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## **GUIDING PRINCIPLES FOR RECORDING OF LECTURES**

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Academic Affairs

<https://www.tudublin.ie/explore/policies-and-forms/academic-affairs/>

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**Approval :** This document requires the following approvals

<b>Name</b>	<b>Title</b>	<b>Date</b>
Academic Council	Approved	1-Dec-2021

## 1. Introduction

Technological University Dublin (hereafter referred to as “TU Dublin” or “the University”) recognises that there are many reasons why students may wish to record lectures and other classes to assist with their learning. This document describes TU Dublin’s Principles in relation to recording classes and making those recordings available for students. It also outlines staff and student responsibilities to ensure that the University is meeting its obligations under equality, copyright, and data protection legislation. These Principles should be read/considered alongside other associated University policies such as the privacy policy, acceptable usage policy, IP policy, etc. as set out at <https://www.tudublin.ie/explore/gdpr/>.

## 2. Purpose

The purpose of this document is to set out TU Dublin’s Principles for the recording of lectures (online or face-to-face) or other formal teaching sessions by academic staff and students. The terminology used in this document refers to “Lecturer” mainly. However, the term “Instructor” could also be used. Likewise, “Student” is used throughout this document but “Learner” could also be used instead.

## 3. Scope

These Principles apply to all learning, teaching and assessment modes, for all academic staff and students at TU Dublin and is specific to recordings. The recording of other TU Dublin University events is out of scope for this document. Recordings may consist of capturing what is being displayed from the computer screen and/or a video input from a camera, which can record video, audio and text. This camera could be a web-camera, fixed-camera, document-camera, etc. It may also include audio and/or video recordings. Recordings may also be used to capture practical, laboratory or workshop activities. The scope also includes HyFlex situations.

## 4. Responsibility

It is the responsibility of staff and students to comply with these Principles.

## 5. The Principles

### 5.1 General Principles

- a) While the University recognises the potential benefits of recording to students, the decision to record is at the discretion of the individual lecturer. Some modules will, by design, involve mixed media / blended and HyFlex learning (involving synchronous and asynchronous remote and in-person delivery), and these may include a segment of recorded content for dissemination.
- b) Lecture recording is intended to supplement, rather than replace, student attendance at live lectures or other classes.
- c) Recordings should be made available by the lecturer only through the University's designated streaming service and/or VLE, where the material is solely available to authorised persons, i.e. registered students and TU Dublin staff. Recordings must not be made or posted on open access platforms.
- d) All recordings must be GDPR-compliant.
- e) Recordings shall not be used for staff performance management purposes.
- f) The lecturer retains the right to make the recording unavailable at any time, but will ordinarily keep recordings available for the duration of the academic term and repeat exams.

### 5.2 Request from a student for permission to record a lecture

- a) Students may request permission to record any lecture or other formal teaching session for the purposes of their own private study only. All requests must be made in writing (including by e-mail) prior to the lecture to the person delivering the lecture. This request should be made at least three working days in advance (in accordance with the process that currently exists on your campus). If permission is given, the student is required to provide a copy of any recording to the lecturer and to store any recording securely for a maximum duration of the academic year. This recording must not be distributed or shared with a third party.
- b) The decision on whether to grant permission is at the discretion of the lecturer. Students may not record any lecture/class (or part thereof) without written confirmation of permission by the lecturer. For example, students may not record a screen during online lectures, a lecturer's or student's image(s) or voice(s) during a lecture/class.

- c) If a student is granted permission to record a lecture or other formal teaching session, the lecturer must notify other students in the class that the session is being recorded by another student, without identifying the student as far as possible. All students should then be advised that their questions and/or comments will be captured by the recording.
- d) Covert audio and/or visual recording of lectures/classes is strictly prohibited and will be dealt with through the disciplinary procedures of the University.

### *5.3 Reasonable Accommodations / Disability*

- a) TU Dublin is committed to complying with all legal requirements relating to the provision for students registered with disabilities. TU Dublin will ensure that students with disabilities and specific learning difficulties are provided with reasonable accommodations for classes, examinations and assessments that enable them to participate and to demonstrate their knowledge and competency on an equal footing with their peers.
- b) TU Dublin recognises that students with specific learning difficulties and disabilities may at times require an audio recording of lectures. The VLE systems available to the University will usually be used to facilitate this reasonable accommodation. Alternate accommodations can be agreed between the lecturer and the student with disabilities.
- c) Approval for this reasonable accommodation is made at the time of the student's formal needs assessment and with the involvement of the Disability Officer and the consent of the individual lecturers. Lecturers will then be notified via the student's Learning Statement.
- d) Unexpected circumstances can arise in the classroom, especially around sensitive content. Lecturers will exercise discretion and may have reason to withhold consent or to request that recording devices be switched off at particular moments. The Disability Service should be notified when the student and lecturer cannot arrive at an alternative reasonable accommodation to account for unrecorded material. The Disability Service may, for instance, provide a recording device for the lecturer's use and control or suggest other means for the student to obtain supplementary notes. Where recordings are permitted, all students present must be informed.

- e) In order to be approved to record the lecture, the terms of the accommodation must be explained to the student and they must complete and sign the Recording of Lectures Permission Form. Please check on your campus for this Permission Form.
- f) If a student is granted permission to record a lecture under the reasonable accommodation agreement, the lecturer must notify other students in the class that the lecture is being recorded by another student, without identifying the student as far as possible. All students should then be advised that their questions and/or comments will be captured by the recording.
- g) As for any other lecture recordings, recordings made under reasonable accommodation agreements may only be used for the student's own private study. Such recordings may not be shared, copied or forwarded to any third party and may not be kept beyond the duration of enrolment in the module to which the recording relates. The recordings must be deleted at the end of the examination period or when the student leaves the University, whichever is earlier. Where a student infringes this agreement the disciplinary procedure can be invoked.
- h) Where students in any given cohort are not agreeable to the recording of a lecture/s, they should inform their lecturer in a discreet manner, so that the lecturer can consider alternative possibilities.

#### 5.4 Lecturer Recordings

- a) It will be made clear to students at the beginning of each module that some of their live lectures may be recorded and shared with the class. It will also be made clear to the students how to recognise, during each session, that a lecture is being recorded. The students will also be informed that the recording will capture any video, audio, student images and/or text that the student decides to share during the lecture unless the recording has been paused.
- b) Lecturers should not share recordings of live sessions with students beyond the cohort with whom it was originally recorded, if the recording captured *any* student personally identifiable information e.g. any student numbers, names, webcams, audio, and/or chat messages.
- c) Recordings of student presentations may be shared with the class only with the written consent of the relevant student. Lecturers may retain student presentations for the purposes of examination processes, which may include allowing access to the recording to external examiners and possibly other academics for marking purposes.

- d) All recordings will be retained according to the Record Retention policy that currently exists on your campus. Please see the section on Records Management & Retention at the following link: <https://www.tudublin.ie/explore/foi/foi-publication-scheme/>

### *5.5 Use of Recordings*

- a) Recordings of lectures or other formal teaching sessions may only be made, with the permission of the lecturer, for the student's own private study.
- b) Students may not:
  - i. copy recorded lectures/classes using any devices or recording apps including, but not limited to, phones, dicta-phones, tablets, liverscribe smart pens, screen capture softwares or audio recording apps etc.
  - ii. distribute/forward the recorded lectures/classes to any third party;
  - iii. post/display the recorded lectures/classes (or subset thereof) on any public forum including the internet and all electronic/social media fora.
- c) Students should adhere to the principles/policies/procedures currently in operation on their campus in relation to online communication and engagement e.g. Student Code of Conduct etc.

### *5.6 Infringements*

- a) Where a student infringes these Principles the matter will be dealt with through the disciplinary procedures of the University.
- b) Students should be informed of these Principles through the Student Code of Conduct that currently exists on that campus and should be informed at Faculty/School/Department and Programme level through induction and programme handbooks.



### 5.7 Copyright and Legal Matters

- a) The copyright and intellectual property rights of teaching materials is not altered should lectures/classes be recorded.
- b) If a lecturer uses third-party material in a presentation, for example a diagram, photograph, graphic or video from a book or from the internet, he/she should abide by copyright and other applicable laws, in particular the Copyright and Related Rights Act 2000 (CRRA).
- c) TU Dublin has a number of licences through subscriptions to electronic journals, databases and through agreements with the ICLA (Irish Copyright Licencing Authority) where third party material may be used for education purposes. These licences allow use of the material in the physical learning environments and in TU Dublin's virtual learning environments but not on any open unsecured platform. Therefore, all classes using copyright material must use the designated VLE where the lecturer/instructor are within a secure learning environment whether the lecture is being recorded or not. Use of copyright material in public lectures, conferences or MOOC (Massive open online courses) is not covered by these licences.
- d) Under the CRRA “the copyright in a literary, dramatic, musical or artistic work or the typographical arrangement of a published edition is not infringed by its being copied in the course of instruction or of preparation for instruction”. This also applies to the copyright in a sound recording, film, broadcast, cable programme or an original database.
- e) There are a number of organisations such as Creative Commons where free-to-use copyright licences are available but users must comply with their rules as well.
- f) Using hyperlinks to copyright material can only be used if the material is covered by a licence or is freely in the public domain already. Links may not be used to circumvent a technological protection measure (TPM).
- g) It is important to be cognisant of and abide by the [TU Dublin Acceptable Usage Policy](#) (AUP) when recording lectures, as all AUP parameters will apply.  
<https://www.tudublin.ie/connect/it-services/it-policies/>
- h) In particular, lectures may not be used: to distribute inappropriate material including material that is obscene, abusive, racist, sexist, libelous, defamatory or threatening; for any purpose

which is illegal or likely to breach applicable laws; as a forum to promote commercial objectives or activities which are unconnected with those of the University; or to distribute material which is confidential or proprietary to any third party or which otherwise infringes the intellectual property or data protection rights of any third party. An exception is made for demonstration and teaching purposes.

- i) Recording shall be compliant with the General Data Protection Legislation. <https://www.tudublin.ie/explore/gdpr/>

### ***5.8 Guest Lecturers / Speakers***

- a) Guest lecturers will be required to give consent to be recorded by the signing of a consent form. Guest Lecturer Consent to Record forms will be retained for as long as the guest lecture recordings remain in use. Guest lecturers may withdraw their consent to the use of their recordings at any time. Please check the process that currently exists on your campus for the relevant form and /or further details. Please see the section on Records Management & Retention at the following link: <https://www.tudublin.ie/explore/foi/foi-publication-scheme/>

### ***5.9 Children, Young People and Vulnerable Adults***

- a) Children or vulnerable adults and their parents/carers must be informed in advance that some of their live lectures may be recorded and shared with the class, and the purposes, use, and retention period of such recordings. The children or vulnerable adults and their parents/carers will also be informed that the recording will capture any video, audio, and/or text that the student decides to share during the lecture unless the recording has been paused. It will also be made clear to the children or vulnerable adults and their parents/carers how students may recognise that a lecture is being recorded.
- b) The child or vulnerable adult and the parents/carers must then provide informed written consent to the recording of live lectures. Permission to record live lectures of children and young people or vulnerable adults can be requested as part of their registration process or at the beginning of each module. Refusal of consent must not limit a child's or vulnerable adult's participation in lectures.

## 6. Glossary / Definitions

**Availability** – availability ensures the information is accessible when needed.

**Camera** - web-camera, fixed-camera, document-camera, swivel camera, etc.

**Child** - a person under the age of 18 years, other than a person who is, or has been married (Child Care Act 1991, Section 2).

**Class** - period of time in which students receive a lecture/tutorial/lab/demonstration.

**Confidentiality** – confidentiality restricts information access to authorised users.

**Content** - content is information with relevant metadata that has a specific use, or is used for a particular business purpose.

**Copy recorded lectures** - to produce additional versions that are the same as the original piece of work e.g. by saving onto a device.

**Copyright** - the legal right to control the production and selling of a book, play, film, photograph, or piece of music.

**CRRA** - Copyright and Related Rights Act, 2000 © Government of Ireland

**Data** - for the purposes of this document shall mean information which either:

- is processed by means of equipment operating automatically in response to instructions given for that purpose;
- is recorded with the intention that it should be processed by means of such equipment;
- is recorded as part of a Relevant Filing System or with the intention that it should form part of a Relevant Filing System
- Does not fall within any of the above, but forms part of a Readily Accessible record.

Data therefore includes any digital data transferred by computer or automated equipment, and any manual information which is part of a Relevant Filing System.

**Demonstration and teaching purposes** - showing students how to do something, or how something works.

**Dissemination** - sharing, forwarding or spreading via electronic or other means.

**Distribution/forwarding of recorded lectures** - to spread or supply a recording to persons not enrolled on the module.

**Formal teaching session** - timetabled lecture, class, tutorial or practical session.

**Guest lecturer** – a non-timetabled lecturer delivering particular part of a module such as specialist knowledge. Usually a non-TU Dublin staff member.

**HyFlex** - is an instructional approach that combines face-to-face teaching and online learning *at the same time*. Therefore some students attend the lecture/tutorial in the physical classroom while others join in virtually. The students joining virtually are not just listening in but participate as actively as those sitting in the physical room. In the spirit of flexibility, a true HyFlex approach allows the

students to change their mode of attendance weekly, or by topic, according to their need or preference.

**Information security** –the ISO 27002 standard defines information security as the preservation of confidentiality, integrity and availability of information.

**Information technology (IT) resource** – all IT systems owned, held under licence or otherwise controlled by TU Dublin including but without limitation to:

- Workstations including desktop PCs and laptops;
- Servers
- Network technologies (routers, WAN, LAN, wireless etc) & associated media/systems;
- Printers;
- Phones, Smart Phones, tablets and other portable ICT devices;
- USB and all portable memory devices;
- Cloud computing components (hardware, software and infrastructure)
- All other media and devices provided by TU Dublin;
- All other media and devices used to access TU Dublin Information Assets.

**Integrity** – integrity protects the accuracy and completeness of information through the controlling of information modifications.

**Intellectual property** - someone's idea, invention, creation, etc., that can be protected by law from being copied by someone else.

**Lecture** - formal talk on a particular subject given to a group of students.

**Lecture capture** - a recording made of a lecture. A recording of a lecture that takes place in a physical classroom to a timetabled class where students are present.

**Online communication** – a message, letter or announcement on the internet.

**Online lectures** - a lecture taking place over the internet. Any recording provided via a TU Dublin platform or VLE.

**Personal data** - information which relates to a living individual who is identifiable either directly from the data itself or from the data in conjunction with other information held by TU Dublin.

Examples of personal data include, but are not limited to:

- Name, email, address, home phone number
- The contents of an individual student file or HR file
- A staff appraisal assessment
- Details about lecture attendance or course work marks
- Notes of personal supervision, including matters of behaviour and discipline.

**Personal devices:** these are physical devices, and for the purposes of this document, on-line services, which TU Dublin staff and students use for University-related purposes, and which have not been funded or procured by the University. Such devices can include, but are not limited to:

- Desktop and laptop computers, netbooks
- Smartphones, tablets, etc.
- Portable storage devices such as USB memory sticks, removable hard drives, etc.
- Audio visual recording equipment including cameras, dictaphones, etc.
- Cloud-based email, compute, and storage solutions (e.g. Dropbox, Google) based on a contract with an individual rather than the University

**Personal use** - relating or belonging to a single or particular person rather than to a group or an organization.

**Posting/display of recorded lectures** - placing a recorded lecture (or part of) on the internet.

**Practical session/Lab** - lesson taking place in a room with specific equipment.

**Private use** - only for one person or group and not for everyone.

**Recording** - speech, music, or moving pictures that have been recorded to be listened to or watched later. A recording can be student-initiated or lecturer-initiated. It can be in a physical or virtual classroom.

**Records** – ISO 15489 defines records as “information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business”.

**Retention of recordings** - the continued use, existence or possession of recordings of something or someone.

**Sensitive personal data** - sensitive Personal Data (or Special Categories of Personal Data) relates to specific categories of data which are defined as data relating to a person’s racial origin; political opinions or religious or other beliefs; physical or mental health; sexual life, criminal convictions or the alleged commission of an offence; trade union membership.

**Streaming service** - a service that sends video, music, etc., over the internet so that people can watch or listen to it immediately rather than having to download it, or rather than having to watch or listen at a particular time when something is broadcast.

**Synchronous lectures** - lectures happening or delivered at the same time or speed. Lectures that are run online in real-time, attended by students.

**Technology Issues** - examples include lack of wifi, electricity outage, faulty devices, etc.....

**Third party** – a person who is neither the lecturer nor enrolled student on a module.

**TPM** -technological protection measure, such as a paywall, where the owner of material requires the user to pay or be granted specific permission to use the material.

**Tutorial** - a period of study with a tutor/instructor/lecturer/guest lecturer involving one student or a small group.

**VLE** - Virtual Learning Environment e.g. Moodle or Blackboard or Brightspace etc.

**Vulnerable Adult** - an adult who may be restricted in capacity to guard him/herself against harm or exploitation or to report such harm or exploitation. The restriction of capacity may arise as a result of physical or intellectual impairment.

**Young Person** - a person who has reached 16 years of age or the school-leaving age (whichever is higher) but is less than 18 years of age.

## 7. Acknowledgements

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The Working Group therefore had a broad cross section of the University from all three campuses including the student voice represented by Mary Scally, Seán Farrelly and Hamza Jamaa.

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