# Lecture Capture Policy Review Task & Finish Group

MTG2 Monday 23rd May, 2.00 – 3.00 CMR0.3

In attendance: full membership

Christina Hughes, PVC, CHAIR

Charlie Hindhaugh, Education Officer SU

Steve Luci Matthews, UCU

Simon Gilling, Legal Advisor

Clair Henrywood, Teaching Quality

Jonathan Owen, Service Owner for Lecture Capture

Amber Thomas, Academic Technology Manager, TEL SG Chair

Kate Owen, WMS, representing WMS

David Wood, Maths, representing Sciences

Jeremy Smith, Economics, representing Social Sciences

Sarah Richardson, History, representing Arts

<https://www2.warwick.ac.uk/services/its/servicessupport/academictechnology/teaching/lecture-capture-policy-2016>

Agenda

1. Welcome and Introductions
2. Minutes of Last Meeting
3. Substantive Discussion: IPR/Copyright
4. Decisions to be made
5. Draft agenda for next meeting

Welcome and Introductions

The Chair welcomed members, particularly the representatives of the four faculties

Minutes of Last Meeting

Accepted

Discussion

In law and in contract the university owns employees creativity, i.e when someone creates output subject to Intellectual Property Rights during their activities as an employee, the employer owns the IPR. Warwick’s Regulation 28 manifests this.

<https://www2.warwick.ac.uk/services/gov/calendar/section2/regulations/patenting/>

(That the url focusses on /patenting/ might be illustrative of a lack of attention to copyright)

ACTION Amber Thomas to draft a statement on Warwick’s situation regarding IP in teaching materials, based on Regulation 28

In higher education there are often customary arrangements regarding IPR. Where an academic publishes a book, the University allows the academic to retain ownership or to assign it to book publishers, journals or conferences.

Where the university can exploit IP there should be quid pro-pro. For example, inventors of patents retain a stake in commercial exploitation of the patent.

In the case of recorded lectures there is a hypothetical scenario where the lecture is recorded in the course of standard course delivery and that recording is later reused in a different context that exploits the IP for commercial gain. The group thought this unlikely: standard lecture recordings are unlikely to be high production value. Another scenario might be that the University bundles a set of lecture recordings together to sell them.

The consent form that was signed by the academic has premacy: this sits above the contract (Reg 28), and the contract is based on the law.

The academic needs to give consent in order for recordings to be made.

Legal concerns:

Data protection: if the academic is using someone else’s data (a patient? a student? a real member of the public?) in their lecture then they are already breaching data protection even without recording the lecture. The general guidance is that if the academic is worried about doing it then they shouldn’t do it.

Performers rights: where an employee is giving a lecture, they have performer rights. (This is distinct from performance rights which relates to playing copyrighted music in public).

Consent: if people are recorded they need to give their consent. In the standard lecture recording set up, students are not captured visually and are unlikely to be clearly captured through audio. Students should be made aware that the lecture is being recorded. The current consent form for Warwick staff is: <https://www2.warwick.ac.uk/services/its/servicessupport/av/lecture_capture/staff/consent>

Guidance on legal considerations: <https://www.jisc.ac.uk/guides/recording-lectures-legal-considerations>

The group discussed the scenario where there is a student-led recording. Under the existing student recording policy <https://www2.warwick.ac.uk/services/aro/dar/quality/recordinglectures/> , the student must ask the academic for permission. If that request is for reasonable adjustments in the light of a disability, the onus is on the academic to give a good reason why not to allow the student to record. However the student has no right to disseminate that recording: it is only for the purposes of private study.

The group discussed presenters who have not signed the staff contract and are therefore not bound by Regulation 28: e.g NHS teaching staff who are not paid through the VAM payroll, visitors, guest lecturers etc

The group discussed whether the current Forms are fit for purpose: whether they adequately record the consent of staff and students and communicate the responsibilities.

The group discussed the scope of the release forms, whether they should cover not just echo360 but also webex, blackboard collaborate, film crews etc

ACTION: Amber Thomas to review release forms for staff, students and non-staff

The group then advocated for a separation of concerns: there is echo360 recordings of lectures for revision purposes and there are other forms of lecture recording.

ACTION: Amber Thomas to describe the consent model options but with a separation of concerns between echo360 recordings of lectures for revision purposes and there are other forms of lecture recording

The group discussed the hypothetical scenario of an academic who decides they no longer want to release the recordings, and whether someone else can override that. The group identified a scenario where the Head of Department might wish to gain access to a recording that is unavailable, or to release that recording to students. That level of clarity about “what if” questions could be best addressed in an FAQ.

ACTION: Amber Thomas / Jon Owen to draft an FAQ

There were concerns raised about third party copyright. Many lecturers make their slides available online already, through webpages or through moodle (data is not available on how common it is to share slides). However where there are already concerns about third party concerns this is amplified by recording the lecture. In some cases their concern might be justifiable but there may be some overcaution where the liberalization of copyright in changes in 2014 haven’t filtered through to wide awareness. The group discussed the need for clear guidance.

ACTION: Amber Thomas seek provision of guidance (from the Library?) on using third party materials in lecture slides and recordings

Discussion so far had been about restricting access but the group was reminded that for some academics there was a desire to share recordings more widely than the standard model suggests. The group discussed the potential for a model where the university grants a non-exclusive license back to the academics to share more broadly if they wish to, including moving the recording to platform that is more widely accessible. There was not a strong interest in this option but no objections were raised to building it in.

Regarding teaching purposes, there is a need to address retention periods. Some universities keep lectures for just one year, for the run of the module but no longer. Some for four years. The current service is sized/priced at storing recordings for two years.

The group discussed retention of exam scripts as a corollary: for first years they are kept for 6 months and for finalists they are kept 6 years.

ACTION: TQ to provide links to the written policy on retention of exam scripts and on what is said about the retention of any other teaching materials

The group discussed the consumer marketing act (CMA) angle on lecture capture: a student may wish to challenge the content/quality of a course, in which case the recordings might reasonably serve as evidence of the course content. Under that scenario it may be good to retain access to the lecture from within the course materials. In the case of Moodle the whole module instance is frozen and archived, giving a full module record, but the link to the echo360 recording would be empty unless the echo360 retention is extended.

At the other end of the scale from long access is short access. It is currently possible for academics to delete their recordings. They may have good reasons for doing this at the end of the module. This should be made easy.

ACTION: Amber Thomas / Jon Owen to assess possibility of changing to a “two year minimum” policy rather than a two year maximum: what would this mean in practice?

ACTION: Jon Owen to describe the options for housekeeping: automatic, prompts and ad hoc manual.

Next meeting:

MTG3 Tuesday 21st June, 11:30 – 12:30 CMR0.3