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|  | GUIDELINES FOR THE RECORDING AND USE OF AUDIO AND VIDEO TEACHING MATERIALS |
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1. INTRODUCTION

The primary responsibilities of the Strathclyde Online Learning Committee (SOL) are to ensure that all online educational materials meet the standards, quality, and experiential aspects expected at the University of Strathclyde and to promote the development and enhancement of digital education support across the University. This guidance has been created with these responsibilities in mind to clarify for staff how online educational materials will be utilised.

These guidelines aim to provide an institution-wide approach for staff who are involved in developing and recording Audio and Video teaching resources for online provision and should be read in conjunction with the [Audio & Video Consent Form for Teaching Materials](https://strath.sharepoint.com/%3Aw%3A/r/sites/solid/Shared%20Documents/SOL%20Policy%20and%20Guidance/Video%20and%20Recorded%20Teaching%20Guidance%20and%20Consent%20Forms/Audio%20and%20Video%20Consent%20Form%20for%20Teaching%20Materials%20-%20University%20Staff.docx?d=w675ec80a75ca46858852780d292e3867&csf=1&web=1&e=JjLyuG), together with any guidelines and supporting documentation provided by SOL and updated from time to time. Documentation will be made available on SOLID. The Guiding Principles for the capture of Audio and Video teaching material are as follows:

1. Resources should be reflective of the University’s Mission, Strategic Objectives and Values.
2. The quality of such resources is expected to be in line with the standing and reputation enjoyed by the University.
3. Flexibility of teaching and flexibility of learning (at all levels, e.g. UG, PGT, PGR and Executive Education) should be supported through the provision of useful learning resources, providing learners with access to content and activities on demand, enabling online learning, revision and repeated use of materials as required by students.
4. Provide clarity and guidance to staff regarding the University’s approach to considering staff, student and institutional intellectual property rights and data protection implications.
5. Ensure students’ access to their modules’ video/audio learning materials for the duration of their degree or programme.
6. SCOPE

These guidelines were developed in discussion with University and College Union and apply to all University of Strathclyde staff, including students who are engaged as workers to support learning and teaching. A separate agreement is required for the recording of external speakers and/or students to confirm their agreement relating to the use of recordings and to comply with University policy.

1. RECORDINGS COVERED BY THESE GUIDELINES

	1. This guidance relates to:

3.1.1 Pre-Recorded Learning productions where the provision of the recording of teaching to students is the primary means of delivery of this instruction. The teaching “event” is effectively a staged production. Its purpose is as instructional content for students.

3.1.2 Lecture/teaching event capture i.e. the recording of a live teaching event such as a lecture, which would have taken place regardless of the availability of recording facilities. This may be done as the recording of a face-to-face teaching event, or as the recording of an online teaching event via a platform such as Zoom or MS Teams. The intended use of lecture capture is that of a complementary resource for students who may have attended the lecture in person or online, and access to this resource is limited to this same module cohort only.

3.1.3 Self-Recorded Materials, including the use of additional unscheduled complementary materials self-recorded by a member of teaching staff. Complementary materials are defined as ad hoc additions to teaching that may arise as a result of feedback, or where a subject area would benefit from reinforcement of a point or principle.

1. RECORDINGS *NOT* COVERED BY THESE GUIDELINES

This guidance does not cover any audio-visual content which is unrelated to learning and teaching. A form for the recording of video and audio recording for purposes other than learning and teaching can be found on SOLID: [Audio and Video Consent Form – Non-Teaching Materials](https://strath.sharepoint.com/%3Aw%3A/r/sites/solid/Shared%20Documents/SOL%20Policy%20and%20Guidance/Video%20and%20Recorded%20Teaching%20Guidance%20and%20Consent%20Forms/Audio%20and%20Video%20Consent%20Form%20-%20Non%20Teaching%20Materials.docx?d=w231be1a7b4e3490e82d4cc66da191c50&csf=1&web=1&e=8uf1VT). Associated guidance can be found in [Guidelines for the Recording and Use of Audio and Video – Non-Teaching Materials](https://strath.sharepoint.com/%3Aw%3A/r/sites/solid/Shared%20Documents/SOL%20Policy%20and%20Guidance/Video%20and%20Recorded%20Teaching%20Guidance%20and%20Consent%20Forms/Guidelines%20for%20the%20Recording%20and%20Use%20of%20Audio%20and%20Video%20-%20Non-Teaching%20Materials.docx?d=w273fa8f3fde5441b87078968c6ac8e50&csf=1&web=1&e=eGdwdF).

1. RIGHTS AND OWNERSHIP OF RECORDINGS
	1. There are several different rights that relate to the ownership of recordings. These relate to the following areas:
	2. Copyright
	In the UK, the legal position is that employers own copyright in materials produced by employees in the course of their employment unless otherwise agreed (Copyright, Designs and Patents Act 1988 s11(2)). This applies to teaching materials, including video and audio, created by staff in the course of their employment. The University does *not* automatically own copyright in materials created by external speakers or students (with the exception of those PGR students who assign their IPR on registration) and permission is therefore required to include such materials in a lecture recording.
	3. Performer’s Rights
	Performer’s rights are set out in sections 182-184 of the Copyright, Designs and Patents Act 1988 and state that consent is required before a performance can be recorded or before a recording of a performance can be made available to others. Unlike copyright, an employer does not automatically own the performer’s rights in a performance by an employee in the course of their employment. Staff who are creating learning and teaching materials during the course of their employment should be asked to sign the [Audio & Video Consent Form for Teaching Materials](https://strath.sharepoint.com/%3Aw%3A/r/sites/solid/Shared%20Documents/SOL%20Policy%20and%20Guidance/Video%20and%20Recorded%20Teaching%20Guidance%20and%20Consent%20Forms/Audio%20and%20Video%20Consent%20Form%20for%20Teaching%20Materials%20-%20University%20Staff.docx?d=w675ec80a75ca46858852780d292e3867&csf=1&web=1&e=vZNdc3). By signing this form, employees provide consent to their material being used for the specific purpose of learning and teaching matters and assign any performer’s rights in the recording to the University. The assignment of Performer’s rights will take account of the cohort(s) of students that the recording is intended for and the length of their programme(s). Any extension to the assignment of Performer’s rights will require the explicit consent of all relevant individuals.
	4. Moral Rights
	As stated in the Audio & Video Consent Form for Teaching Materials, staff retain moral rights to recordings. Moral rights entitle the author to be identified with the work and to object to any derogatory treatment of the work.
	5. Intellectual Property
	The Intellectual property (other than performer’s rights and moral rights) of all work created in the ordinary course of employment is owned by the University unless there is specific agreement in writing that this belongs to or is shared with the creator.
	6. Data Protection
	Whenever the University processes personal data, including images, it must do so in accordance with data protection legislation. The relevant forms provide information about how recordings will be used.  Links are also included to the University’s [Privacy Notice for Staff and Other Individuals who work with the University in a paid or unpaid capacity](https://www.strath.ac.uk/media/ps/strategyandpolicy/Privacy_Notice_Staff_and_Other_Categories.pdf) and/or [Privacy Notice for Students (Registered or Accepted an offer to Study)](https://www.strath.ac.uk/media/ps/strategyandpolicy/Privacy_Notice_Registered_Students.pdf), as appropriate.  These notices set out how the University uses personal data and the rights of individuals.
2. USE OF RECORDINGS

Where it is intended to use recordings for more than one cohort of students this should be agreed in advance. For example, if the intention is to use the recording for different cohorts of students on the same programme(s) over a number of academic sessions this should be agreed at the outset and recorded in the [Audio & Video Consent Form for Teaching Materials](https://strath.sharepoint.com/%3Aw%3A/r/sites/solid/Shared%20Documents/SOL%20Policy%20and%20Guidance/Video%20and%20Recorded%20Teaching%20Guidance%20and%20Consent%20Forms/Audio%20and%20Video%20Consent%20Form%20for%20Teaching%20Materials%20-%20University%20Staff.docx?d=w675ec80a75ca46858852780d292e3867&csf=1&web=1&e=LtfeCP). Where appropriate this use should be subject to periodic review to ensure that the material continues to be relevant to a particular cohort of students. The continued use of the materials for additional cohorts of students beyond this initial period would require the agreement of all relevant individuals.

* 1. If content recorded for a particular module is requested for use by the University in another programme, provided it is relevant to that programme, the relevant members of staff will be notified of this and their agreement sought in advance of the materials being used and recorded in the [Audio & Video Consent Form for Teaching Materials](https://strath.sharepoint.com/%3Aw%3A/r/sites/solid/Shared%20Documents/SOL%20Policy%20and%20Guidance/Video%20and%20Recorded%20Teaching%20Guidance%20and%20Consent%20Forms/Audio%20and%20Video%20Consent%20Form%20for%20Teaching%20Materials%20-%20University%20Staff.docx?d=w675ec80a75ca46858852780d292e3867&csf=1&web=1&e=LtfeCP). This will also be subject to the agreement of the Head of Department or School (or nominee) in which the recorded member of staff works. Should the member of staff have left the University their agreement must be sought.
	2. Recordings created for the delivery of teaching will be available to the appropriate cohort(s) of students and for the purpose for which they were intended, for the duration of the programme plus one year. This does not prevent the member of staff from making updates or modifications, provided such modifications do not alter the key learning points.
	3. Following the departure of a member of staff, any assignation of that member of staff’s performer’s rights to the University to use a recording of that member of staff’s performance will not be affected.University ownership of copyright in any recordings will also not be affected. As the University owns copyright of the recorded materials created in the course of an individual’s employment, a member of staff shall require the University’s permission to use these beyond the end of their employment. The University will consider requests for departing staff to retain copies of such materials on a case-by-case basis and these will not be unreasonably withheld.
	4. After the departure of a member of staff, recordings created for use in Massive Open Online Courses (MOOCs), run under legal contract with an external commercial partner, will generally continue to be used (following consultation with the relevant staff member) for as long as necessary but not exceeding 5 years from creation. This period may be reduced or extended by mutual agreement.
1. OTHER CONSIDERATIONS
	1. This document is applicable from the date of approval by Senate and is not applicable retrospectively.
	2. the University has the right to determine the quality standards (via SOL) that should be used as a minimum for learning material and to ensure that all productions are of a level commensurate with our standing as a leading University.
	3. Objections or complaints regarding the use of personal data should be forwarded to the University’s Data Protection Officer (dataprotection@strath.ac.uk).
	4. Any other objections or complaints about the use of recordings should be addressed to the Head of Department/School/Unit. In the event that any response (other than one related to the use of personal data) is considered unsatisfactory a further referral may be made to the Executive Dean of the Faculty, Senior Officer (or nominee) for further consideration and a final decision.
	5. Where a complaint is raised that is related to recorded learning and teaching materials, the University may investigate and consider the recording in order to form a decision regarding the outcome of the complaint. The member of staff may also choose to rely on the recorded materials to respond to any complaint. Complaints that are upheld will be managed through the University’s usual processes depending on the specific circumstances.
	6. Where a complaint is made against a student in relation to recorded material, the matter will be dealt with through the University’s Student Disciplinary procedures.
	7. Where students request permission to make their own recordings of lectures or other taught sessions, these circumstances are addressed in the following guidance and protocols:

		1. Reasonable Adjustments Guidance (<https://www.strath.ac.uk/professionalservices/disabilityandwellbeing/disabilitysupport/informationforstaff/adjustments>)
		2. Copyright for Students Guidance (<https://www.strath.ac.uk/professionalservices/media/ps/isd/isd20/copyright/Copyright_Guide_for_students.pdf>)