

## Key principles regarding recording

Work is ongoing to draft a new policy for the management of digital materials and recordings made for teaching and learning purposes; this will subsume existing policies on [Lecture Capture](#) (created for a very specific instance, now rare due to teaching changes in response to COVID-19) and [Use of Recordings for Teaching and Learning Remotely](#) (created as a stopgap for cessation of residential teaching, which will not be the case in AY20-21). The intent is to consolidate information and clarify approach for a wide range of teaching content.

The General Board's Education Committee approved the following key principles at its meeting of 21 July 2020, which will form the basis of the policy. The wording used in this document is subject to change in the final policy. The Cambridge branch of the University & College Union, Heads of School and School Directors of Education will be consulted on the draft in August.

The policy will explicitly refer to materials created in the course of, or explicitly for, teaching and learning on University courses of study. It will not apply to materials or artefacts created for external use, or for uses other than teaching and learning (research, marketing).

### **The creator of the material retains ownership**

- The creator retains intellectual property rights and copyright, including performer's rights, in the material; largely this will be the lecturer/session leader but may also be students (e.g., student submissions of work for formative or summative assessment)
- Faculties and Departments may set restrictions on those who may be considered 'creators' of recordings if there are multiple creators<sup>1</sup>; for example, the recording of supervision sessions where the discipline may determine that the session leader/supervisor is the 'creator' for the purposes of retention, editing, managing, etc.

### **The University has licence to use the material for teaching**

- The Statutes and Ordinances of the University provide for a non-exclusive, royalty-free, perpetual licence to use material created for teaching by a University staff member ([Statutes and Ordinances 2019; Chapter 13, Section 3; Regulation 30](#))
- The licence extends only to the University's use of the material for teaching in the University and cannot be used for commercial or other uses
- This does not extend to student work

### **Consent is always required<sup>2</sup>, but there are a variety of methods to obtain it**

- Any person whose image or voice is part of the recording must give consent to appear
- Methods and formality of giving this consent will vary and will be specified by content type; subject to further discussions, it is planned that:

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<sup>1</sup> Clarifying note post-GBEC: participants may still hold performance rights in the recording.

<sup>2</sup> Clarifying note post-GBEC: consent is not legally required in all cases; this phrase is worded so as to capture the University's intention not to introduce a blanket implied consent policy. It is likely that the final policy will not refer to "opt-out" or "implied" consent, but will clarify instances where consent is, and is not, legally required. Those situations listed here where "opt-out" is used will be those in which consent is not legally required.

- Lectures: opt-in policy for lecturer or any other explicit speakers, opt-out policy for students. Opt-in consent must normally be in writing, although activation of pre-recording software with a single speaker can be taken as implied consent.
- Supervisions: always opt-in, but may be granted verbally or in writing, provided that appropriate records are kept.
- Small-group teaching, classes, practicals: opt-out consent will normally apply, save that creators should consider whether some sessions merit opt-in; as a rule of thumb, if half of the content relies on discussion or participation from attendees, then opt-in should apply. Consent may be verbal or in writing.
- Creators are responsible for maintaining appropriate records of consent, and/or removing material where consent is withdrawn.
- In all cases, participants must be notified that a recording of the event will be taken, and what action, if any, they may take to avoid being recorded if they wish to do so.

### **Materials may be used for teaching only**

- They may be used by students and staff for their own private study or non-commercial research, and may not be shared, published or disseminated to the general public in any format or media. Breaches may be subject to disciplinary action.
- Where a creator wishes to re-use material created for teaching and learning for an external or commercial purpose, any applicable University licence to use the material remains in effect.

### **Materials and recordings will be time-limited**

- The University will maintain access to the material for the cohort, or individuals within the cohort, for which the material has been prepared, through Moodle or other restricted-access system, such as a departmental intranet. Access will normally be for one year or for a specific time as requested by a Faculty or Department.
- Material may be re-issued to subsequent cohorts; each re-issuing is treated as an independent entity under the policy.
- Creators may re-issue material as desired, save that individual Faculties and Departments may set limits on re-use of material within courses of study.
- The University will not expressly maintain an archive of material, save that individual Faculties and Departments may choose to do so, and that historical versions of Moodle or other systems may retain links to content. Creators should discuss archiving methods and implications with the relevant Faculty.
- Students and staff may not maintain an independent archive of content, without the express consent of the creator.

### **GBEC may set boundaries or expectations on participation**

- GBEC will have the power to define limitations and exceptions to the following:
  - The ability of captured lectures to be used as replacement for scheduled contact time; for example, during 'normal' residential delivery as opposed to cessation of residential teaching.
  - The requirement to participate in lecture capture or recording of teaching content; as an example, to require lectures to be recorded, or to permit exemptions from that rule for controversial, ethically- or commercially-sensitive material.