head of School the default position will be that the recordings will take place. Where exemptions are agreed, the member of staff concerned is responsible for informing relevant module and programme leaders.
19. When considering requests for exemption, Heads of School will in particular consider the use of editing and audio-only recording and screen capture of teaching material e.g. power point slides.

#### *Students with a disability who need a recording*

20. If a student with a disability has a requirement to have recordings available this will be respected, even where the member of staff to be recorded has an exemption. Unless there are exceptional circumstances and an acceptable compromise can be found, recording will take place. Sometimes as an alternative, because of the particular needs of the student, e.g. relating to format, the student shall be permitted to make their own recording e.g. through use of their own laptop or other recording device (see paragraphs 34 to 36).
21. If there is a student(s) with a disability who needs access to a University recording through the Mediasite system<sup>8</sup>, then the member of staff concerned either (a) makes the recording available to all those attending in the normal way, or (b) they have the option through the Mediasite system to specifically limit access to the recording to the student(s) with the disability who need the recording. For further guidance on how to do this please see [https://it.leeds.ac.uk/it?id=kb\\_article&sysparm\\_article=KB0014285](https://it.leeds.ac.uk/it?id=kb_article&sysparm_article=KB0014285).
22. If the member of staff wishes to elect (b) above then they will still need to have obtained the Head of School's agreement *not* to make the recording available generally to the other students present. In addition, because the in-room Mediasite system will indicate through the red light facility that the activity is being recorded, the member of staff will need to inform all present that the recording is only going to be accessible to those who have a need because of their disability. The purpose of this announcement is to avoid any confusion as to general availability of the recording.

#### *Use of microphones in teaching spaces*

---

<sup>8</sup> Similar mechanisms to restrict access to content exist within Microsoft Stream. For Collaborate Ultra recordings, staff should download the recording and share it with the individual student(s) concerned and delete it from Collaborate Ultra.

23. Where a lapel microphone is provided in a teaching space, staff must make use of this equipment when talking. The use of lapel microphones enables effective voice reinforcement for students in the room, and provides high quality audio content to enable effective automatic captioning. Use of lapel microphones supports voice protection and projection and avoids the need for students to strain to hear the lecturer. Use of the lapel microphone is likely to be very important to students with disabilities that need to access the recording.
24. In educational activities where students are asking questions, and these may not be picked up by the microphones in the room, staff are expected to repeat questions before answering, to ensure all students present have heard the question, and for the purposes of the recording. Where there is a lot of student interaction in an educational activity, staff may consider use of other digital technologies e.g. Top Hat mobile voting system, VLE tools, Padlet board etc. to record interactivity.

#### *Captioning of recordings*

25. All audio and video recordings will be automatically captioned within the Mediasite system (including scheduled recordings, desktop captures and adhoc/record now), using speech-to-text technology<sup>9</sup>. Only captions which meet a defined quality threshold of at least 80% accuracy will be published to students. Staff and students need to be aware that captions whilst helpful are not a hundred percent accurate. Students should seek advice from teaching staff where they have concerns about the accuracy of the captions. Staff can edit the captions within Mediasite prior to, or after, publication of recordings (but are not required to edit inaccuracies in captions, subject to paragraph 27). Where captions do not meet the required quality threshold, they will not be provided unless an individual student requires them as part of a reasonable adjustment. Captions in Mediasite will only be provided in the English language.
26. Auto-captions are available as default on recordings within Microsoft stream (either from Microsoft Teams recordings, or Stream recordings), and from Office 365 products as live-captions (including PowerPoint). Captions are available in multiple languages, and can be edited.
27. Where a student with a disability has a requirement for transcripts from educational activities, captions which do not meet the required level of accuracy should be highlighted to staff. Depending on the system, the captions will either be (i) sent for human captioning by a third-party (Mediasite); (ii) referred to the Disability Services for individual support for the affected student(s) (Microsoft Stream); (iii) produced, as required, from systems where auto-captioning is not available.
28. Speech-to-text technology is not sufficiently advanced to guarantee accuracy. Whilst the University is doing its best by having good technology, it cannot accept responsibility for any inaccuracies. Students should feel free to verify the content of captions with staff.

#### *Auto-publication of recordings*

29. All Mediasite scheduled recordings (i.e. those recordings scheduled via the University's timetable system) will be automatically published two working days after the recording takes place<sup>10</sup>. Users will receive email notification of the intention to auto-publish and will be able to prevent auto-publication if required and permitted. Users will be able to publish recordings at any time before the auto-publication is due to take place.

---

<sup>9</sup> Auto-captions are not currently available in Collaborate Ultra.

<sup>10</sup> Collaborate Ultra recordings are available automatically to all enrolled students within Minerva. Microsoft Teams recordings will be automatically available to all meeting attendees. Microsoft Stream recordings will be available to users defined by the content owner.

## *Data Protection*

30. Recordings will often engage data protection rights because they include the “processing” of personal data where individuals can be identified. For example, a video may show faces of those attending, while audio recordings will include the voices and words of the speakers. Anything done with personal data must comply with the University’s duties under data protection law, i.e. (at present) the GDPR and the DPA 2018. It must also comply with the University’s duties as a public authority for the purposes of the Human Rights Act 1998, and in particular the right to privacy under Article 8(1) ECHR.
31. The University has carefully considered the data protection rights of staff and students in relation to this Policy. The University’s position is that the processing of personal data governed by this policy on recording is justified because it is reasonably necessary for the effective performance of the University’s public interests tasks (Article 6(1)(e) GDPR) – specifically as regards the provision of educational services. Alternatively, the recording practices governed by this policy would be justified by the legitimate interests of the University (in delivering its educational services effectively) and students (in receiving an optimum university education). Where the recording is a legal requirement, particularly where required to fulfil the University’s legal responsibilities to a student with a disability, the University has grounds to require the recording in accordance with Article 6 (1) (c) of GDPR. The University has concluded that its approach to recordings is balanced and proportionate.
32. Where the recording is to include special category data then in accordance with paragraph 12 above the explicit consent of those concerned will be required unless the University’s Data Protection Officer has agreed that other grounds may be relied upon to justify that processing of special category data based on the particular circumstances of that case.

## *Student Recordings*

33. Unless students are specifically required by the University under a programme of study or research to make recordings, prior authorisation by the member of University staff managing that activity will be required. If the member of staff does not give consent then the student may ask the Head of School to review the decision that has been made. The Head of School may permit the student to proceed to record where they believe it is reasonable to do so under the circumstances of that case. The Head of School shall be mindful of the possibility of limiting access to that student as detailed under 18 above.
34. Only in exceptional circumstances will authorisation for recording by students be given. An example of an exceptional circumstance could be where a student with a disability needs to make a personal recording. Where authorisation is given, this will be on condition that the recording may only be used for private study. This will not allow for further copying or sharing with other students. In cases where there is evidence of students breaching this condition, the University’s disciplinary processes will be followed.
35. Where a recording by a student is permitted all those present must be informed and have the ability to object and ask for the recording to be edited. The process for notifying and considering objections is as stated above for University recordings.

## **Intellectual Property**

36. In accordance with the University’s Policy on Intellectual Property Rights (see [http://www.leeds.ac.uk/secretariat/documents/ipr\\_policy.pdf](http://www.leeds.ac.uk/secretariat/documents/ipr_policy.pdf)) in general where staff make a recording, all rights in that recording (including rights in the sounds made) will belong to the University.

37. Recordings by students will be owned by them, subject to the conditions in the University's Policy on Intellectual Property Rights ("IP"). Where a student is to be the owner of the IP the student grants the University a free, irrevocable non-exclusive licence to allow the University to complete its commitments to the student e.g. relating to the supervision and assessment of the student's work.
38. The University seeks to respect student and staff rights to be acknowledged as authors and performers. Otherwise, to the extent allowed under the general law, any individual interests in the recordings are waived, allowing the University to act in effect as a custodian, to maximise educational objectives in the general interest of all. The final reminder that a recording is about to commence will reconfirm the position (see doc 2 of the Annex).

#### *Statement of Rights*

39. When using recordings owned by the University students and staff should always assert the University's rights. Please see Annex for common statement asserting ownership of copyright (doc 3).

#### *Authorship and Identification as Performer*

40. Students or staff should wherever practicable look to assert a right to be identified as an author or performer. Individuals will need to come forward at the time the recording is made and assert these rights. For guidance on when someone should be acknowledged as an author or performer see [http://library.leeds.ac.uk/info/138/copyright\\_and\\_licences/55/copyright-the\\_basics/5](http://library.leeds.ac.uk/info/138/copyright_and_licences/55/copyright-the_basics/5). Please see Annex for common wording asserting authorship rights (doc 3).

#### *Staff leaving the University*

41. As with any teaching material staff leaving the University are not permitted to delete recordings in the belief that it belongs to them. Teaching material belongs to the University and is likely to be needed by other colleagues and students involved in the programme.

#### *Downloading and Retention of recordings*

42. Owners of Mediasite recordings can change settings to allow users to download recordings from the Mediasite system<sup>11</sup>. There may be further conditions required at the time, but as a default where downloading is permitted the user accessing the downloaded recording may not (i) edit the recording unless they were the person responsible for the recording; or (ii) share the recording with others; and may only use the recording for private academic study.
43. Recordings (both timetabled and non-timetabled) should be kept for a period of 2 years. Recordings that are timetabled will be automatically deleted after a final holding notice period of 90 days before. Staff should receive final notification before permanent deletion occurs. This will give staff a final opportunity to preserve the recording if there is a compelling need (for more information, see: [https://leeds.service-now.com/it?id=kb\\_article&sys\\_id=27beae89dba6b744c9ca18fe3b961962](https://leeds.service-now.com/it?id=kb_article&sys_id=27beae89dba6b744c9ca18fe3b961962)).
44. Non-timetabled recordings of educational activities produced using the Mediasite system will not be automatically deleted. Staff and students (where students are permitted to download recordings) will need to manually delete the recording after 2 years.

#### **Appropriate Material**

---

<sup>11</sup> Collaborate Ultra recordings can be downloaded by enrolled users. Microsoft Teams recordings can be set to allow download.

45. Third party material – for example, a YouTube clip or research participant data – may be included in a recording only where it is lawful to do so and ethical requirements have been met. The University does hold licences that allow the use of some third party material, but often permission is limited to internal use only e.g. not outside of the VLE. Additional clearances for both internal and external use may be required. It must not be assumed that since the activity is educational “it will be all right”. For guidance on where further clearance may need to be sought please see <http://library.leeds.ac.uk/copyright-for-teaching>.
46. A situation may occur where a recording is challenged by rights holders or deemed unacceptable for other reasons e.g. defamatory in nature. The University may itself, or require others to, edit or remove inappropriate material

### **Visitors**

47. It is recognised that the position with visitors (being subject to a University recording or where the visitor wishes to make their own recording), may take some reflection and negotiation with the visitor. The arrangements should be agreed in writing (exchange of e-mail will suffice) and relevant information contained within this policy should be drawn to the attention of the visitor so that an approach can be agreed and/or any concerns discussed.
48. 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. Where the University is to record, the visitor should be given the Recording Notice (see paragraph 15 and 16) alongside other anticipated participants. The visitor should also be given the right to object to being recorded and to request an edit of the recording. Where the visitor is to do the recording other participants again should generally have the same rights to object to being recorded and request an edit of the recording.

### **Safe Keeping**

49. Where a recording identifies individuals it must be stored safely and accessed only in a way compatible with the agreed purposes (and any other stated conditions) e.g. where just for use by members of a particular class a password system may be appropriate. 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.

### **Training**

50. Further training relating to the implementation of this Policy will be coordinated by the University’s Organisational Development and Professional Development unit (OD&PL).

## **Appendix**

### **Further Help**

51. General queries relating to the implementation of this policy should be sent to the Dean of Digital Education (Neil Morris, [n.p.morris@leeds.ac.uk](mailto:n.p.morris@leeds.ac.uk)).
52. Specific concerns relating to intellectual property rights should be sent to [copyright@leeds.ac.uk](mailto:copyright@leeds.ac.uk).
53. Specific concerns relating to data protection and other legal issues should be sent to the University's Legal Adviser's Office (Adrian Slater, [a.slater@leeds.ac.uk](mailto:a.slater@leeds.ac.uk)) or the University's Data Protection Officer, [dpo@leeds.ac.uk](mailto:dpo@leeds.ac.uk).
54. If any part of the University's recording equipment is not working this should be immediately reported to the IT Service Desk (computer facilities) or Facilities Help Desk (audio video facilities).

### **Responsibility**

55. The Deputy Vice-Chancellor for Student Education and the University Secretary shall have overall responsibility for this Policy

ANNEXES

**Document 1**  
**Special category Data – Consent form**

Name of staff/student (Print)

Place (s) of recording(s)

Date(s) of recording(s) ... ..

Activity (e.g. module,.....  
programme research activity) being recorded .....

I agree as follows:

1. The above recording is to take place in accordance with the University's Policy on Audio or Video Recording for Educational Purposes.
2. My contribution to the above activity may be recorded and used in any format by the University or others [describe] for [describe purpose].
3. My contribution contains special category personal data relating to [describe].

I have had opportunity to raise any concerns in relation to the recording.

I consent to my data being recorded and used as described above.

Signed

Dated .....

## **Document 2**

### **In Room Notice**

The activities in this room may be recorded by the University and others acting with the University's consent. Recording is to be conducted in accordance with the University's Policy on Audio or Video Recording for Educational Purposes (see <http://www.leeds.ac.uk/secretariat/documents/>). Please read the Policy for further background information relating to your rights. These rights include a right to opt out of recordings and to request an edit of recordings.

You may not generally record the activities yourself. However sometimes students with a disability will be permitted to make their own recordings.

If you have any concerns relating to the recording, please contact [give details].

## **Document 3**

### **Ownership**

“© The University of Leeds [Year].”

### **Authorship**

“The right of [name of author] to be identified as author of this work has been asserted by them in accordance with the Copyright, Designs and Patents Act 1988”.