



CONTENT CAPTURE POLICY

(Staff version)

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The latest version of this document is always to be found at: <http://policies.docstore.port.ac.uk/policy-234.pdf>

Summary

1. What is this Policy about?

This document sets out the University's policy for capturing Taught Content for the purpose of enhancing and providing a high quality student learning experience. This Policy sets out the University's expectations of its Staff in relation to the capture and use of synchronous and asynchronous Taught Content. This includes: (i) content that is captured digitally or recorded by Staff and then made available to Students; and (ii) other learning materials that provide Students with the ability to revisit all or part of a Taught Event. For the avoidance of doubt, such Captured Taught 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.

The Policy also includes important guidance related to accessibility requirements; issues surrounding rights and Intellectual Property; and protocols for the security and retention of recordings. Furthermore, recent events in respect of the Covid-19 pandemic have further increased the need for flexibility in delivery of Taught Content.

2. Who is this Policy for?

This Policy applies to all Staff. The aim of this Policy is to document and set out the University's expectations of its Staff and the terms with which Staff are expected to comply. There is a separate Content Capture Policy for Students at: <http://policies.docstore.port.ac.uk/policy-257.pdf> and visiting, external, and/or guest lecturers and academics (or other external individuals involved in the capture of Taught Content).

Any visiting, external, and/or guest lecturers and academics (or other external individuals involved in the capture of Taught Content) must enter into separate terms with the University in respect of ownership and/or use of any and all Intellectual Property that they use, create and/or develop with or for the University, or whilst accessing and/or using University premises and/or resources.

3. How does the University check this is followed?

Associate Deans (Students) will be responsible for overall monitoring and review of the operation of the Policy within their Faculties. The functioning of content capture in Faculties will be reported annually to the Student Experience Committee by the Associate Deans (Students) using data from internal student voice mechanisms. Students will be expected to voice views and opinions related to content capture via student voice mechanisms such as Student Voice Committees and Faculty Student Forum.

4. Who can you contact if you have any queries about this Policy?

If you have questions about this Policy please contact the Dean of Learning and Teaching by email at deanlandt@port.ac.uk

5. Executive summary

The Policy sets out the core purpose and principles of capturing Taught Content. There are benefits to every Student of having the ability to revisit all or part of a Taught Event. In particular it:

- Allows Students to revisit points they did not understand in the session.
- Provides support for Students who are unable or find it difficult to take notes in class.
- Helps Students whose first language is not English.
- Constitutes a valuable revision resource.
- Offers an option for Students who are unable to attend the session (e.g. due to illness or a caring responsibility).
- Provides the benefits and flexibility of blended and distance learning, improved accessibility, and opportunities for Staff and Students to develop digital and online skills.
- Provides for continuation of learning where face-to-face teaching is not possible, for example as a result of the Coronavirus pandemic.

The core principle underlying this Policy is that all Students should have access to learning from all formal teaching sessions regardless of whether they are able to physically attend. This does not mean that the entirety of all sessions is captured, but that Students are provided with a means to review the learning from all formal teaching sessions through relevant means. While much of the Policy document focuses on audio and video content recording, it is important to take the wider concept of Taught Content capture into consideration; doing so provides greater scope for Staff to generate a range of support materials that meet the core principle. Such support materials might include enhanced notes in lecture slides; written summaries of sessions; audio summaries; narrated presentations, and so on. Further information and examples can be found at <https://sites.google.com/port.ac.uk/preparingforteachingonline>.

The Policy sets out the University's expectations in relation to the capture and use of Taught Content. This includes: (i) content that is captured digitally by Staff and then made available to Students; and (ii) other learning materials/content that provide Students with the ability to revisit all or part of a Taught Event.

The Policy also includes important guidance related to accessibility requirements; issues surrounding rights and Intellectual Property; and protocols for the security and retention of recordings. Further information is provided on the supporting website <https://sites.google.com/port.ac.uk/preparingforteachingonline>, which also contains a set of Frequently Asked Questions (FAQs) about the Policy.

Policy

1. PURPOSE AND PRINCIPLES

- 1.1. The University recognises the benefits to every Student of the ability to revisit all or part of a Taught Event. Taught content capture is not only popular with Students, it provides a number of important learning benefits. In particular it:
 - 1.1.1. Allows students to revisit points they did not understand in the session.
 - 1.1.2. Provides support for students who are unable or find it difficult to take notes in class.
 - 1.1.3. Helps students whose first language is not English.
 - 1.1.4. Constitutes a valuable revision resource.
 - 1.1.5. Offers an option for students who are unable to attend the session (e.g. due to illness or a caring responsibility).
 - 1.1.6. Provides the benefits and flexibility of blended and distance learning, improved accessibility, and opportunities for Staff and Students to develop digital and online skills.
 - 1.1.7. Provides for continuation of learning where face-to-face teaching is not possible, for example as a result of the Coronavirus pandemic.
- 1.2. The core principle underlying this Policy is that all Students should have access to learning from all formal teaching sessions regardless of whether they are able to physically attend. While much of this document focuses on audio and video content recording, it is important to take this wider concept of Taught Content capture into consideration; doing so provides greater scope for Staff to generate a range of support materials that meet the core principle. Such support materials might include: enhanced notes in lecture slides; written summaries of sessions; audio summaries; narrated presentations, and so on. Further information and examples can be found at <https://sites.google.com/port.ac.uk/preparingforteachingonline>.
- 1.3. This Policy has been developed to ensure that Staff are clear about their rights and responsibilities when Formal Teaching Events and Taught Content are captured or recorded.

2. SCOPE

- 2.1. This Policy sets out to define the University's expectations in relation to the capture and use of Taught Content. This includes: (i) content that is captured digitally by Staff and then made available to Students; and (ii) other learning materials/content that provide Students with the ability to revisit all or part of a Taught Event.
- 2.2. The Policy also includes important guidance related to accessibility requirements; issues surrounding consent, rights and Intellectual Property; and protocols for the security and retention of recordings. Further information is provided on the supporting website: <https://sites.google.com/port.ac.uk/preparingforteachingonline>. The supporting website also contains a set of Frequently Asked Questions (FAQs) about this policy.

3. RECORDINGS CAPTURED BY STAFF

- 3.1. In support of a consistent and inclusive Student experience, Staff are expected to capture and publish relevant aspects of all formal Taught Content on the VLE as a matter of course (see paragraphs 1.2 and 3.2). This section is about when the Taught Content is captured by means of recording.
- 3.2. The University accepts that not all teaching styles nor all formal teaching sessions are suitable for recording, and that the technical facilities to do so may be prohibitive in certain situations. In addition, it is understood that the recording of some learning activities might be inappropriate (see section 9). Furthermore, students might not find benefit in reviewing (overly-long) recordings. If a formal teaching session is not recorded, staff must provide a suitable summary for students¹. For example, this could be a short recording (audio and slides), a written summary of the session, or a clearly annotated copy of the presentation slides providing an overview of key points, threshold concepts, or discussing points that students find difficult to understand. Such summaries, which need only be a few minutes long, can be created quickly and easily using available technology².
- 3.3. Recordings are not, other than in exceptional circumstances (see section 5), a replacement for physical attendance at those sessions.
- 3.4. Where Taught Content is being recorded, only the audio and/or video of the session presenters and/or teaching resources should be captured, not other session attendees (e.g. the participating Students). However, there will be circumstances when the recording of other session attendees is desirable/unavoidable. Section 9 outlines the rights of participants in this situation.
- 3.5. Students are required to be recorded if the recording is a mandatory part of an assessment.
 - 3.5.1. They will be informed via the VLE in advance of the recording.
- 3.6. If the capture of Taught Content is likely to result in video and/or audio recording of session attendees, they should be made aware of this by the relevant member of Staff before recording starts. Where a recording is to take place on University premises, room signage must indicate if a venue is equipped with recording equipment.
- 3.7. When a recording is taken during a live session, Staff are required to notify Students that the session is to be recorded and will be made available via the VLE, in an accessible format (see section 6) no longer than five working days after the session.
- 3.8. When a lecture date and/or time is changed or a lecture is cancelled, if it was scheduled to be recorded, Schools/Departments will ensure the associated scheduled recording is also changed or cancelled promptly as required.
- 3.9. Only Staff are permitted to video record Taught Content, Students are not permitted to make video recordings of Taught Content via any means, Students are permitted to make audio recordings for pedagogic reasons, or if this has been agreed specifically as a reasonable adjustment (see section 6). Staff are encouraged to remind Students of this restriction at the beginning of live recordings. Video recording of Taught Content or misuse of audio or video recordings by Students may be

¹ In the case of disabled students, a transcript in accessible format would have to be provided as part of our Anticipatory Duty.

² Further information and examples can be found at <https://sites.google.com/port.ac.uk/preparingforteachingonline>

considered a serious case of Student misconduct. If any Student is in violation of this restriction, the relevant member of Staff is required to notify the relevant School/Department as soon as reasonably practicable.

4. ACCESS TO RECORDINGS

- 4.2. Recordings of Taught Content must be made available to Students via the VLE on the relevant module pages and remain available to Students during the duration of the specific program of study.
- 4.3. Access to recordings of Taught Content on the VLE must only be made available to Staff and Students of the University.
- 4.4. All recordings of Taught Content will be made available in a format that is accessible to Students on the VLE, e.g. by providing transcripts or subtitles.
- 4.5. The University will provide clear, accessible guidance on how to access content made with recording technology.

5. USE OF RECORDINGS

- 5.1. The following uses of Taught Content recordings are permitted under this Policy:
 - 5.1.1. Students may only use a recording for educational purposes and for the purposes of their own personal study while at the University and must destroy any copy of the recording they hold once this purpose has been met.
 - 5.1.2. Staff may use recordings of their own taught sessions within their own performance review, to facilitate peer observation of their teaching, or if they are investigated under the Disciplinary Policy.
 - 5.1.3. The University or students may use a recording of a taught session, recorded in accordance with the terms of this Policy, within the scope of an investigation under the Code of Student Behaviour.
 - 5.1.4. In the event of significant disruption from a pandemic or other natural event, or the unforeseen loss of part of the University estate, the University may use a recording held within the VLE to provide continuity.
 - 5.1.5. Staff and Students are prohibited from sharing any recordings or Taught Content, in any format, outside of the University.
 - 5.1.6. Staff may only use, modify, publish or share restricted-access recordings or excerpts with the express permission of the University
 - 5.1.7. It shall be a disciplinary offence to use, modify or distribute recordings without permission (from the Head of School/Department), including but not limited to: copying the recording; issuing copies of it to the public, renting or lending copies of it to the public, and/or; playing it in public or broadcasting it. Any Staff found to be using, modifying or distributing a recording without permission may be investigated under the Disciplinary Policy.
- 5.2. For the avoidance of doubt, the following uses will not be made of the Taught Content recordings, unless by way of separate agreement:
 - 5.2.1. The recordings and any associated metadata for Staff performance review or disciplinary processes without the relevant member of Staff's express permission, except in the case of

alleged gross misconduct or as part of an investigation carried out under the Code of Student Behaviour.

- 5.3. The provision of captured Taught Content does not constitute a replacement for Student attendance at a formal taught session, unless the University has specified this as a reasonable adjustment for a disabled student, or where absence is authorised.
- 5.4. Schools/Departments must not use captured content as a routine mechanism for managing clashes of timetabled lectures.
- 5.5. The University and Schools/Departments will provide guidance to Students on how to benefit from Formal Taught Sessions, and how to use any recordings of those sessions appropriately.

6. ACCESSIBILITY AND INCLUSIVITY

- 6.1. The University of Portsmouth seeks to increase the accessibility and inclusivity of learning and teaching for all Students but has a specific 'anticipatory' duty under the Equality Act 2010 to ensure that there is provision and support (reasonable adjustments) made for and available to disabled Students. The duty to make reasonable adjustments requires the University to take positive steps to ensure that disabled Students can fully participate in their education and enjoy the other benefits, facilities and services which education providers provide for Students. The following points apply to Students with a disability and who have adjustments in place to support their academic studies.
- 6.2. All recordings of Formal Teaching Sessions will be made available in a format that is accessible to Students (e.g. by providing transcripts or subtitles).
- 6.3. Students with disabilities shall be permitted to audio record lectures, tutorials and supervision sessions using their own equipment for their own personal learning.
- 6.4. The terms and restrictions outlined in section 5 apply to recordings made by Students with disabilities as they do to non-disabled Students. Students agree to these terms and conditions as part of the contract between the University and its Students, and assent to it on enrollment.

7. INTELLECTUAL PROPERTY RIGHTS

- 7.1. There are potentially numerous different Intellectual Property Rights that could arise in the context of capturing or recording Taught Content. The University's Intellectual Property (IP) Policy covers the status of intellectual property generated by the University's Staff and Students.
- 7.2. Any Intellectual Property Rights that arise in respect of any recording of Taught Content created by Staff will be owned by the University and cannot be used externally without the express written permission from the University.
- 7.3. Where any Intellectual Property Rights are not owned by the University as set out in paragraph 7.2, Staff may be required to assign such Intellectual Property Rights to the University.
- 7.4. Staff hereby agree to perpetually and irrevocably waive any and all moral rights arising from their employment with the University pursuant to section 78 of the Copyright, Designs and Patents Act (CDPA) or otherwise insofar as it is lawful to do so and subject to the terms of this Policy.
- 7.5. Performers' property rights are personal rights which attach to the individual performance a person makes, for example through their participation in a taught session 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. Subject to clause 7.8, these rights reside with the member of Staff and other participants, who agree to the recording of the session and agree that the University may use their performance for educational purposes.

- 7.6. Students and any other individuals within the audience of a recorded lecture do not acquire performers' rights, except where they make a contribution which amounts to a performance (as defined in the CDPA).
- 7.7. The University acknowledges that performers' property rights may arise in respect of Staff and/or Students who make a significant contribution to recordings of Taught Content.
- 7.8. All performers' property rights in a member of Staff's performance will be owned by the University and Staff agree to irrevocably and perpetually waive their performers' non-property rights that arise from (i) the recording of any Taught Content, and/or (ii) their employment with the University. Where any performers' property rights are not owned by the University as set out in this paragraph, Staff will be required to assign such Intellectual Property Rights to the University.
- 7.9. The creation and uploading of any captured, or recording of, Taught Content to the VLE constitutes deemed consent to the provisions of this clause 7.
- 7.10. Recordings of special category data will not be permitted without the written consent of the individual(s) to whom the data relate. "Special Category Data" is defined under Article 9 of the General Data Protection Regulation to include generally any personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetics data, biometric data, data concerning health, sexual life or sexual orientation. Section 10(5) of the Data Protection Act 2018 extends this definition to include criminal convictions and offences or related security measures.

8. THIRD PARTY INTELLECTUAL PROPERTY

- 8.1. Staff must ensure that they do not infringe third-party Intellectual Property. If Staff wish to use any third party Intellectual Property/content in the delivery of course content, then that member of Staff is responsible for obtaining a licence from the relevant third party to use that content. Staff must not use third party Intellectual Property/content without such licence/express permission to do so. Staff are responsible for ensuring that all content used by them during the delivery of Taught Content, including in the recording of such content, complies with the University's Intellectual Property Policy.
- 8.2. Individual Staff are responsible for the legality of what is captured. Staff have the ability to pause any recording at the point in a teaching activity where copyright material is being used, or to make an audio-only recording, if they are unsure about the legality of the recording. Subsequently, and where appropriate, the Staff member should provide Students with separate access to the licensed material (for example, linking to it from the VLE).
- 8.3. In respect of authorized third party Intellectual Property, Staff must provide visible citations on slides and for recordings used within recorded sessions.
- 8.4. The University will provide sources of advice to Staff who have queries regarding Intellectual Property generally, such as in respect of potential copyright infringement, including the Library Copyright Service and TEL support pages. In addition, the University Solicitor is available to respond to specific enquiries relating to copyright. Further information can also be found in the Copyright Guidelines for Lecture Recording³.

9. CONSENT

- 9.1. The University acknowledges that consent is required from all Staff in respect of the making and use of captured, or recording of, Taught Content and has adopted an Opt-Out policy in this respect.

³ <https://library.port.ac.uk/w687.html>

- 9.2. Each member of Staff hereby provides the University with their consent to be recorded for the purpose of the generation of Taught Content, as detailed in this Policy, on a perpetual and irrevocable basis. The creation and uploading of any captured, or recording of, Taught Content to the VLE constitutes deemed consent.
- 9.3. The University understands that there may be limited exceptional circumstances where the recording of Taught Content may not be appropriate. However, it is expected that the core content of all Formal Teaching Sessions will be captured or recorded as a matter of course. Where any specific content is not to be captured or recorded this must be agreed in advance in accordance with paragraph 9.4 and this Policy.
- 9.4. Engagement of Staff in respect of the provision of capture or recording of Taught Content is strongly encouraged by the University to ensure its Students are provided with the highest standard of education. However, should a member of Staff wish to Opt-Out of a specific Formal Teaching Session, i.e. require that the content of a particular recording or part of it is not captured or 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 University Policy)), the relevant member of Staff must contact the Head of School/Department in writing, providing details of the session which, in the opinion of that member of Staff, should not be recorded, the date of the proposed capture or recording, the course/module title, and any such other details as the University may require. Where an Opt-Out request is made which the University finds to be unreasonable and/or without good and proper reason, the University 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 capturing or recording more than one Formal Teaching Session at a time.
- 9.5. Staff wishing to Opt-Out must provide the University with as much notice as possible ahead of the particular capture or recording or session with which the Opt-Out request applies and, in any event, provide such notice no less than six (6) weeks prior to the start of the applicable Teaching Block, unless the relevant Staff member has been employed by the University less than six (6) weeks prior to the start of the Teaching Block, in which case notice must be given as soon as possible prior to the start of the Teaching Block.
- 9.6. Should a member of Staff Opt-Out, it is accepted that such Opt-Out will apply to a specific capture or recording and not to a course or module generally.
- 9.7. All Opt-Out requests will be recorded centrally by the University.
- 9.8. To ensure the University is in compliance with its obligations, where a member of Staff has made an Opt-Out request, the University reserves the right to arrange for an alternative member of Staff to capture or record the relevant Taught Content where it is appropriate to do so. The member of Staff agrees to cooperate fully with the University in respect of any such alternative arrangement.
- 9.9. Once an Opt-Out has been approved by the Head of School/Department, it is the relevant member of Staff's responsibility to:
 - 9.9.1. notify their cohort if content will not be captured or a recording will not be made available for any reason;
 - 9.9.2. ensure the relevant content is not captured or recorded or is removed from the VLE; and
 - 9.9.3. keep a record of that content which has not been captured or recorded or made available.

10. SECURITY AND RETENTION OF RECORDINGS

- 10.2. The University or its software partners will securely host media captured and delivered by centrally supported services, such as the VLE. Such recordings will be handled according to the University Retention Schedule, Section 11.10.
- 10.3. Data are hosted within the European Economic Area and the data protection and data security arrangements must satisfy the University's Data Protection Officer and Information Security Architect respectively.
- 10.4. If a member of Staff wishes to retain a recording for a period longer than set out in the University Retention Schedule then they should contact eLearn at least one month before the due deletion date. The University cannot be held responsible for any recordings deleted in accordance with the University Retention Schedule.
- 10.5. If a member of Staff wishes to delete a recording sooner than the period set out in the University Retention Schedule they will need to gain express permission from the Head of School/Department responsible for the course. The Head of School/Department will keep a record of this. Students will be notified and an alternative resource will be provided if removal of the recording is likely to disrupt their ability to access the content.
- 10.6. If a licence for material used within a Taught Content recording constrains the University to retain that material for a shorter time than the period specified in the University Retention Schedule then the relevant member of Staff must arrange for deletion of the material at the end of the time specified by the licence. In the event of a member of Staff's employment with the University ending, the University will retain their recordings for the period specified in the University Retention Schedule.
- 10.7. The University reserves the right to audit recordings in the context of service operation and management, and may delete an inappropriate recording sooner than the period specified in the University Retention Schedule.

11. QUALITY ASSURANCE

- 11.1. Associate Deans (Students) will be responsible for overall monitoring and review of the operation of the Policy within their Faculties.
- 11.2. The functioning of content capture in Faculties will be reported annually to the Student Experience Committee by the Associate Deans (Students) using data from internal student voice mechanisms.
- 11.3. Students will be expected to voice views and opinions related to content capture via student voice mechanisms such as Student Voice Committees and Faculty Student Forum.

12. DEFINITIONS

"Academic Year"	means the period from September to July in each year
"CDPA"	Copyright, Designs and Patents Act 1988 (as amended from time to time)
"Captured Taught Content"	as defined in paragraph 1, and including (i) audio and/or video recording of formal teaching events (often referred to as Lecture Capture), and (ii) provision of other materials that support students' asynchronous

engagement with formal teaching events and assessments, e.g. the production of flipped classroom resources, “how-to” guides, written/audio/video summaries of sessions, or learning materials with improved accessibility features, whether or not a part of a formal teaching event.

“Formal Teaching Event”

includes, but is not limited to, the following:

- lectures;
- workshops;
- taught laboratory sessions;
- seminars/tutorials; and
- live performances (including dramatic or musical performance, a reading or recitation of a literary work, a performance of a variety act or similar presentation.

**“Intellectual Property” or
“Intellectual Property
Rights”**

any and all intellectual property rights of any kind including patents, rights in know-how, registered trade marks, registered designs, utility models, unregistered design rights, unregistered trade marks, 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

“Policy”

this content capture policy

“Staff”

includes all employees of the University, without exception

“Taught Content”

includes content from formal teaching events (including lectures; workshops taught laboratory sessions; seminars/tutorials; and live performances) including but not limited to captured taught content (including audio and video recording of formal teaching events; materials that support students’ asynchronous engagement with formal teaching events and assessments;) and other learning materials and resources provided during and for the purposes of teaching during formal teaching events

“University”

University of Portsmouth

“VLE”

the University’s virtual learning environment

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