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# LECTURE RECORDING IN HIGHER EDUCATION: RISKY BUSINESS OR EVOLVING OPEN PRACTICE

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## Executive Summary

Reports on a survey into the copyright and intellectual property (IPR) policies of UK higher education institutions with regards to lecture recording. The practice of using institutional semi-automated lecture recording systems is becoming mainstream with 71% of institutions reporting using it in 2016 (UCISA, 2016). However, these systems raise a number of issues related to copyright and IPR that in some cases are documented in specific policy documents. Issues that arise include the consent that is obtained from academic staff, the ownership of the resulting outputs and responsibility and advice given for the use of third party content in the lectures. These issues are also often linked to, or conflated with wider ethical issues such as identity, privacy and academic freedom. The findings from the survey are presented alongside a policy analysis of IPR documents and policies from 11 institutions. These are compared to the guidance provided by Jisc (2015). The findings from the survey reveal that most institutions are still developing their IPR policy with regards to lecture recording, that many institutions seek consent from lecturers, but there is an increasing move towards making lecture recording opt-out as opposed to opt-in. The survey revealed in 94% of cases the lecturers or presenter is responsible for any third party content contained within their lecture and while institutions do offer advice about dealing with third party content, much of it is delivered in a relatively passive way, through agreeing to use the system or by information made available online in guides. The findings from the policy analysis suggest that those institutions with a high level of institutional control tend to have a higher level of comprehensiveness of approach towards lecture recording. Additionally the institutions that provide a higher level of support for copyright advice, have a tendency towards open practice and higher levels of appetite for risk. Good practice advice for institutions and recommendations for further research are presented as part of this study.

## 1. Introduction

Lecture recording using semi-automated large scale systems is an increasingly common practice in UK universities, having grown significantly in recent years. In 2012 51% of UK universities reported having institutionally supported lecture capture systems, by 2014 this had risen to 63%, meanwhile in 2016 it was 71% (UCISA, 2016). The practice of recording lectures has been explored from different perspectives including a theoretical approach as in Mayer cited by Owston, Lupshenyuk and Wideman (2011), and more empirical persepectives comparing student's and staff attitudes (Toppin, 2010). A literature review was undertaken in 2010 (Secker, Bond and Grussendorf, 2010) which highlighted that concerns about copyright and Intellectual Property Rights (IPR) were largely absent. The literature examining students' perceptions and behaviours is more prevalent, however some authors have examined staff perceptions of lecture recording. What is clear is that few studies explore the intersections between lecture recording and Intellectual Property Rights (IPR), most notably copyright and performers rights. Therefore this report is the first detailed examination of the topic, and while the data gathered through the survey was from only 33 higher education institutions, it highlights an important but under-researched area. The survey was undertaken in early 2016, as the authors were interested in examining the impact of changes to UK copyright law in late 2014. The implications of the wider exceptions in UK law, allowing copyright material to be used for teaching purposes (most notably Sections 30 and 32 of the Copyright Designs and Patents Act 1988: allowing for quotation and Illustration for Instruction) had been discussed frequently on the closed mailing list for copyright officers, and the authors wanted to discover if copyright and IPR policies had been amended in light of this legislative change.

The results presented in this report explore this topic from an institutional perspective, focusing on the availability of institutional IPR policies related to lecture recording, the extent to which consent is sought from those being recorded (be they staff or students) and issues related to advice on use of third party copyright material. Hence, the findings in this study are useful to explore further how lecture recording has operated at an institutional level, how different institutions in the UK have developed policies to regulate it, and which other strategies, such as advising academics in IPR and copyright issues have been developed by the institutions that participated in the survey. Studying lecture capture from an institutional perspective offers the possibility of understanding the framework in which the attitudes and perceptions of staff and students operate, especially if we acknowledge that lecture recording is still only in the early stages of becoming accepted practice.

This study focuses on institutional lecture recording systems and does not address the IPR issues that arise from students making their own recordings of lectures, using their own devices. This is an area of increasing concern, when lecturers opt-out of using institutional tools, but students may decide (with or without permission of the lecturer) to record them for their own study purposes. An area of significant interest that also did not feature in this study in any detail, was the benefit of recording lectures for accessibility purposes. So the literature on student preferences indicates that students with disabilities, family commitments and those whose first language is not English benefit considerably from lecture recording facilities. However, when discussing lecture recording policies this issue was only mentioned in passing by one respondent to our survey (See Section 3.4).

## 1.1 Students and Lecture Recording : a literature review

A large amount of the literature available focuses on the perceptions of students regarding lecture recording, their behaviours using this technological tool and the impact on the learning outcomes. This literature review servces as a brief introduction to the topic to place the findings in a wider context and is not a comprehensive review. An earlier study at LSE (Karnad, 2013) explored the literature on students' use of lecture recording to establish the impact it might have on teaching and learning and to investigate the common concern amongst academic staff that recording lectures leads to lower attendance at lectures. Brooks et al (2011) explore both the perceptions of students that get offered access to lecture recording, and their actual behaviour in accessing the recorded lectures, and found that the positive perceptions of students are not always reflected in how frequently they access them. Similarly, Pale et al (2013) studied students' perceptions of lecture recording and also explored the learning outcomes for a group of 48 engineering undergraduate students. The authors found no significant improvement in the efficiency of students using the recorded lectures in achieving the desired learning outcomes, nevertheless the authors aknowledge that further research needs to be carried out for other type of subjects (Pale et al 2013). There is other research that explores students' perceptions on lecture recording in different academic departments, using different analytical frameworks and for lectures that are given to large groups of students (see Owston et al 2011; Druin 2013; Ledbeater et al 2013; Freed et al 2014; Khee et al 2014; McCunn and Newton 2015). A commonality of the research in this area is that students' perceptions towards lecture recording are generally positive. Smith and Sodano (2011) took a slightly different approach to other studies investigating lecture recording from the students' perspective, by exploring the potential for using lecture recording to improving students' presentation skills. However, most of the research on lecture recording and the perceptions and behaviours of students focuses on students as learners and not as presenters.

## 1.2 Lecture Recording and Staff

The literature exploring staff members' perceptions of lecture recording is not as extensive as the literature on students. Some studies explore and compare both the perceptions of staff and students on lecture recording (see Lach and McCarthy 2015; Marchand et al 2014; Toppin 2010). Reed (2013) specifically explored the attitudes of staff towards different e-learning tools, including lecture recording. In the section on lecture recording, the author identifies that the lack of time and decreasing class attendance as the main barriers reported by staff, to their engagement with lecture capture (Reed 2013). Another finding of note was that most of the staff were already familiar with the main types of lecture capture (video recordings, audio recordings, screencasts) and that there are no dramatic differences between the different types in terms of their willingness to use them (Reed 2013). Also exploring the perceptions of staff on the existing technology for lecture recording, Germany (2012) conducted focus groups and a survey with members of staff who were already using lecture recording technology. The author found that the staff expressed an interest in having more flexibility as to where and when the recordings could be made, and a desire to interact with the recordings in a way that allowed the staff to better integrate the recordings into their courses (Germany 2012). In general, the studies that include both staff and students, and the ones that only explore staff perceptions suggest that although there is an increasing use of lecture recording technologies among staff, there are still some perceived barriers, for example the perception that class attendance will decrease. The perception of copyright and IPR isses as a barrier to using lecture recording is generally absent from the literature.

## 1.3 Lecture Recording, IPR and Copyright

There is little literature exploring issues of lecture recording and intellectual property and copyright. Secker and Morrison (2015, p.73) identify the main issues as being: the ownership of the resulting recorded lecture, whether it can be shown if a lecturer subsequently leaves an institution, how to deal with any third-party content that might be included in the lecture and who might be responsible for any copyright infringement if third-party content is shown in the lecture. They also note the growth in the use of lecture capture systems in UK universities. Young (2010) provides an account of the increasingly common practice of recording lectures and explores briefly the issues of copyright and privacy that can emerge from this practice. Jisc also recognised the need for guidance in this area in 2010 and produced a document outlining the Legal Considerations of Lecture Recording that was subsequently updated in October 2015 (Jisc, 2015) to take into account amendments to UK copyright law that had taken place in 2014.

Although, there is not a large amount of literature specifically addressing IPR and lecture recording, there is significant literature exploring wider issues relating to the owernship of intellectual property in higher education such as the recent study by Davies (2015) exploring academic freedom and those by Rahmatian (2014; 2015) examining the creation and ownership of copyright works in higher education. Meanwhile an earlier study in 2000, (Weedon 2000) examined IPR policies from over 30 UK higher education institutions and found that 69% of policies made a generic claim to the IP produced by staff. This works pre-dates the use of lecture recording, however is a useful benchmark for the current study. Another perspective is a recent study (IPAN, 2016) on the perceptions and practice of students and staff regarding university IP policies. Some of the main findings of the study reveal that even though members of staff consider that training in IPR is important for students, they are not aware if this is provided by their institutions or not. Similarly, research by Freeman and Barron (2006) suggests that there are limitations in IP education given both to students and staff in higher education, because it tends to not address their specific needs. However, it is clear that in general, the intersection between lecture recording, IPR and copyright still remains a topic that is largely unexplored.

## 2. Methodology

The aim of this research is to explore the practice of lecture recording from an institutional perspective, focusing on four main areas:

1) Policies addressing lecture recording (especially IPR issues);

2) Contributor consent and lecture recording;

3) Use of third party copyright in recorded lectures; and

4) General issues related to lecture recording among institutions.

In order to do this, the research was divided into two parts. First, a survey was designed and sent to LIS-COPYSEEK, which is a the “closed discussion list for copyright permission seekers” including professionals involved with managing copyright in a range of universities and other institutions in the UK. The survey was also sent to the mailing list of Heads of E-Learning in UK universities. As stated previously, the authors were aware the topic of copyright and IPR in relation to lecture recording had been discussed on both mailing lists. A group of copyright officers and information professionals were involved in the design of the survey, which was distributed using an online survey tool[1]. Survey questions were organised in three sections, relating to the areas of interest for this research (for a copy of the questionnaire see Appendix 2). Although, surveys are primarily quantitative research tools, the questionnaire designed for this study also included open-ended questions from which more qualitative data was collected. Moreover, as some participants provided the links to their institutional policies, a detailed analysis of these documents could be undertaken as part of the research.

[1] [1] Thanks to Philippa Hatch (Imperial College), Alex Fenlon (University of Birmingham), Charlotte Booth (University of Reading), Carol Summerside (Newcastle University), Helen Cargill (Kings College London), Phil Ansell(Newcastle University) and Scott McGowan (Keele University).

In total, the survey was answered by 35 participants from 33 different universities in the UK and the findings have been anonymised. While the number is not great, the survey attracted responses from a broad spectrum of institutions from around the UK, including 8 Russell Group institutions, 7 post-92 institutions and several specialist institutions focusing on art and design. The fields that asked for identification information were not mandatory, nevertheless only two participants did not identify themselves. It was also possible to identify two instances where two participants from the same institution answered the survey, and the answers given were different for some of the questions. In this case the researchers first tried to contact the participants to clarify their answers, but after failing to get a response from them before the analysis was finished, it was agreed that both answers would be included.

Thirteen participants provided links to policies or documents available online which were used in the policy analysis. From those 13 links, 4 were part of the Intranet webpages of the institutions and required a username and password to access. Some institutions were able to supply documents to faciliate the analaysis howerver in the end, the analysis was based on 11 policy documents, guidelines or websites that referred to lecture recording. The categories of analysis that emerged from the policy documents were slightly different to the ones explored by the survey. Nevertheless, there were common points that provided a more complete picture of the institutional approaches and institutional policies on lecture recording. Also, in addition to comparing the documents provided by the institutions, each policy was compared to the Jisc guidance on Lecture Recording (Jisc, 2015). Section 3.5 provides a more in-depth description of how the policy analysis was undertaken.

There were methodological limitations of this research identified in both parts of the study. As lecture recording is an activity that is starting to become more widespread, most institutions are still in the process of formulating policies in this area, therefore, it might be difficult for some institutions to provide a clear position at this stage. Indeed, some of the participants pointed out in the open-ended questions that the use of lecture recording was a new service in their institutions. However, exploring the institutional perspective on lecture recording is not only valuable but necessary, as the responses illuminate how some of the early adopters of this technology have managed issues of copyright and IP. The findings also highlight copyright and IP tensions that are either resurfacing or emerging within different institutions and some of the varying approaches to dealing with the issues.

The data for the policy analysis was limited to the links or documents provided by the institutions. Some of the documents analysed were provided in different places to the “lecture recording” information. For example, in some cases take-down policies or protocols for recorded lectures in some institutions were in the form of a general take-down policy for material included in their virtual learning environment (VLE), not a specific mechanism for handling issues with recorded lectures. Nevertheless, the qualitative analysis was based on making comparisons between institutions and noting when some provided more complete information compared to others. Consequently the advances made by some institutions in developing policies and guidelines on lecture recording serve as examples of good practice, and some institutions were found to have developed their approach beyond the recommendations from Jisc. Another limitation for the policy analysis was the fact that some of the institutions have their policies on intranets, and therefore it was difficult to access them without a username and a password. This was a possible issue for the policies that were included in the analysis, because in some instances the documents made available publicly by the institutions may not be a complete picture of the actual university policies. It was also worth noting that that some of the IP Policies are not publicly accessible and this may reflect risk aversion or a lack of openness on the part of the institutions. However, no inferences were drawn from this matter, as it may just be a reflection of how internal policies documents, which are intended for an internal audience, are distributed to staff in higher education. And finally, it was not possible as part of this survey to understand the way that the policies – whether publicly available or not - had been implemented and interpreted according to each institution’s organisational cultures.

## 3. Findings

The survey was divided into four sections that addressed the topics of:

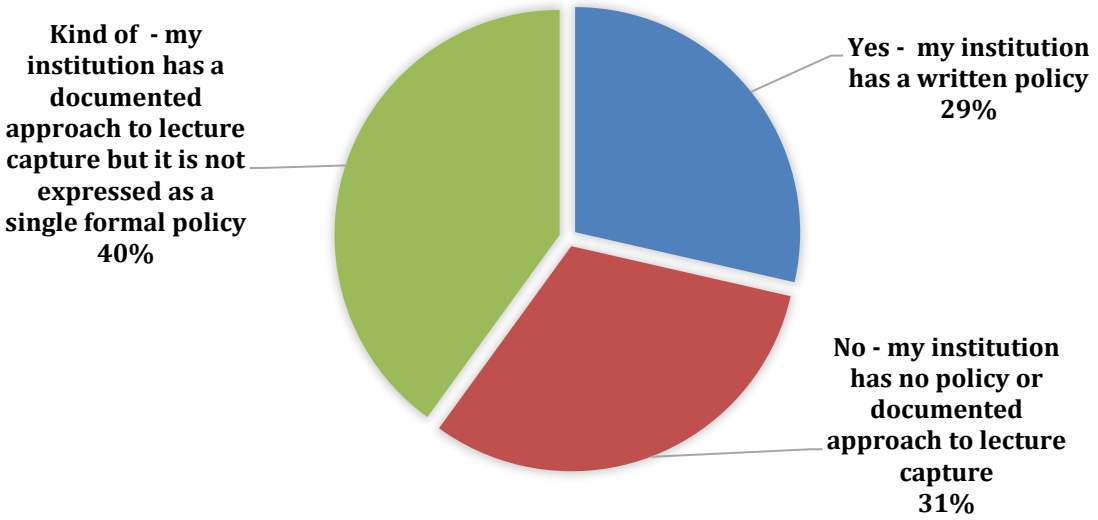
- policies relating to lecture recording (specifically copyright and IPR policies),
- consent and lecture recording,
- third party copyright including advice and support given to academics
- general issues related to lecture recording at an institutional level.

The following findings are discussed in turn according to these themes.

### 3.1 Lecture Recording Policies regarding IPR

The existence of a specific policy covering IPR issues and lecture recording is a mixed picture across the institutions that were surveyed. Proportionally there are more institutions that have "a documented approach to lecture capture but it is not expressed as a single formal policy" as figure 1 shows; 40 percent of the participants reported that this was the case for their institutions, while 31 percent reported not having a policy or documented approach. These responses suggest that policy relating to IPR issues and lecture recording are still in process of being formalised through written documents. The majority of institutions reported "kind of" having a policy covering IPR issues with lecture capture, although not expressed as a single formal policy. This will be further discussed in section 3.5, as a significant number of the policies and/or guidance are not contained on a single site or on a single document, but are distributed about the university

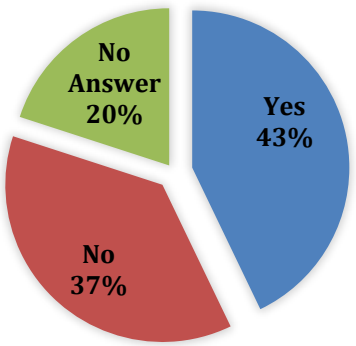
**Figure 1. Does your institution have a policy covering IPR issues with lecture recording? (n=35)**




website or intranet.

The participating institutions were also asked about the involvement of the academic community in the introduction of the policy or approach to lecture recording. 43 percent of the participants reported that their institution consulted widely with the academic community before introducing a policy or approach to lecture recording, while 37 percent stated that this did not happen (see figure 2). Therefore, it suggests that there has been a limited involvement from the academic community in the decisions and policy making related to lecture recording in a significant proportion of institutions. It might be worth exploring further if the consultation over lecture recording is in line with other consultations amongst the academic community with regards to policies and procedures related to teaching and learning. For example, lecture

**Figure 2. Did your institution consult widely with the academic community before introducing a policy or approach to lecture recording? (n=35)**




recording could be compared to the development of policies related to the use of technology enhanced learning or the increasing requirement for staff to complete formal teaching qualifcations.

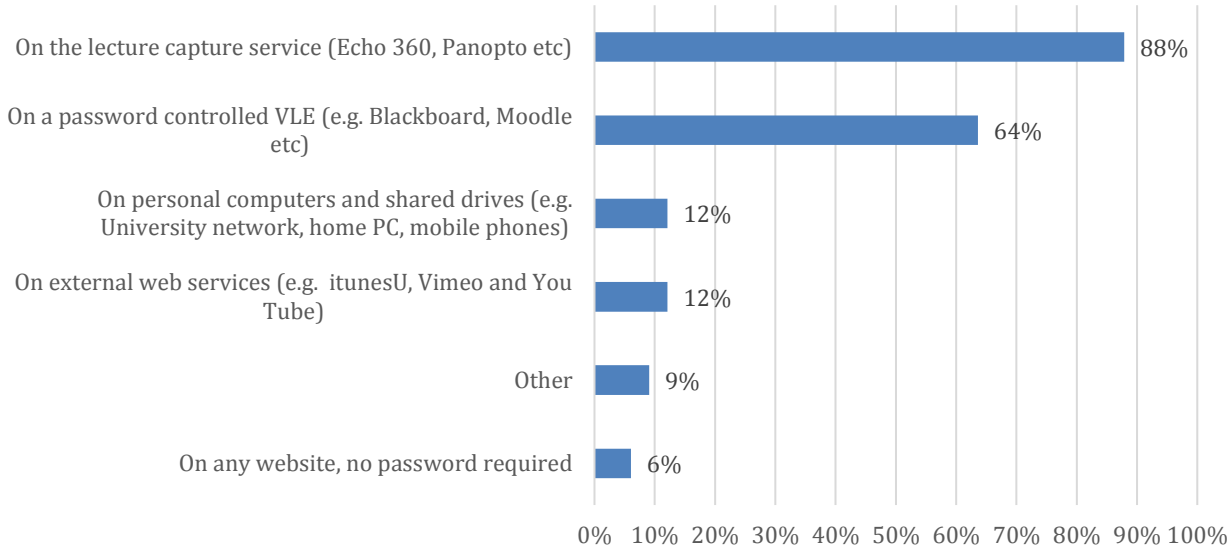
Regarding the ways in which the recording technology is used and the recorded lectures stored, the findings suggest that those in institutions are using this technology to record other activities not necessarily related to teaching and learning. For example, 74 percent of the participating institutions reported using their lecture recording technology to record other events (see Appendix 1). When asked which type of other events were recorded the participants referred both to academic and non-academic events. The comments suggested a whole range of activities were recording using lecture capture, including: activities involving the recording of students sometimes for assessment purposes; the recording of staff development activities; the recording of conferences, visiting speakers and other one off events and even the recording of non-academic events such as sports performances and graduation ceremonies. A selection of comments from the survey are presented below:

- "Student presentations, guest lectures, seminars, internal training, staff development presentations, student reflective videos, student assessment videos, student role plays and discussions"
- "Tutorials, seminars, conferences, student feedback on assignments, student presentations, lab tutorials, short lecture videos, field trips"
- "Conference, external speakers, course demonstrations"
- "We use the same software, [XXX] to record screencasts, sport performance, nursing and food related course practical's."
- "Graduation ceremonies, Outreach lectures"

These comments suggest that although often called "lecture recording" or "lecture capture", once the technology is in place people will inevitably want to use it for a whole range of different things that are not strictly academic. One issue clearly of significance when recording people who are not employed by the institutions, is how issues of consent, IPR and third party copyright are addressed. This is particularly pertinent when students play a leading role in the activity that is been recorded, and when the lecturers are external speakers.

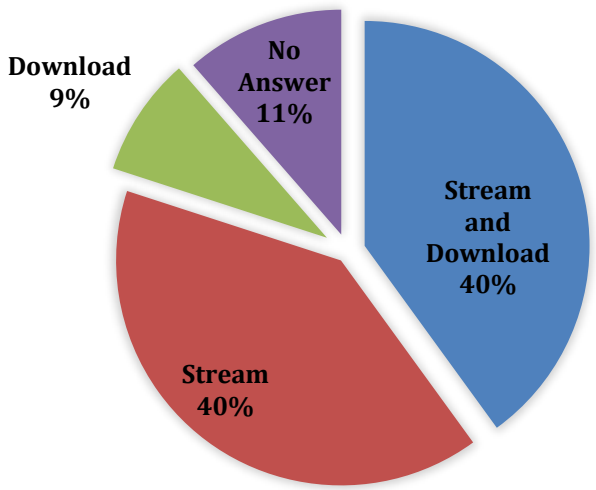
The question of where the institution permits the captured lectures to be stored shows a clear preference for two options. Most of the participants reported that their institutions stored recorded lectures on the lecture capture system or in the password controlled Virtual Learning Environment (VLE) (see figure 3). Most of the institutions participating in the survey allowed recorded lectures to be stored in more than one place. It is also worth highlighting that the most common storage places are those with restricted / password controlled access. The decision to store the recordings in secure online spaces requires additional investigation, as the reasons for this are likely to be complex and related to wider issues than simply copyright and IPR. However there would appear on the face of it to be a link between the decision to store recordings securely and an institution's attitude to risk and this is discussed in relation to access in the next section.

**Figure 3. Where does your university permit captured lectures to be stored? (n=35)**




The survey asked how students were able to access and use lecture recordings as part of their studies. The findings reveal that 40 percent of the institutions permitted students to both stream and download recordings, while another 40 percent permitted streaming of the recordings only (see figure 4). Four institutions did not answer this question. The findings highlight that one of the institutional challenges is addressing how students access, use and potentially share recorded lectures, once they have download them. This point is explored further in section 3.5, where the advice given to students in policy documents is analysed.

**Figure 4. Are your students permitted to stream and / or download recordings? (n=35)**




Linked to this topic, an open-ended question asking for any further comments regarding storage was also included. One of the participants highlighted a key issue and concern for institutions who want to provide flexibility of access to their students, but ensure that the recordings are not circulated more widely, beyond the institution. They stated:

- "Lecture recordings are stored centrally for two academic years before being destroyed (primarily due to storage constraints, but also helps politically). Staff and students are free to download recordings to their own devices, but are asked to agree to an 'honesty statement' before they are given access to the service. Statement asks staff/students to not distribute recordings outside of their intended audiences or upload to third-party hosting."

Surprisingly few participants referred to the way in which inappropriate use of the recorded lectures by students is dealt with in their institution. To some extent it may seem inconsistent that institutions are so careful about the way they store the recorded lectures (see figure 3) while at the same time allowing students to download them. It highlights the tension

between the risk of a student sharing the recordings (for example by uploading them to YouTube) and allowing ease of access. However institutions are arguably managing their own liability responsibly and effectively by hosting the content securely and achieving their educational goals by advising users (usually students) about re-use but ultimately trusting them to do the right thing. Allowing the download of recordings has significant benefits for students who can then watch and listen to the content at a time and place of their own choosing. It also means the institution is prioritising students' preferences and study needs. As highlighted in the literature (see section 1.1), the perceptions of students on lecture recording are generally positive and it is likely that the survey participants are aware of this. However, it was somewhat surprising that institutions did not make reference to the practice of students making their own recordings of lectures. However, it is worth bearing in mind that inappropriate uses of lecture recording might be captured within general University regulations regarding good conduct/appropriate/professional behaviour/bringing the University into disrepute.

Retention of the recorded lectures is another point of interest in relation to copyright and IPR, however here the limits in storage capacity mean that in many institutions lectures are stored for finite periods of time. This can be observed in the following comments:

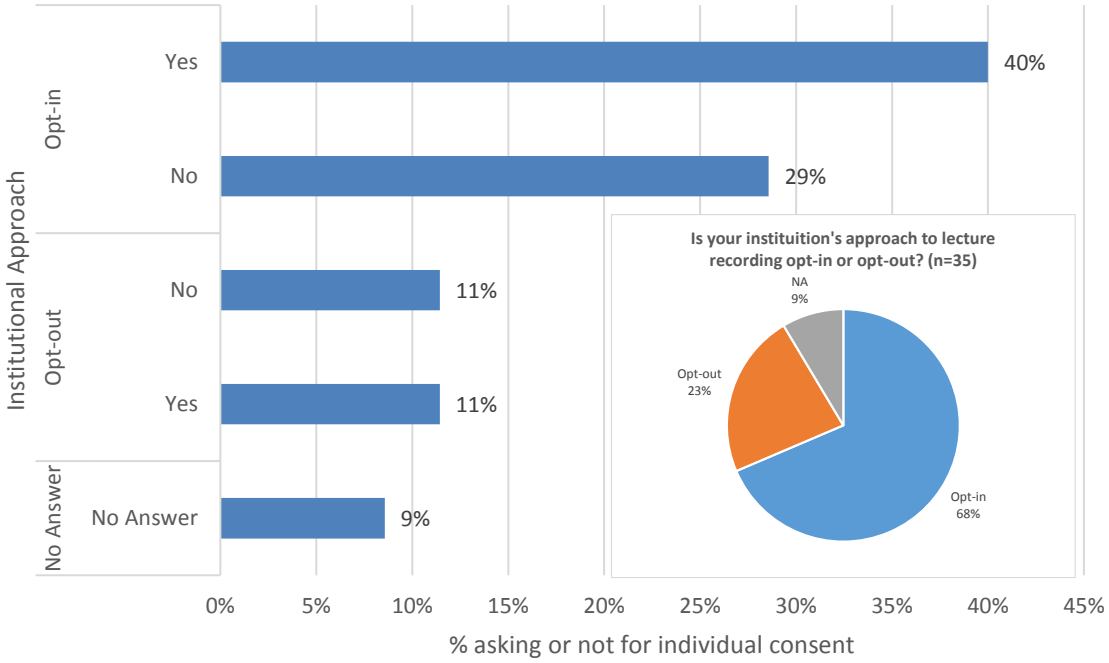
- "Recordings are deleted after 2 years. This is partly due to storage reasons and also because most recordings become out-of-date by this point. This time frame allows us to use the recordings for disaster recover, e.g. a lecture is ill, so last year's recording is released to this year's students".
- "Only staff can record video using [XXX software] (…) We have 2 strands, recorded lectures, mainly provided for revision purposes and those students where English is not their 1st language or those with cognitive difficulties and videos for the flipped classroom which match our interactive teaching philosophy more closely. We aim to mainstream the use of lecture capture and the use of video more widely over the coming year".

Overall, from the comments on storage many institutions clearly recognise the advantages that lecture recording can bring to students to tackle a whole range of issues (such as accessibility, illness, timetable clashes, geographical barriers and language issues), and it seems likely that this factor, rather than IPR influences decisions over whether students can stream and download recorded lectures. In this sense, there is a need for the institutions to balance the tension that emerges over IPR issues and copyright infringement with the advantages of allowing ease of access to students.

## 3.2 Contributor consent and lecture recording

The topic of contributor consent was also explored as part of the survey. The participants were asked if their approach to lecture recording of academic staff was opt-in or opt-out, and if they asked for individual consent for those being recorded. 69 percent of the participants reported that their institutions had an opt-in approach and 40% also asked for individual consent, while 29 percent reported having the same approach but not asking for individual consent (see figure 5).

Figure 5. Institution approach to lecture recording and asking for individual consent for being recorded (n=35)

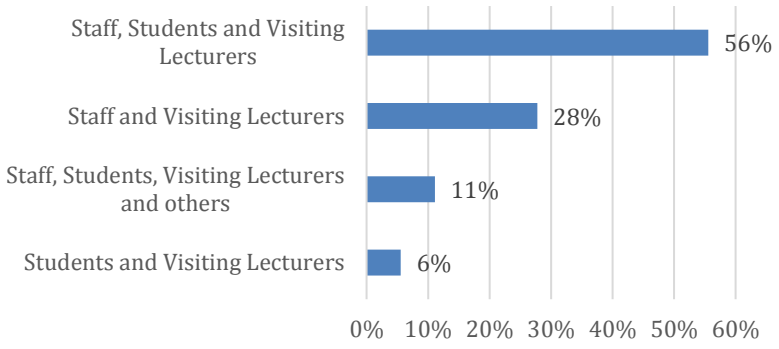



We might assume opt-in is happening at Department, School or Faculty level, but the survey did not ask a question about how lecturers indicated their willingness to be recorded. An notable finding was that from participants (22%) who reported that their institutions have an opt-out approach, half asked for individual consent (see figure 5). This might seem paradoxical, as an opt-out approach assumes consent for all, except for the individuals who opt-out. However, the guidance issued by Jisc (2015) regarding lecture recording, states that "Colleges and universities need consent of performers (including employees) in order to record, copy, or make available a performance[2]". There could be a number of ways that even with an opt-out policy, consent to be recorded is obtained from lecturers, for example, through their contract of employment and as discussed in the next paragraph it may be that individual consent is required from students and visiting lecturers whereas staff consent is covered under terms of employment. Further research is recommended to understand this issue.

[2] It should be noted that whether the recording of lecture involves performers rights, or the recording is the first 'fixation' of a literary work is a relevant legal question. However for the purposes of operating a lecture recording consent procedure, most institutions will assume that all kinds of copyright and related right may be being created or communicated, and therefore the appropriate consents should be requested.

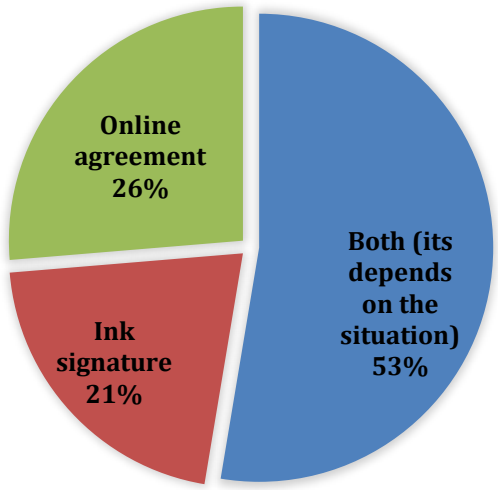
The 18 participants (51% of respondents) who answered that their institutions asked for individual consent from those being recorded, were also asked which individuals were asked 56 percent of the participants reported that their institutions asked for individual consent from staff, students and visiting lecturers. This was followed by 28 percent who reported that their institutions only asked for individual consent from staff and visiting lecturers (see figure 6).

**Figure 6. Which individuals are asked for consent? (n=18)**




The issue of individual consent was further explored by asking the participants about the way in which this consent was obtained. 53 percent of them reported that their institutions asked both for an online agreement and an ink signature, depending on the situation (see figure 7). Online agreement was reported by 26 percent of the participants and 21 percent asked for an ink signature. This suggests that in practice there is a need for flexibility in terms of procedures. Therefore, in some cases it might be enough to get online agreement but in other cases an ink signature might be the only option, for example when a visiting lecturer arrives shortly before presenting and consent needs to be obtained. The fact that the majority of the participants chose the option "Both (it depends on the situation)" highlights how lecture recording operates in reality, and the need for flexible procedures to deal with legal requirements and issues of practicality. One issue worth considering is that many online agreements are frequently accepted by individuals who in reality do not read them. While the use of electronic agreements allows consent procedures to operate at scale, the fact that an ink signature is not required may also remove the issues from plain sight. Therefore institutions may need to invest in awareness raising of relevant IPR issues as an additional activity.

**Figure 7. How do you ask for consent? (n=35)**



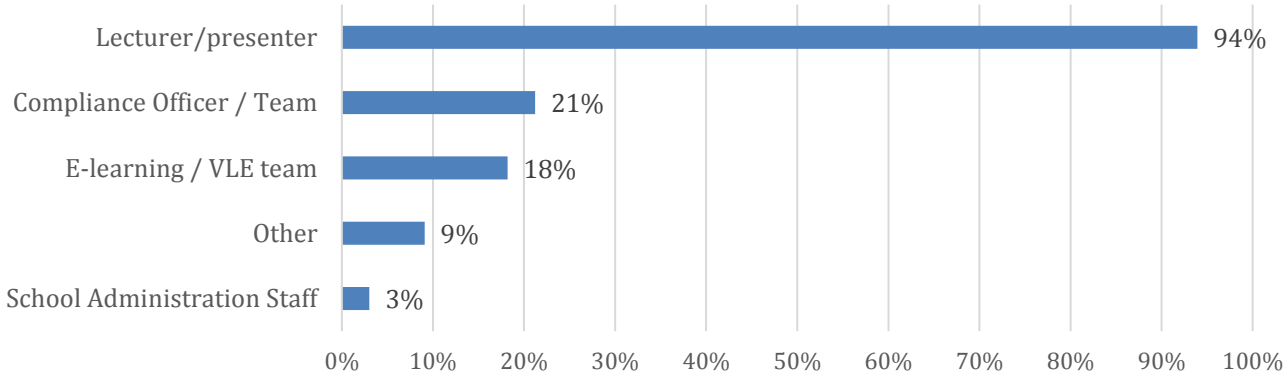

## 3.3 Third Party Copyright

Another topic explored in this study is third-party copyright used in the context of recorded lectures. Third party copyright is defined as:

> *"… content that is owned by someone other than the person copying, communicating or receiving it. For example, a lecturer prepares a PowerPoint presentation and includes several images she has taken from the internet which belong to another organization. In this case the third party is neither the lecturer nor the student receiving the PowerPoint, but the organization that owns the image sourced from the internet (Secker and Morrison 2016: p.xxxi)".*

The findings revealed that relatively few institutions report that they provide specific training for staff on the use of copyright materials in recorded lectures. This somewhat surprising finding is related to another point of note, that in most institutional contexts, the responsibility of the contents of the lecture is perceived to be being entirely that of the lecturer or presenter. As figure 8 shows, most of the participants (94%) reported that the lecturer or presenter is the one who takes responsibility for rights issues with content included in lectures. A similar trend can be observed in section 3.5, which describes the analysis of the policy documents.

**Figure 8. Who takes responsibility for rights issues with content included in lectures? (n=35)**




When asked about responsibility for rights issues, the participants were given the possibility of choosing more than one option. Eleven (33%) of the participants chose both the lecturer or presenter and at least one other option. Seven participants (21%) reported that the responsibility was shared between a compliance officer or team and the lecturer or presenter and six (18%) reported that the E-learning or VLE team shared the responsibility with the lecturer or presenter. Three participants reported being unsure of who was responsible. The participants who chose 'Others' were asked to provide further details in an open-ended question. One participant did not refer to a specific person or role within the institution but to the fact that the policies are in process of being updated:

- "The policy has been formulated with the help of our Academic Librarian in charge of IP and our Compliance Officer but is still under review. In reality the lecturer/presenter is responsible for rights issues but has been given appropriate advice. We are looking into changing contracts to make this explicit".

In two cases, other names people or groups were cited as having responsibility for rights issues in lectures:

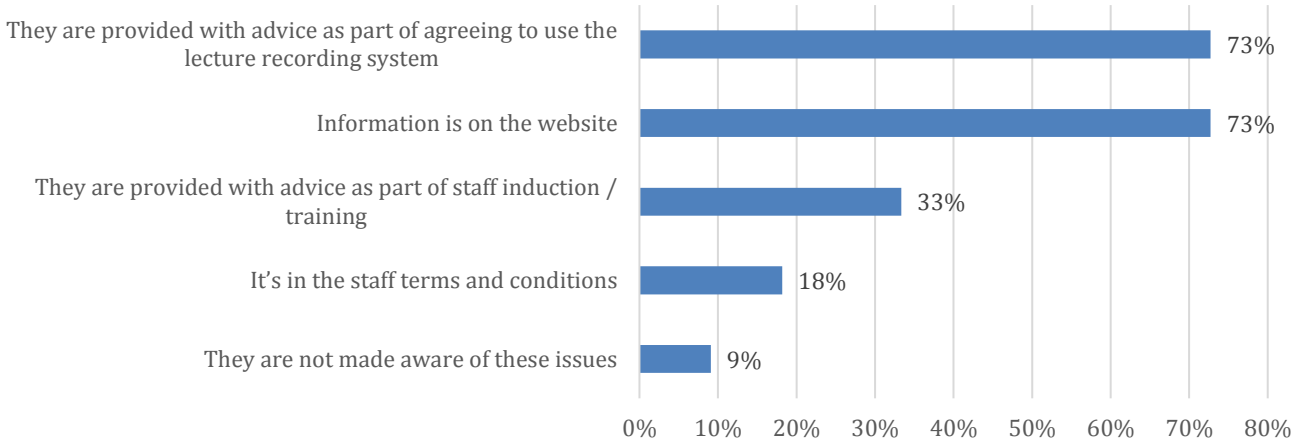
- "Academic lead in each department - e.g. Course director"
- "Queries are directed towards the Copyright Group"

Other participants who did not select "Other", included commentaries in this section of relevance:

- "Academics are asked to sign a consent form stating they have permission to use any third party content, if they need assistance with this it is referred to the Compliance Officer. The Video Services manager would also flag up any content he felt was questionable".
- "We have a widget that is used to launch [Lecture capture system}, and it requires users to tick a checkbox saying "I have read, understood and agree with the guidance contained in the QA Handbook regarding Lecture Capture' before they can start the program. There is a button link to the Quality Assurance guidance so it is easy for them to read this... but I suspect that very few do"

These other comments reflect fact that the responsibility is on the lecturer or presenter, but that different strategies are used to assist or at least make them aware of this responsibility. In particular one of the participants emphasised that the lecturer was responsible for rights issues, but at the same time had enough information to make informed choices.

**Figure 9. How are staff made aware of copyright issues that might arise in recording lectures? (n=35)**

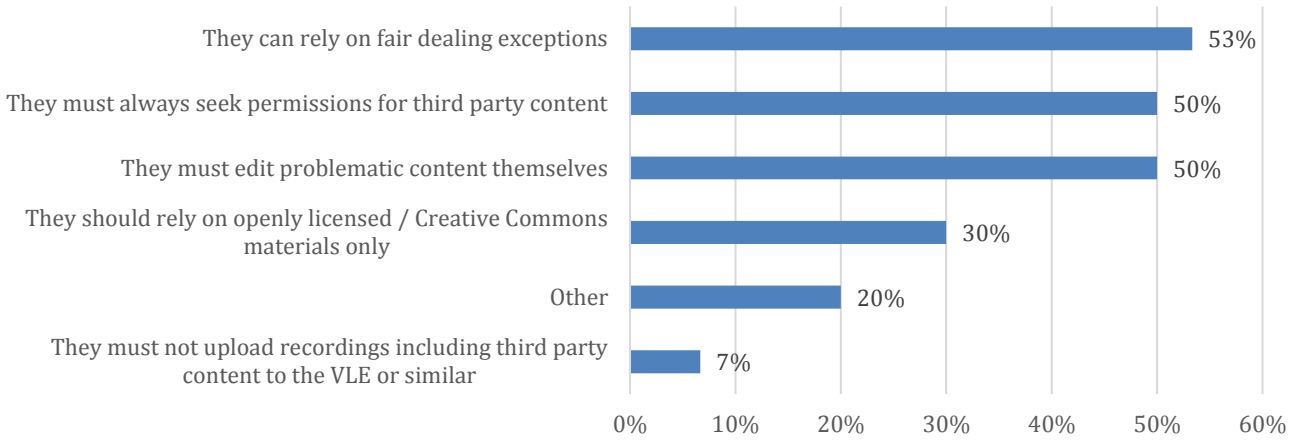



However, within the same comment the participant also acknowledged that although the institution provides information to ensure that the lecturer makes informed choices in the content that is included in the recorded lecture, the format in which the information is delivered is probably not the most appealing to engage the target audience. It would be interesting to carry out further research to observe the way in which different institutional approaches, including the format and delivery of copyright training, affect the perceptions of staff regarding lecture recording.

When comparing the findings above with the reported ways in which staff are made aware of the copyright issues that might arise in recording lectures, it was suggested that the advice might not always be sufficient. In many cases the advice is not always actively conveyed to staff – so for example it relies on a lecturer reading information on a web page and acting on it. The advice is often not delivered in a way that checks they have understood and take appropriate action. Participants were able to select more than one option when responding to this question, and indeed, an equal number of them reported that staff were made aware of copyright issues through information on the website (73%) and as part of agreeing to use the lecture recording system (73%). 17 out of 24 participants responding to this question chose both of these options.

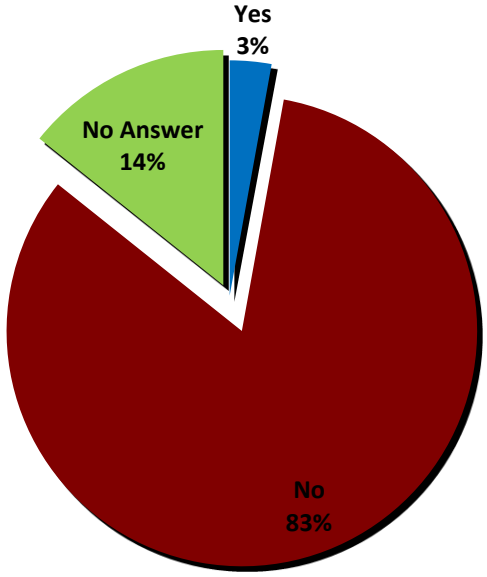
It is likely that the advice given as part of agreeing to use the recording system, comes in the form of a Terms and Conditions agreement. This type of advice is very easy to overlook and not interactive as some types of face to face training session, or contextual support within a VLE might be. A significant smaller number (33%) reported providing advice as part of staff induction or training (see figure 9). However, this finding should be read alongside the research by Freeman and Barron (2006), who found that the IP education provided for staff and students often did not address their actual needs. It might be worth exploring further the effectiveness of different institutional approaches to advice and training about copyright by measuring the impact they have on the overall levels of copyright literacy amongst lecturers. Currently, copyright information is conveyed to staff in most institutions, but the impact this has on their practice in reality, remains uncertain.

**Figure 10. What advice do you give to lecturers using third party content? (n=30)**




Participants were asked to answer a question on what advice is given to the lecturers using third party content in order to explore the topic of copyright support in greater depth. Again in this question the participants could choose more than one option and there was a relatively equal split who answered: they can rely on fair dealing exceptions (53 percent); they must edit problematic content themselves (50 percent); they must always seek permissions for third party content (50 percent) (see figure 11). Also, four participants chose both 'They can rely on fair dealing exceptions' and 'They must always seek permissions for third party content'. On the face of it this appears to be a contradiction suggesting a limitation of the survey methodology, although it probably requires further investigation. It may in fact illustrate the tension within institutions that want both the freedoms provided by copyright exceptions, as well as the certainty associated with licences and permissions. What is clear is that employing a full time person or team to review all recorded lectures to identify copyright issues is neither practical nor sustainable. Therefore, the most practical solution might be to develop additional training, support and advice for lecturers and presenters, which reflects the relationship between copyright exceptions and institutional licences.

**Figure 11. Do you, or any one else in the university, review lecturer recordings to identify content that is not permitted under UK copyright law or university licences? (n=35)**




Directly related to this point was a question on the practice of reviewing lecture recordings to identify use of content not permitted under UK copyright law or university licences. Only one participant reported that someone in the university reviewed lecture recordings to identify content that is not permitted under UK copyright law or university license. The scale of lecture recording at many institutions would make this task extremely onerous, if it was done for each recording.

Linked to this issue, the participants were asked about the way in which their institutions would deal with a hypothetical case in which a recorded lecture included content that was not permitted

under the UK copyright law or the university licenses. The answers to this question revealed that while routine checks were not in place, several institutions had procedures in the place to deal with this situation. The most likely procedure would be to ask the lecturer to remove the content, as several participants stated:

- “Contact the lecturer to ask for the recording to be edited, and remove the content until it complies”.
- “Once it has been brought to our attention either myself or the E-learning team will ask the lecturer to edit the recording”.
- “The lecturer would be asked to seek alternative content to ensure compliance with copyright law and/or the appropriate licensing held by the University or to edit the content. The compliance team would provide assistance in sourcing this”.
- “The lecturer would be expected to observe copyright and can apply to the Copyright Clearance Service for advice”.
- “Our feeling is that we would ask for this to be edited out of the recording or for them to use the pause don't record during the lecture for that part”.

In all of these answers it is possible to observe that lecturers would be contacted and provided with more active advice about the content that should be edited and suggested ways to replace the content if necessary. However, only two of the participants cited a formal policy that outlined the procedure in these cases in their institutions:

- “We'd immediately remove the content from circulation as the issue was being investigated, as per our takedown policy (…)”.
- “We do not systematically review content. However, we have a take-down policy in place - where items have been identified as 'not permitted' under UK copyright law. The lecturer is contacted and we offer additional training”.

Another consideration relating to the responses to these questions is that only one of the participants reported the practice of monitoring recorded lectures by the institution. Therefore, a third party would be required to identify problematic content and it is not clear who that individual might be and what criteria they would use to determine that an infringement had taken place. However, as discussed in section 3.5, more than one institution had a take-down policy but in the survey, only one institution reported reviewing the recorded lectures to find copyright infringements. Some of the answers to this question highlight the fact that currently many institutions have not dealt with copyright infringement issues practically, so currently it is a case of risk management as the following comments highlight:

- “We have not had to address this issue, and as we have no system of review, we have not had to test how we would respond”.
- “No process in place. If anyone were to flag something we would ask / assist the lecturer to edit or remove.”

What is clear is that institutional tools for monitoring third party content in lectures are not generally in place, nor would they be practical when recording is happening at scale. This has impacted on the extent to which institutions have developed, or failed to develop formal procedures to respond to copyright issues related to lecture recording. Those institutions with a policy could be seen as forward looking, however the findings suggest the policies currently remain rather theoretical and have yet to be translated into practice through a real life example. Again, further research on the way lecture recording policies and take down policies are put into practice is recommended, but whatever procedures are adopted do need to be sustainable and practical and not rely on one individual, such as a Copyright Officer having to monitor all the recordings. It should also be noted that this requirement is not limited to the use of lecture recording technology alone and that institutions need to address copyright literacy and compliance across a number of different areas.

## 3.4 General Issues of Lecture Capture: institutional dimension

The survey included several open-ended questions that enabled the collection of more qualitative data. Some of these questions were framed as comments to the quantitative questions, and therefore have been analysed in the relevant section. Nonetheless, there were several open-ended questions that allowed for general comments on the subject of lecture recording, and through which participants were able to provide descriptions of the experience of lecture recording in their institutions. Two of these questions explored the way in which the academic community in their institutions perceived lecture recording and if there had been any issues or problems related to this practice. In general, several institutions mentioned that lecture recording was not widespread in their institution and that this explained the lack of issues arising from this practice to date. As some participants stated, when asked if there had been any issues related to lecture recording:

- "Not really, but the opt-in nature allows any staff that has issues to not participate at present"
- "We only officially record guest speakers and have had no problems to date"
- "No as the general opt-in access has enabled those who want to use it to and those who do not to avoid it"
- "Lecture capture is used minimally currently as it is a manual request system with IT. So it has not really caused any issues, except students would like more of it".

Some participants responded to this question by explaining that no problems had emerged due to two significant points 1) the fact that their institutions have an opt-in approach to lecture recording and 2) that the practice of lecture recording was not currently widespread in their institution and still on a pilot basis. Comments included:

- "No major problems yet, but it is being made mandatory from September."
- "No problems from lectures captured at (institution's name removed) - although we have had one issue of sharing a lecture from another Institution (which needed to be taken down)."
- "We are at an early stage with lecture capture - still in pilot with only a limited number of academics engaging. It's not caused any issues with external agencies to date. However, we are conscious that our IPR and copyright policies rely on reference to staff terms and conditions and these do not explicitly reference lecture capture, so we are faced with creating either a separate lecture capture policy or rewriting staff T&Cs."

However, there were an additional set of responses that suggested that copyright and IPR had been a significant problem at some institutions, particularly where lecture recording was happening on a large scale and was widespread practice, for example:

- "Yes, it was (and continues to be) a somewhat contentious issue with academics (less than 15% are hard-line on the issue of being recorded). Over the years, we've worked with HR, the unions, and the SU to refine our approach. We had one issue surrounding a staff disciplinary case. In the end, IT Services successfully argued-with the support of HR-that the department could not use the recording for this purpose".
- "Yes. The academic community has expressed their concerns about the way that Lecture Capture was introduced at the university, which was relatively quickly with not a great deal of consultation compared to other HEI's, and about the consequences of being required to do so unless you opt out. This has resulted in letters being written to the university by the union, and by other groups representing the academic community expressing their concerns".
- "Yes, there are strong objection in some departments to the use of lecture capture, citing many of the 'myths' around reduced attendance and illegal downloading and distribution. We have had some debate around streaming vs downloading for similar reasons".
- "Yes, lots. Concerns about copyright and ownership".
- "There has been some resistance to its adoption for a range of reasons although copyright and IPR has been part of this, specifically the use of the Jisc template which asked for a waiver of moral rights and said that presenters needed to clear rights in third party material (i.e. no mention of exceptions). This has been addressed".

These types of answer highlight how most of the IPR and copyright issues within the academic community relate to the ownership of lecture recordings and contributor consent. The comments also highlight the sensitivity of academic staff in relation to the use of lecture recording and several respondents mentioned the involvement of trade unions, particularly where staff contracts are amended. These findings suggest that the introduction of IPR policies in relation to lecture recording needs to be handled carefully in institutions, and that consultation with the academic community is vital.

In addition to the above, the survey asked a question about the general attitudes towards lecture recording within the academic community at present. The answers highlight some of the wider ethical issues and tensions that emerge within the institutions related to lecture recording, and in particular the differing views of staff and students:

- “Lecture capture is accepted by most as part of the core offering to students. In fact, most members of teaching staff are positive or, at the very least, apathetic about the issue. A minority of staff, approx. 8-10%, opt-out of being recorded and hold strong views against using the system, even though we highlight that this behaviour is disadvantaging their students, especially those with an [specified learning difficulty]”.
- “Students love it, academic staff in some places think that students will not attend lectures...”.
- “Students love it for the simple reason that it helps to overcome some of the issues of poor teaching, reduced contact time and badly designed assessments that encourage regurgitation and memorisation. Academics who don't like it seem to be driven by the fear of being replaced, and that lecture capture is not a study tool but a replacement for their activity”.

The first category of comments refer to the tensions between the students’ preferences and the academic staff positions. These comments suggest that the reasons for adopting lecture recording within an institution and the benefits it brings may not always be conveyed effectively to the academic community. The way in which these tensions emerge is probably particular to the context of each institution, and it could be worth carrying out additional qualitative research to explore the perceptions of academics regarding lecture recording at different institutions, and within different disciplines to further understand these differences. The IPR policy of an institution is likely to be just one factor impacting on staff attitudes towards the use of this technology.

The second category of comments are those that suggest that communication within institutions might be a key factor impacting on staff attitudes towards lecture recording, as highlighted below:

- “Mixed. Many support it and would like it to be more available, easier to use in more locations. Some don't think it should be used at all (& opt-out). Some aren't aware that it is in use. (We only use it in 15-20 rooms a Semester and only contact staff in those rooms). Everyone has access to the same tool for personal recordings but I'm not sure the connection between the two is always made”.
- “Some concern about being recorded, but generally a lack of discussion about it”.

This comments highlighted that communication about copyright matters in particular needs to be clear:

- “Some academics are enthusiastic while others are very cautious. When asking academics about third party material it is difficult to educate about a "reasonable amount" - they feel they have the right to show any amount for educational purposes”.

What is clear is that in many institutions lecture recording has been introduced with limited opportunites to discuss and debate the purpose it serves, the benefits it brings and how to use it most effectively. Lecturers need clear guidance about how to find appropriate content for their lectures and how to manage risk, as well as information on their rights as a creator, performer and employee of the institution.

Finally, some of the participants included a lot of details to describe the issues related to their academic discipline, and the different issues that are likely to emerge:

- “Many in the academic community, particularly those working in the Arts & Humanities, have concerns about capturing their lectures on video. This is partly to do with copyright concerns - a potentially serious issue for academics teaching subjects such as film studies or art history, and partly to do with pedagogical concerns about the impact recording lectures will have on how they lecture, the expectations of students, their relationships with students, and how students learn”.

This respondent highlighted the concerns of academics from different disciplines and there are clearly certain subjects that make use of images and film in their teaching (e.g Art history, architecture, film studies etc.) It is important to consider this finding in light of the survey responses describing the ways in which advice is given to staff regarding copyright issues and lecture recording. The comments and data suggest that the format (e.g. information published on a web page) and structure of copyright advice needs to be appropriate to the audience and the context in which the advice is provided, to ensure that it engages with the needs of academic staff from different departments and disciplines.

- “It’s fairly mixed between some advocates, some hard-line opponents and the majority of people in the middle who aren’t really sure but trying to do their best. Take up is much greater in social/sciences (Social Sciences - 2223 sessions in 931 modules, Science 1074 in 511) than humanities (444 sessions in 860 modules – figures this year so far). One or two, including a Director of Learning and Teaching, are implacably opposed, others will do what they can. However, the cat is out of the bag as far as student expectations goes, so it might be a coming conflict”.

Continuing with the variations within departments in the same institution, the comment above recognises that the necessary discussions about lecture recording may not yet have taken place in some institutions. However it seems sensible to address these soon to avoid potential further tensions over the interests of students verses the genuine concerns amongst academics. One last comment highlights the need to balance pragmatic copyright advice with a wider attempt to engage more reluctant staff with the practice of lecture recording:

- “Some reluctance to use it because of concerns over attendance, impact on teaching style, general effort required, etc. Some users did express concerns over copyright - that recording would limit what they were able to show in class - but my advice was that provided access was secured to that cohort of students this would not be a problem. After all, they have been uploading their PowerPoints to our VLE for more than a decade without one copyright complaint! Asking permissions for recordings - our Legal Services created a fearsome 'small print' form for visiting academics to sign if they were being recorded. If I was them I wouldn't EVER sign it, since it requires them to assign all rights to our University - it isn't a 'license to use'. But in practice no-one uses it anyhow, and no-one complains. And who would store those document even if they were used? Things are different for our FutureLearn MOOCS where everything is done by the book (permissions, licenses, etc.) and what an enormous hassle it is! CC images are forbidden because it is impossible to verify ownership. Issues like the ownership of data used to create a graph needs careful clearance - and location shooting can be very complex (our negotiations with the Italian government took just under a year and many hours of legal time to formally resolve)”

The comment highlights a wide range of issues raised in one institution in relation to lecture recording and IPR, however it is not typical of the comments from the survey. Interestingly most participants stated that they were not aware of any problems related to lecture recording in their institutions. From these comments and others one observation is that many problems start to emerge once this technology becomes more widespread, or when a policy is introduced to encourage academics to use it more routinely. So rather than assuming that institutions are ignoring copyright issues, in many institutions it may simply be too early to foresee the more complex IPR issues that emerge as this practice is widely adopted. It suggests that lessons can be learnt from the early adopters of this technology, and by examining their policies and the impact on practice it may help address some of the concerns that arise in the academic community.

## 3.5 Lecture Recording Policy Analysis

The second part of this study is based on an analysis of IPR policies in relation to lecture recording submitted to the researchers by a subset of respondents. From the survey participants, 13 provided links to policies or documents available online. From those 13 links, 4 were part of the Intranet webpages of the institution and required a username and password for access. The reasons for keeping IP policies behind passwords are likely to be varied, for they could be viewed as commerically sensitive information, or this might be a sign of risk aversion on the part of the institution. It was beyond the scope of this study to discover why some documents were restricted, however this suggests an area for more research. Two participants explained that their institution's policy was in process of being formulated or awaiting formal ratification so they could not supply it. Emails requesting the policies were sent to some of the participants who had submitted links that were not accessible. Consequently, the analysis was based on 11 policy documents, guidelines or websites that relate to lecture recording. One additional policy was included in the analysis from an institution that did not participate in the survey, but who were contacted via the institutional copyright officer. The researchers were aware that considerable effort had been invested in devising this policy and so it would be a valuable example to include in the study.

The focus of the analysis was guided by five main categories:

- Comprehensiveness of approach
- Institutional Control
- Level of Support Provided on copyright and IPR issues, for all contributors
- Appetite for Risk
- Open Practice.

These broad categories were defined after analysing the policy documents. Table 1 offers a definition for each category.

| Category | Definition | Subcategories/ Questions |
|---|---|---|
| **Comprehensiveness of approach** | Whether the institution has considered every aspect of IPR and lecture recording and whether they have recorded and communicated this clearly. This category does not take into account which approach an institution has chosen (e.g. their attitude to risk), or whether they have changed approach, but specifically whether there are any aspects which are not addressed in the documentation analysed. | How is information on lecture capture provided? |
| | | Follows Jisc recommendations on establishing a clear position on IPR in lecture recording? |
| | | Are performance rights addressed by a licence or an assignment, as suggested by the JISC? |
| | | Are moral rights addressed? |
| | | Does it make clear who is responsible for 3rd party copyright infringements? |
| **Institutional Control** | Whether the institution seeks to acquire IPRs in recorded lecture material and provides little flexibility for staff and students (high institutional control) or whether they claim the minimum level of rights and provide greater flexibility for staff and students (low institutional control) | Is it made clear if there is a licence or an assignment of rights taking place? |
| | | Is there a clear opt-in/ opt-out approach in the document? |
| **Level of Support Provided** | Whether the institution supports its staff and students by giving them clear advice on IPR which is relevant, comprehensive and available in the appropriate place. | Provides advice on 3rd party copyright that is supportive and well structured? |
| | | Does it provide specific regulations for students, staff and others on IPR issues surrounding creation and sharing of resources? |

| Category | Definition | Subcategories/ Questions |
|---|---|---|
| **Appetite for Risk** | Whether the institution promotes a culture of informed risk-taking in order to make full use of the ambiguity inherent in IPR issues, or whether they use either legal wording to transfer liability to others and/or avoid covering certain aspects of copyright/IPR in the hope that issues will not arise. | It addresses the possibility to takedown recorded lectures? |
| | | It provides advice on using content under copyright exceptions? |
| **Open Practice** | The extent to which the institution supports and promotes open licensing, open scholarship and use and creation of openly-licensed resources. | Does it mention Creative Commons when sourcing content or licensing outputs? |

The general categories were informed by narrower ones that allowed both an in-depth analysis of the policy documents and the possibility of having points of comparison between institutions (see table 1). The Jisc Guidance on Lecture Recording was also analysed using the same narrow categories in order to facilitate comparisons between what institutions were including in their documents and the Jisc recommendations. This guidance was used as a 'baseline' because it is currently the only significant advice offered to the UK higher education community on lecture recording and legal matters. As a result many institutions may have used the Jisc guidance as a template from which to create their own approach. In this section we will provide first an overview of the in-depth analysis for each one of the categories. Then we will present the findings of the systematic comparative policy analysis.

**3.5.1 Comprehensiveness of approach**

Regarding this category, most of the institutions provided information on all of the topics mentioned on table 1. However, it was significant to note that the structure of the documents varied considerably and it was common practice to redirect the reader to other institutional policy documents or guidelines, sometimes providing links and sometimes only citing the name of the documents. Nevertheless, there were institutions identified that scored highly in terms of their comprehensiveness of approach. An example of this is institution F, which gives clear information on IPR, performance rights and moral rights. The policy states:

> "In accordance with the University's policy on Intellectual Property, the copyright in teaching materials and electronic recordings of lectures will normally reside with the University. Staff will be required to assign performance rights in lecture capture recordings to the University, and to waive moral rights, for the purpose of allowing the University to manage recordings without seeking the permission of those appearing in them (for example, to archive, move or delete files)" (Institution F).

In general the institutions that provided links to policy documents addressed most of the basic aspects of lecture recording and intellectual property. However it was significant to find that not all the institutions follow the recommendations in the Jisc guidance on the minimum issues that should be addressed about lecture recording. For example, quite a number of institutions do not address issues such as performance rights or moral rights, not do they make it clear who might be responsible for issues related to third party content in lecture recordings.

### 3.5.2 Institutional control

Regarding the category of institutional control, there were significant differences in the approaches of each institution. Some, like Institution A, make clear that their staff retain their rights over the materials produced in the course of employment:

> "(Institution A) recognizes the rights of its staff to ownership of copyright and other forms of intellectual property rights (IPR) in research publications, books and other similar publications in all formats derived from work undertaken during the course of their employment. It also recognizes the rights of members of staff to copyright and other forms of IPR in teaching materials in all formats. (Institution A) waives its employers' rights to copyright in order to give effect to this" (Institution A).

Institution B and Institution I however exhibited features associated with a higher level of institutional control:

- "In accordance with [Institution B] Staff Intellectual Property Policy, copyright in teaching materials resides with [Institution B]" (Institution B).
- "Your employment contract already contains a clause that transfers the ownership of any teaching materials to the University. The actual delivery of the lecture, the performance rights, remain with you. By default we will record you but not allow anyone else to see the recordings, keeping the performance rights with you, but we would ask that you release your rights to the university so that they can be used by students" (Institution I).

The decision to make lecture recording opt-out might arguably be an indication of a greater level of institutional control, however for the purposes of this study the researchers ascertained if the policy was clear on opt-in or opt-out and did not score the institutions to reflect opt-out as showing a higher level of control. Related to this is the observation, was the finding that where lecture recording is opt-out, the institution is more likely to provide detailed policies or guidelines for lecture recording. Although this was not quantitatively explored in this study, the qualitative policy analysis shows that this is the case for institution B and institution I. Institution B for example has a consent form that all lecturers need to sign and additional guidelines in the appendix of the lecture recording policy, covering issues of third party copyright and Creative Commons:

> "In order to ensure wide-spread use of [Institution B recording service], the University expects that all lectures will be recorded where feasible. The University recognises, however, that occasionally members of staff or students may have legitimate reasons for not wishing to be recorded, especially by video recording; and this policy therefore establishes a right to opt-out of recording".
>
> In accordance with [Institution B] Staff Intellectual Property Policy, copyright in teaching materials resides with [Institution B]. Staff are asked to temporarily assign their performer's rights to the University in order to allow students access to those recordings".
>
> **"**It is the responsibility of the academic staff member using the [Institution B lecture recording system] to ensure that all necessary consents to use of third party materials have been obtained. See Appendix 3 for further information on copyright"**.**
>
> "Creative Commons is a non-profit organisation that offers full copyright protection to owners of a works whilst allowing others to copy or distribute the work, provided certain conditions are met. These conditions are set out in various licences with the most common licence allowing academics to copy, adapt, distribute and transmit a photo or image (…)" (Institution B).

In the case of Institution I, the findings are similar with the difference that this institution dedicates a whole webpage to providing advice for students using the recorded lectures (in addition to a page with information for staff and a takedown policy):

- "Your employment contract already contains a clause that transfers the ownership of any teaching materials to the University. The actual delivery of the lecture, the performance rights, remain with you. By default we will record you but not allow anyone else to see the recordings, keeping the performance rights with you, but we would ask that you release your rights to the university so that they can be used by students" (Institution I).
- "Students are asked to agree to terms and conditions before they are allowed to access any recordings on (Recording Service X). This agreement states that redistributing recordings will be considered an academic offence, and any student caught doing so will be subject to disciplinary procedures" (Institution I).

Nevertheless, it should not be assumed that an opt-out approach equates to institutions having a comprehensive approach to lecture recording as there were institutions with an opt-in approach that exhibited high levels of comprehensiveness in their approach and provided high levels of support. In fact in some cases, institutions that had an opt-in approach had particularly comprehensive support for staff.

**3.5.3 Level of support provided for all contributors**

In terms of the support given for those using lecture recording systems, most advice is aimed at academic staff, whose job it is to deliver lectures. However, as shown in table 1, when analysing the level of support and advice on IPR and copyright in lecture recording, the analysis considered the advice available for staff, students and other contributors, such as guest lecturers or external speakers. Understandably in most institutions advice is provided to staff, but it is less common to offer advice to students, who might only appear in a recording if they were to ask a question in a lecture.

The policy analysis found that not all of the institutions provide guidance for staff about the use of third party copyright and using content under copyright exceptions. Additionally institutions provided different types of advice when addressing third party copyright. For example:

- "To avoid unintentional infringement of copyright regulations, academics may choose to 'Pause' [Institution B recording service] during the use of third party material and resume recording once the discussion point is over. Alternatively, such sections can be removed during editing once the lecture is finished and instructions provided on how students can access the material themselves" (Institution B).
- "The University will support staff in ensuring that captured lectures do not infringe third party copyright" (Institution C).
- "Staff using the lecture capture system must ensure that any materials recorded by the system do not breach third party copyright. It is the responsibility of individual members of staff, students or others working on behalf of the University to make legitimate use of third party material" (Institution F).

The guidance regarding third party copyright included in recorded lectures varies from general recommendations as in the case of the examples above, to more detailed guidance. In the examples above the general recommendations regarding third party content are:

- to seek further advice about the use of this content from the university support staff,
- to seek advice about how to pause recordings or edit content included in recorded lectures,
- or simply the document advises staff and others on their responsibility to "make legitimate use of third party material".

Two institutions provided extremely detailed advice in their policies, including examples of different types of materials that can or cannot be included in lectures:

- "The copyright in videos that you might show from sites such as You Tube or iTunes U resides with the creator of the video, so you would need to obtain permission directly from them (YouTube or iTunes U cannot grant this on their behalf). Some of these materials may be available for educational use or under a CC licence. While it may be permissible to show these recordings for educational purposes, and provide links to the material, you should exclude this content from a recorded lecture" (Institution G).

- "Commercially bought audio CD's can be used in class, but should not be included in a lecture recording, so the recording should be paused whilst playing these clips, or these sections will need to be edited out from the recorded lecture later" (Institution H).

These comments highlight some of the differences in approaches to handling third party copyright, from expecting an individual to obtain permission for it, to relying on Creative Commons licensed content, or removing the content from the lecture prior to making it available to students.

In the documents analysed, when advice or regulations for students are included, they can be classified into two types: a) consent of students in recorded lectures and b) use of the recorded lectures by students. The first type addresses students' lecture recording concerns as if students were passive actors:

- "Students will be informed of rooms where recordings are taking place as notices will be displayed stating that the lecture is being recorded and be used solely for educational purposes. Students who do not wish to be included in the recording may sit outside of the camera's field (in case of video recording) and/or request that their contribution be deleted" (Institution C).
- "Advise students that the session is being recorded and notify them if you are not making recordings available for use immediately. This sets clear expectations about how recordings can be used as part of their independent study" (Institution D).

According to this perspective, students are subjects who benefit from the recording of lectures and their role is limited to providing consent (or not) when being recorded. The second approach to addressing concerns related to students and lecture recording, is the use that students can make of the lecture recordings and any limitations or conditions imposed on them:

- "Students are asked to agree to terms and conditions before they are allowed to access any recordings on X Recording Service. This agreement states that redistributing recordings will be considered an academic offence, and any student caught doing so will be subject to disciplinary procedures" (Institution I).

This second perspective addresses the concerns relating to the question of streaming or downloading recordings, included in the survey. Some of the institutions clearly establish agreements with students to limit the uses they can make of recorded lectures and to avoid the re-publication of this material on publicly accessible sites, such as YouTube. The violation of these agreements might lead to disciplinary procedures. A third perspective which is missing in the policies and documents included in this study is to view students as creative partners in the learning process where they will be creating and sharing their own content and adaptations based on the material provided by the institution. This is an area that will require further exploration and development in the future as it recognises that students need to understand the use of third party content and their own rights in the content they create. Some of the participants reported that the recording of students' presentations was already taking place in their institutions, therefore this might be an issue that requires further discussion within institutions, their copyright officers and those with a wider interest in students' digital literacies. Very few of the policies analysed addressed the role played by students in lecture recording in a more comprehensive way. Only Institution K provided the same amount of advice and regulations for student and staff, and therefore might be considered an example of good practice. This policy highlights the gaps present in most of the other documents we analysed, regarding students and their active role both as participants and beneficiaries of recorded lectures. An example of the comprehensive advice for students by this institution is the fact that advice is provided on how to request the editing of a recorded lecture: "If staff or students wish to have a recording edited, they must request a change from the person responsible for the activity being recorded. This request must specify which material they wish to have changed and why they want the change" (Institution's K policy document). The approach of this institution addresses something not mentioned in Jisc guidance and could be seen as a useful development. However, given the data gathered on copyright support in general, institutions may firstly wish to focus on improving the copyright advice given to staff and other presenters. This is not only because they are in the main the people being recorded by lecture recording systems, but they are also in a position to model good practice for those who they teach or communicate with.

### 3.5.4 Appetite for risk

An institution's appetite for risk proved to be a difficult and nebulous concept to uncover through analysing the survey data and policies of institutions, however it inevitably will vary from institution to institution and be related to their culture and traditions. Measures of risk aversion in terms of copyright and IPR might be: reliance on licenses and permission for the use of any third party content, less emphasis on the use of copyright exceptions, disclaimers or take-down policies which might mitigate against copyright infringement claims or routine monitoring of content in the VLE. It should also be noted that other 'unseen' activities which create an institutions 'unwritten rules' may form a significant part of a cultural response to risk which the data in this study did not fully capture. However, from reading of the documents it could be inferred that overall very few institutions were identified as having a high appetite for risk and the majority were using specific measures to mitigate the risk. From the policies analysed, only one included a disclaimer:

> "The (Institution B) will hold no responsibility for any inaccurate representation, defamatory statement, offensive language, or infringement of content made by a lecturer in the course of a recorded lecture. The liability for such shortcomings shall lie solely with the author of those statements or infringements" (Institution B).

However, another institution had a statement specifically aimed at students, presumably to offer some form of protection for the institution and to mitigate against the risk of students re-distributing recorded lectures:

- "Any use of a recording other than for a student's personal use in relation to their studies or any unauthorised distribution of a recording will be considered in breach of the code of conduct and will be subject to disciplinary action. This includes uploading onto social media sites and other unauthorised sites such as YouTube and Course Hero" (Institution E).

The use of disclaimers or takedown policies is common practice on many social media websites that allow users to upload content such as video or images, that may potentially be infringing copyright and so it is interesting to note that they are not used more frequently with staff or students using lecture recording systems. Overall, the approach to risk was a difficult subject to investigate as part of this study and warrants a separate investigation before any detailed conclusions can be drawn. In essence any institution looking to effectively manage risk is trying to find the 'sweet spot' between being very prescriptive and clear as to where its liability ends whilst also encouraging its staff and students to make the best use of the opportunity to teach and learn using copyright content responsibly in an uncertain environment. It is however an important topic of central importance to an institutional copyright and IP policy and further detailed research into different strategies for IPR risk management in educational establishments is recommended.

### 3.5.5 Open Practice

Open Practice in this context is defined as a 'range of open educational activities, such as developing and using open educational resources, developing open courses such as MOOCs" (Secker and Morrison, 2016, p.xxxi). This category referred specifically to the extent to which Creative Commons Licences are encouraged both for sourcing third party content and licensing materials produced by staff and students. Creative Commons licences were not referred to in the majority of the policy documents, although some institutions did seem to encourage open practice, for example:

- "Finally if material that you find online is licensed under Creative Commons (CC) then providing you acknowledge the source, you may be able to show these material in a lecture that is being recorded" (Institution G).
- "Creative Commons is a non-profit organisation that offers full copyright protection to owners of a works whilst allowing others to copy or distribute the work, provided certain conditions are met. These conditions are set out in various licences with the most common licence allowing academics to copy, adapt, distribute and transmit a photo or image (…)" (Institution B).

Providing information about Creative Commons can be useful in guiding staff on appropriate content that can be included in a recorded lecture. Nevertheless, providing this information in a way that is not clear might cause further problems. For example staff may need help identifying how to locate resources licensed under Creative Commons, what the

different licences mean and how to credit the works they use. There are also aspects of 'open' culture, particularly in relation to one's own work, which at first seem counter-intuitive and therefore require dialogue to allow individuals to make their own informed choices. Encouraging staff to add Creative Commons licences to their own work, or at least giving them specific permission to be able to do this is an important part of an IP policy. However, the findings to date suggest that in terms of recorded lectures there is little evidence that open practice is being encouraged.

**3.5.6 Systematic Policy Analysis**

After the initial in-depth analysis, a more systematic analysis was carried out which led to the institutions being classified into narrower descriptive categories that were also associated with a score (see Appendix 3 for the narrower classifications and scores). The systematic analysis facilitated comparison and also the possibility of discussing the extent to which patterns could be identified. This section first presents the findings of the broad comparative policy analysis, followed by a more in-depth analysis that focuses on specific issues of interest and possible good practices.

From a broad comparative perspective, it was possible to observe that there are significant variations in the approaches to lecture capture in the documents analysed. The institutions can be ranked according to different levels of progress according to each of the broad categories of analysis (see figure 12). It important to clarify that higher or lower scores are not related to better or worse practices, but only refer to specific qualities of the category and the way in which these qualities are present in the documents analysed and understand the differences and similarities.

On a first glance, it was possible to observe that the institutions with a high level of institutional control were more likely to also have a high level of Comprehensiveness of approach. Nevertheless, Institution I exhibits a high level of institutional control, but a lower one on Comprehensiveness of approach (scoring 50 percent of the maximum score for that category).

Other patterns were explored, but it was difficult to find many clear relationships between the categories and it was only possible to group six institutions into two patterns (see figure 12.1 and 12.2). This suggests, that in general there is a lot of variation between institutional approaches to lecture recording policy.

**Figure 12.1 Institutions C, F an I**

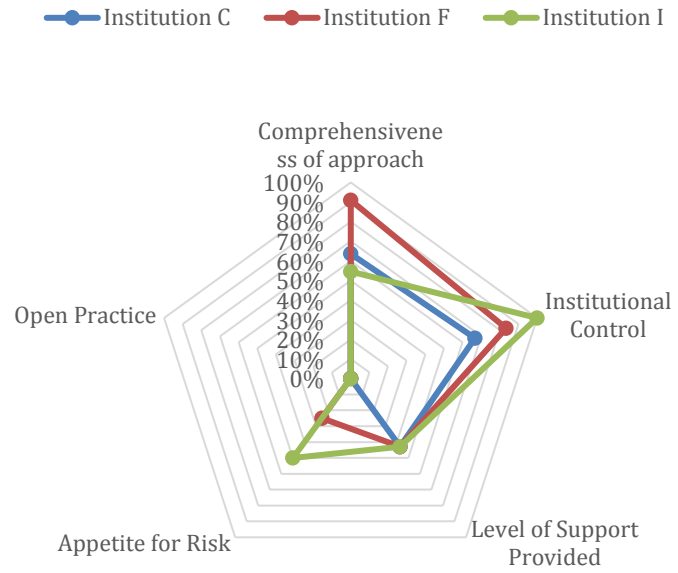
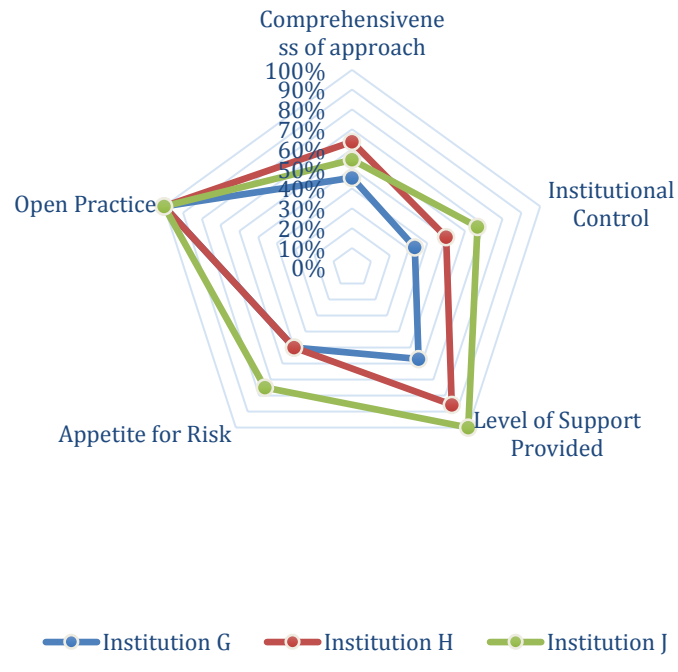
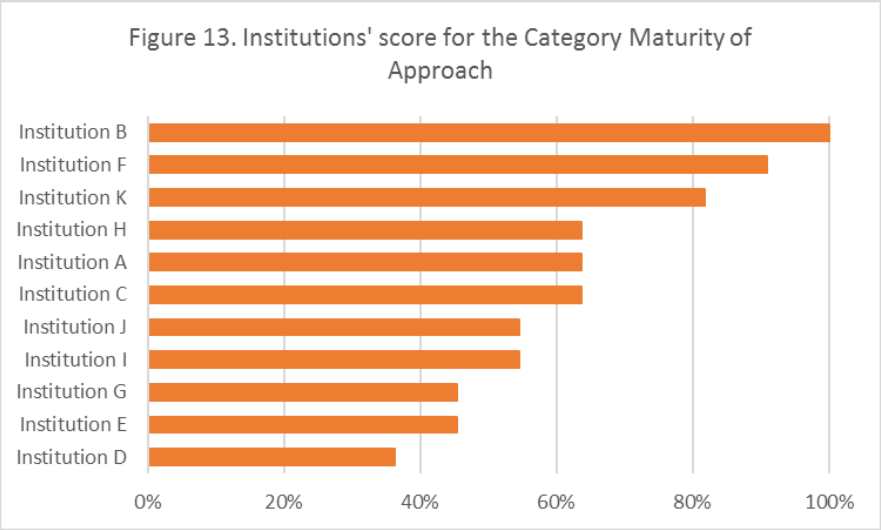



**Figure 12.2 Institutions G,H and J**

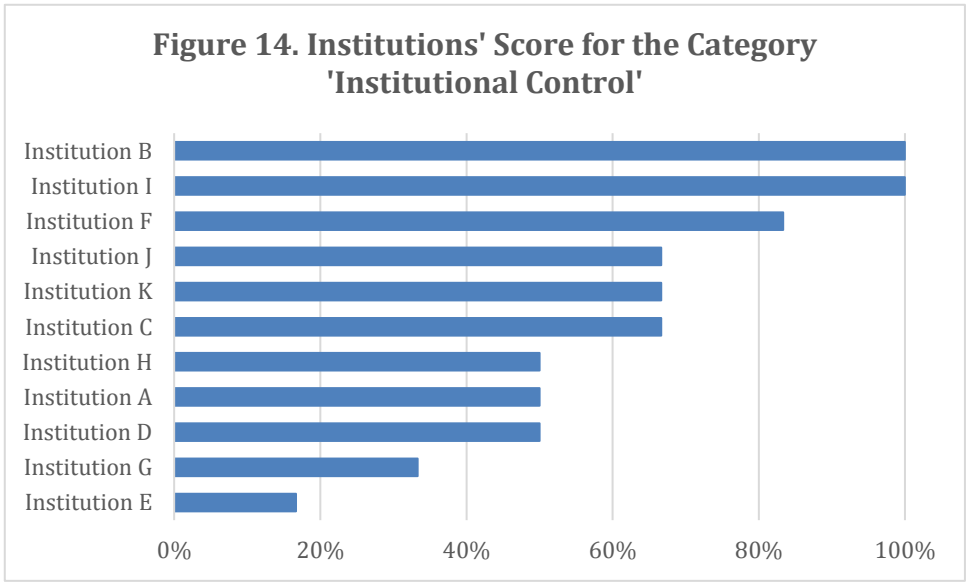



In the pattern shown in figure 12.1 it is possible to observe that there are three institutions with a high level of institutional control and high level of comprehensiveness of approach. In figure 12.2 the institutions that provide a higher level of support for copyright advice, have a tendency towards open practice and higher levels of appetite for risk. Arguably, institutions that are more open often are in a stronger position because they have considered copyright and IP issues in

line with the development of open practices, however further evidence would be needed to back up this point. When analysing each category separately, some interesting trends can be observed. In the case of the 'Comprehensiveness of Approach', it is appears that most of the institutional documents analysed fall around the midway point assigned to this category (see figure 13). This relates to the fact that most of the documents analysed have a significant level of clarity in establishing at least some basic regulations, for example the ownership of recorded lectures, and the format of the policy in a single document. Nevertheless, it was less common in most institutions to address issues of performance rights and moral rights within the policy documents or guidelines themselves. This is worth highlighting given the fact that the Jisc guidelines suggest these should be addressed. The Jisc guidelines also recommend that institutions address performance rights in the form of a license agreement and ask lecturers to waive their moral rights in lecture recordings. They state: "To avoid the issue, an institution should consider requiring all relevant parties to sign a waiver of their moral rights[3], in writing, prior to a recording being carried out." (Jisc 2015). However, only three institutions scored 80 percent or more in this category, and among those only one institution scored 100 percent.




In the case of institutional control, there were relatively few institutions at a middle level of this category, with most of the institutions scoring either exhibiting high or low levels of control. (see figure 14). Only three institutions were classified as being in a middle ground. This finding is interesting because in contrast to other issues related to lecture recording policies, most institutions do not have clear standpoints and prefer to provide some guidance or regulations but this can often be open to interpretation.

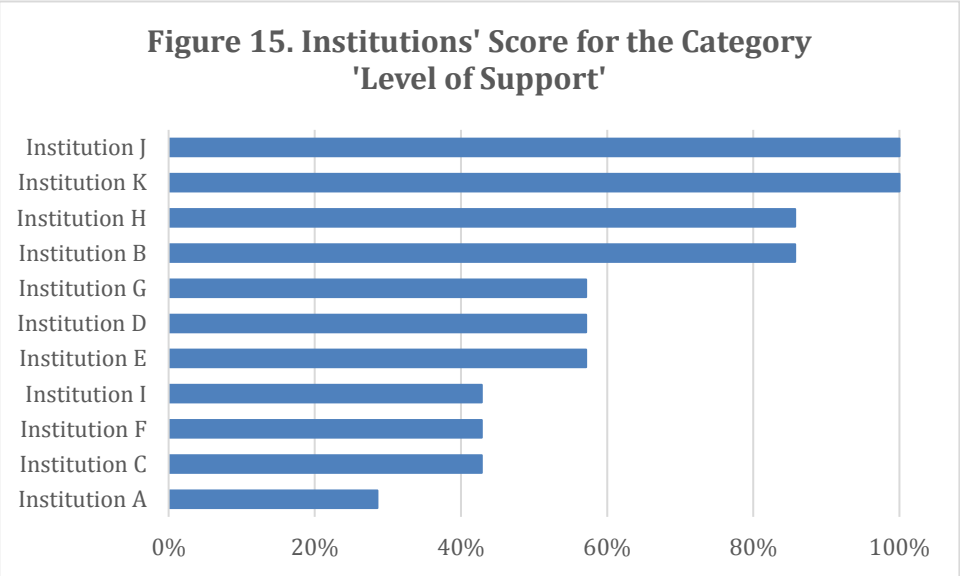



In the case of institutional control, the documents analysed exhibit a more clearcut position regarding institutional control (either if there is a high level of control excercised by the institution or a low one). For a small number of institutions it was necessary to deduce from the policy or guidance documents whether their approach towards lecture recording was an opt-in or opt-out policy for academic staff. An example of this is one found in the Institution' J document: "As part of the College's overall commitment to providing the best education to its students, the College strongly

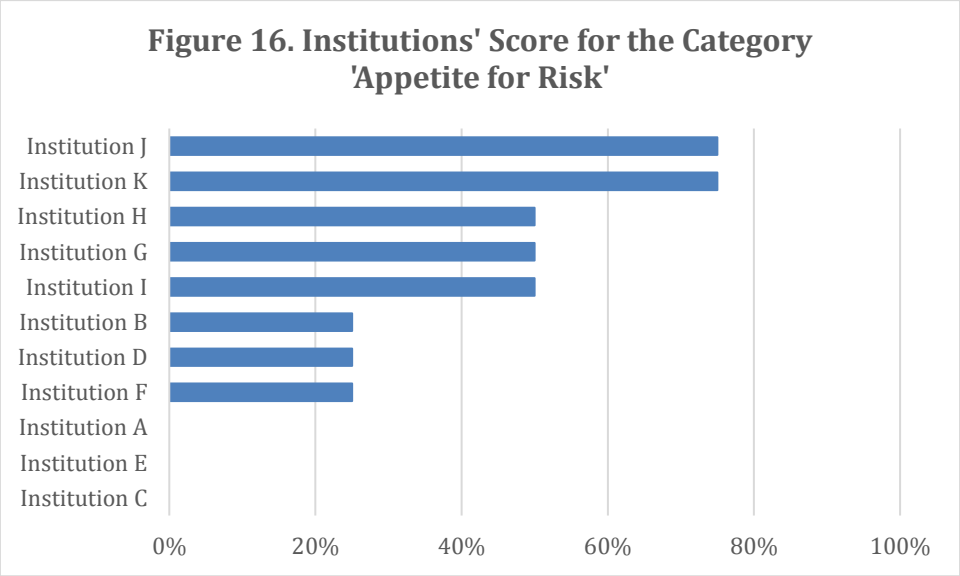
[3] Data from the analysis shows at least one institution who initially asked academics to waive their moral rights according to the Jisc guidance, but then subsequently changed their approach following negative feedback. Whilst the best approach to moral rights may be a matter of debate, it is assumed that addressing attribution and non-derogatory treatment of work in some form is a sensible approach in any lecture recording IP policy.

encourages staff to record their lectures". Although it "strongly encourages" staff to use lecture recording there is not a direct reference to this practice being optional or entirely the discretion of the lecturer. To repeat an earlier point, the researchers did not believe that an opt-out policy was a sign of a greater level of institutional control.

In terms of level of support it was interesting to observe that most institutions were classified either in the middle or close to the midway point of the scale (see figure 15). This result can be triangulated with a finding from the survey, that highlighted how the advice given to staff in relation to lecture recording is quite passive. In the policy documents this was reflected by the fact that most institutions offered some basic copyright advice for staff on lecture recording, however it was not always well structured or written in a particularly supportive manner. Consequently, it is recommended that institutions review the copyright advice they currently give to staff on lecture recording.

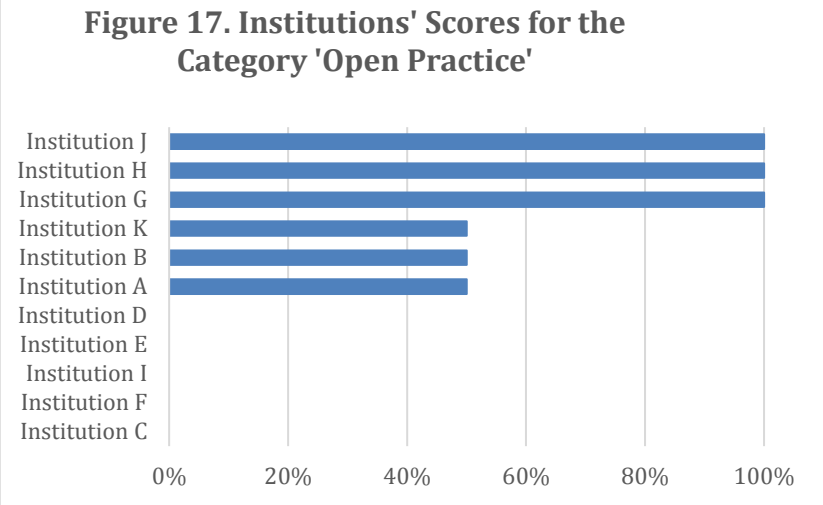



In the category of appetite for risk, most of the institutions were classified in the lower end of the graph (see figure 16). This means that in the policy documents or guidelines observed there is a propensity to minimise legal risk at an institutional level at the potential expense of innovation in teaching through supporting individual autonomy and shared responsibility. This is not necessarily surprising, nevertheless it has the potential to have profound effects on the way in which lecture recording takes place in practice. In most institutions responsibility for third party content (as observed in section 3.3) lies with the academic staff and some of the language used within the IP policies may worry staff. Therefore, academic staff may be less likely to opt-in to lecture recording or behave in a particularly cautious manner when choosing content to include in their lectures that are being recorded.




These findings would need to be explored in more depth through further research into academic staff perceptions on lecture recording and how these relate to institutional policies. However, an example of the way in which institutions avoid risk is included in Institution's B document: ""The (Institution B) will hold no responsibility for any inaccurate representation, defamatory statement, offensive language, or infringement of content made by a lecturer in the course of a recorded lecture. The liability for such shortcomings shall lie solely

with the author of those statements or infringements". Nevertheless, Institution B was the only one that had a disclaimer included in the lecture recording policy document, while at the same time claiming IP in all the recordings.




The last broad category was open practice and this mainly referred to whether there were references to Creative Commons (or other open licences) included in the institutional documents. Most of the institutional documents did not make reference to Creative Commons (see figure 17).

Nevertheless, there were two institutions that included comprehensive information on Creative Commons either in the same text or in a link provided within the policy. Although not a widespread practice, it could be considered as a 'good practice' to include information about Creative Commons or other open licences in the guidelines that refer to lecture recording.

## 4. Discussion: a Comprehensive Picture of Current State of Institutional Policies on Lecture Recording

As it has been already possible to observe in the findings from the different sections in this report, there are some interesting observations that result from a comparison between the data collected as part of the survey and the policy analysis. This section discusses some of the key findings provided by both sets of data. The section is guided by a framework that merges both the categories used to analyse the data from the survey and the categories used to analyse the policy documents.

When asked if institutions had a policy document that refers to lecture recording, 40 percent of the survey participants answered that their institutions 'kind of' had a document or information provided in different documents. It was a common practice to present the information on lecture recording in different formats. For example, institution A included a section on lecture recording in the general IP policy, and addressed thoroughly IPR, performance rights and moral rights, but did not provide information or links within this document to further guidance on the use of third party content. Another common practice, is that basic guidelines or a policy document on lecture recording exists, but further more detailed guidance is provided through links to other documents, such as in the case of institution H. In general, it is not always the case that everything is contained in a single document. A point to note this this may make it more difficult for academic staff who are searching for specific guidance on lecture recording. Nevertheless, policy or guideline documents with a higher level in terms of their comprehensiveness of approach, usually provided both regulations and either guidance on the same document or links to separate documents.

A second point that is important to highlight is the one that refers to the level of institutional support provided in terms of copyright and IPR. The findings showed that while the survey identified the lecturer/academic staff as the main person responsible for the content of the recorded lectures (94 percent of the participants), a significant amount of the policy documents did not make these responsibilities clear.

Thirdly, the policy documents reflected something that was also suggested in the survey data: because academic staff are perceived as being the principal 'party' (to use a legal term) responsible for the content of the recorded lectures, the regulations and advice focuses on them and is less comprehensive for other parties such as students and external lecturers. Only one of the policy documents addressed students and lecture recording with the same level of comprehensiveness as academic staff.

In terms of advice, training and guidance, the findings from the survey show that it is not clear if the advice or the way in which it is delivered to staff currently, is sufficient to cover the needs of the individuals involved in lecture recording. From the analysed policies, the findings show when referring directly to content in recorded lecture the amount of advice and support provided through written means varies significantly among institutions. Without further research it is not possible to evaluate what impact the guidance and advice has on the daily practice of staff and students that participate in recorded lectures. For this reason, further research should consider the level of involvement of members of the academic community in the development and review of lecture recording policies. Although 43 percent of the survey participants reported that lecture recording policies were devised following consultation with the academic community of their institutions, only one of the institution's policy documents made reference to a process of consultation.

Overall, it is possible to observe that from our sample, some institutions are more advanced in addressing lecture recording through policies and guidelines than others. Nevertheless, when comparing the policy documents, it is not possible to find one single 'correct' approach or gold standard, because some institutions that were advanced in some categories, were not necessarily equally advanced in others. This provides a significant opportunity for learning from different institutions' experiences, and also highlights the benefits of carrying out further research and evaluation on the ways in which the different policies work and impact on daily practices. One small caveat is that the sample was self-selecting, so the findings might be biased in favour of those institutions who have developed a lecture recording policy they are satisfied with. However, arguably this strengthens the case that this research highlights good practice in the sector.

## 5. Conclusions and Recommendations

In general terms, the development of institutional policies regarding lecture recording is still an evolving process as the technology becomes more widespread in UK universities. From the survey participants, 40 percent stated that their institutions 'kind of' had policy documents or information contained in various documents. This was also possible to observe in the analysed documents, where it was common practice to find a single policy document, in which links were provided to separate guidelines, or multiple documents addressing lecture recording.

It was also possible to observe, both from the survey results and from the policy analysis that advice and regulations more commonly address lecturers and academic staff, and less often students in terms of their participation in lecture recording (both as speakers and users). This is unsurprising given that most recorded lectures solely feature the lecturer, however as we see an increasing use of this technology across the institution, for example for student assessments, they will need to be addressed in the policies. There were also varying levels of copyright advice and support identified, and further research is recommended on both the impact of the advice and support provided in the daily practices of academic staff and the way in which the policies themselves are implemented and incorporated into daily practices.

Following the variations observed between the institutions in this study, one suggestion is to create various models of good practice that reflect the institutional culture of the different universities. What is clear is that while the Jisc guidance exists, this has not been widely adopted, perhaps because some institutions see it as too prescriptive. Despite this after analysing both the results from the survey and the documents provided by the institutions, the following good practices can be identified:

1. Institutions are well advised to consider the current Jisc guidance as well as developing their approaches in certain specific areas with reference to the guidance. For example the guidance recommends that institutions are clear on their approaches to IPR (as a license or an assignment), the need to address moral rights and performance rights. These are minimum standards that should be considered by institutions that still do not have policies or guidelines on lecture recordings. Additionally those institutions who already have a policy document should ensure they address these issues.
2. The research identified one institution that went further than the Jisc recommendations by addressing lecture recording in the same level of detail for students and academic staff. As an increasing range of practices are

recorded in the institution, the IP policy will need to be reviewed periodically to ensure it covers all potential actors.

3. Institutions should make clear who is responsible for managing copyright risk on a case by case basis: the survey identified the lecturer or academic staff as responsible for the recorded lectures' content in most cases, but a significant number of the documents analysed did not address clearly who was responsible for reducing the likelihood of copyright infringement. Policy documents should be clear in setting the rules for lecture recording, in order to support staff, students and others involved in lecture recording so that they can make informed decisions.
4. Institutions should provide supportive copyright advice and guidance: another finding from both the survey and the policy analysis was that the guidance provided to staff on issues such as the use of third party material in recorded lectures needs to be clear and supportive and in the appropriate format and context. For example, guidance in forms other than written documents and provided at the point of need is important. It is recommended that institutions link the guidance on copyright issues in lecture recording to the institutional policy document on lecture recording. It is also recommended that institutions evaluate the impact of the guidance on the actual practice of the academic staff and others, to explore if the format and the content is appropriate. Efforts to offer good practice for the community would be welcomed by bodies such as Jisc, Learning on Screen or the Association of Learning Technology (ALT) may be able to offer advice that might mitigate against the risks that copyright infringement in lecture recordings might bring upon both the institution and the presenter, but would also support the creation and use of quality teaching materials which model good digital citizenship.
5. Creative Commons and other open licences should be referred to by institutional policies: when providing guidance on lecture recording, making reference to both using and finding Creative Commons content should be regarded as a good practice. In addition, the inevitable discussion about IPRs in teacher created content that lecture recording triggers, presents an opportunity to discuss the benefits of open practice. These discussions can empower staff in educational institutions to make the best personal choices about whether and how to share their work with others for use and adaptation. However this can only be done in an environment where the appropriate policies and institutional cultures are in place.

In general, there is still considerably more research needed to understand the ways in which higher education institutions are addressing lecture recording and copyright issues through institutional policies. A lot can be learnt from comparing institutions that are more advanced in their institutional policies. However, this study indicates considerable further research is undertaken to investigate issues such as:

- The approach to risk within institutions and its relationship to lecture recording policies
- The involvement of academic staff in the devising and review of lecture recording policies
- The impact of copyright guidance and support on the practice of lecture recording within an institution and the levels of knowledge about the issues amongst the academic community
- Whether taking a more 'open' approach to creation, use and reuse of content creates a more innovative and effective teaching culture and what the relationship is to academic concerns over control of their work and creative personalities.

Overall this research concludes that the increasing use of lecture recording needs to be supported through the development of appropriate institutional IP and copyright policies to address the important and wide range of issues that arise from this practice. Furthermore, if the sector is going to move towards more open practices, then it is clear that care needs to be taken to devise helpful and supportive copyright and IP policies. The findings are however only part of the picture, as the policies reflect the official institutional approach to an increasingly important learning technology. What they do not do is reflect the actual practices within academic departments and amongst lecturers and students. A key aspect of this report is that it provides several suggestions for further research that might explore how culture and practice in higher education is being shaped by the policies towards learning technologies.

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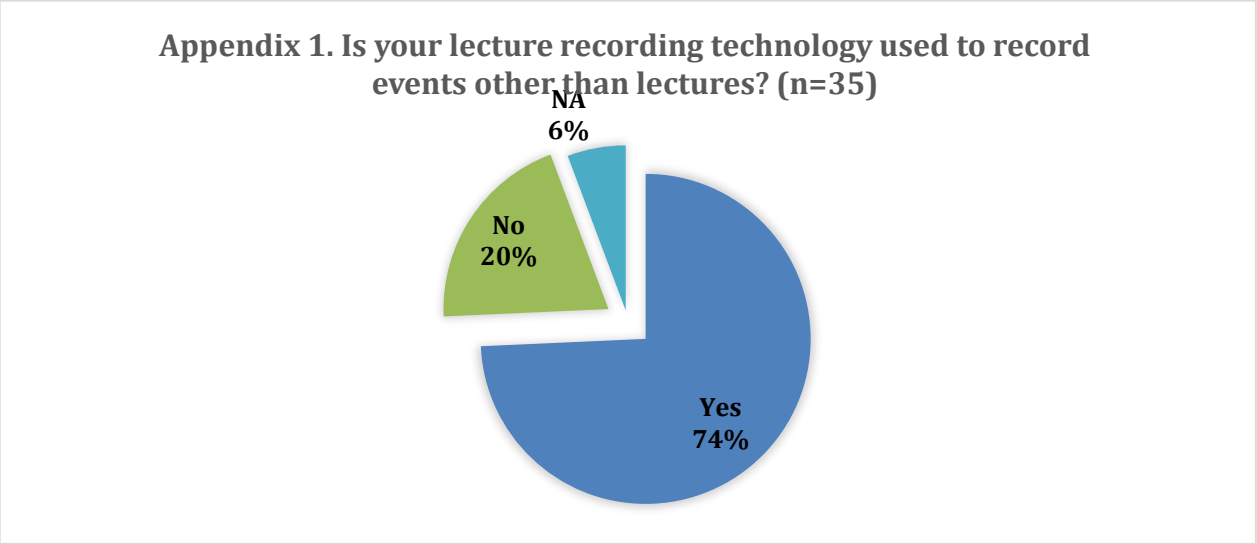
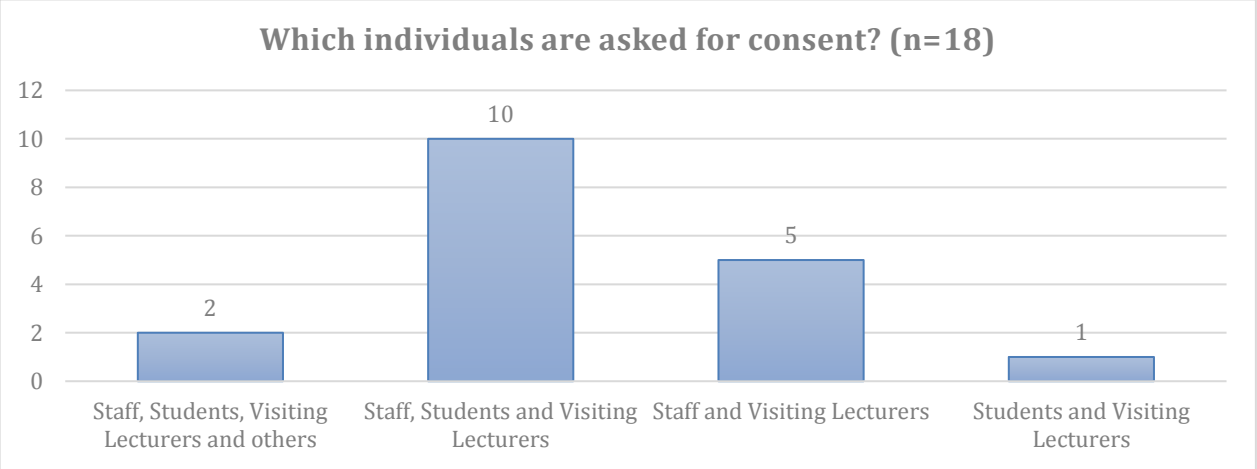
## Appendix 1: Is your lecture recording technology used to record events other than lectures?




## Appendix 2: Which individuals are asked for consent?



# APPENDIX 3: QUESTIONNAIRE ON LECTURE RECORDING PRACTICES AT AN INSTITUTIONAL LEVEL.

Respondent details

Name
Institution
Position

POLICY

Does your institution have a policy covering IPR issues with lecture recording?

- Yes - my institution has a written policy
- No - my institution has no policy or documented approach to lecture capture
- Kind of - my institution has a documented approach to lecture capture but it is not expressed as a single, formal policy

Where possible, please provide a URL or forward your policy documents to copyright@kent.ac.uk

Did your institution consult widely with the academic community before introducing a policy or approach to lecture recording?

- Yes
- No

Is your lecture recording technology used to record events other than lectures? (e.g. tutorials, seminars or conferences)

- Yes
- No

If you answered yes, please describe your other uses

Where does you university permit captured lectures to be stored? (tick all that apply)

- On the lecture capture service (Echo 360, Panopto etc)

- ☐ On a password controlled VLE (e.g. Blackboard, Moodle etc)
- ☐ On external web services (e.g. itunesU, Vimeo and You Tube)
- ☐ On any website, no password required
- ☐ On personal computers and shared drives (e.g. University network, home PC, mobile phones)
- ☐ Other

Are your students permitted to stream and / or download recordings? (tick all that apply)

- ☐ Stream
- ☐ Download

If you'd like to tell us more, please give a short description of your university's position on the storage of and access to captured lectures.

CONSENT

Is your instituition's approach to lecture recording opt-in, or opt-out?

- ○ opt-in
- ○ opt-out

Do you ask those being recorded for individual consent?

- ○ Yes
- ○ No

If you answered yes, please say which individuals are asked for consent (tick all that apply)

- ☐ Staff
- ☐ Students
- ☐ Visiting lecturers
- ☐ Other

If you answered yes, how do you do this?

- ○ Ink signature
- ○ Online agreement
- ○ Both (its depends on the situation)

COPYRIGHT

How are staff made aware of copyright issues that might arise in recording lectures? (tick all that apply)

- ☐ It's in the staff terms and conditions
- ☐ They are provided with advice as part of agreeing to use the lecture recording system
- ☐ They are provided with advice as part of staff induction / training
- ☐ Information is on the website
- ☐ They are not made aware of these issues

Who takes responsibility for rights issues with content included in lectures? (tick all that apply)

- ☐ Lecturer/presenter
- ☐ School Administration staff
- ☐ E-learning / VLE team
- ☐ Compliance Officer / Team
- ☐ Other
- ☐ Unsure

If you ticked other, please say who is responsible

What advice do you give to lecturers using third party content (tick all that apply)

- ☐ They must edit problematic content themselves
- ☐ They must always seek permissions for third party content
- ☐ They can rely on fair dealing exceptions
- ☐ They must not upload recordings including third party content to the VLE or similar
- ☐ They should rely on openly licensed / Creative Commons materials only
- ☐ Other (please describe)

If you advise lecturers that fair dealing may apply to recorded lectures do you?

- ○ Leave the judgement up to them?
- ○ Give them a prescribed list of activities which would be considered fair dealing?
- ○ Give them examples of when fair dealing may or may not apply but largely leave this up to them to decide or discuss with copyright support staff?

If you ticked other, please give a short description of the advice you give lecturers

Where available online, please provide a URL to your advice on using third party copyright materials. Alternatively, send a copy to copyright@kent.ac.uk

Do you, or any one else in the university, review lecturer recordings to identify content that is not permitted under UK Copyright Law or university licences?

- Yes
- No

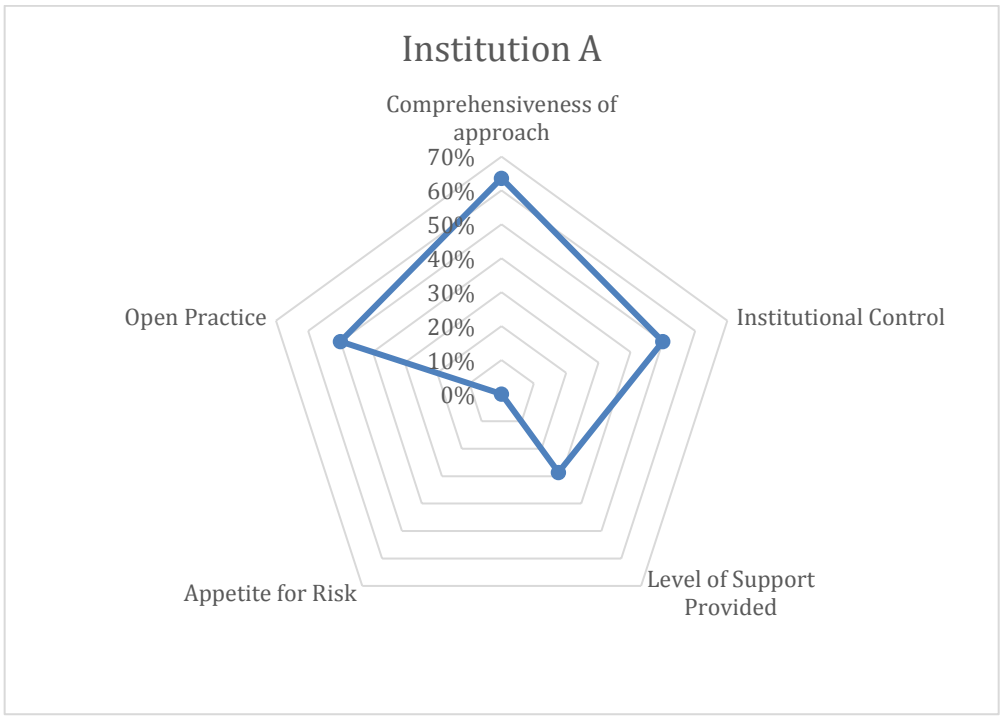
How do you / your institution deal with content that has been included in lecturer recordings by staff but that is not permitted under UK copyright law or university licences? (e.g. contact the lecturer to ask for the recording to be edited)

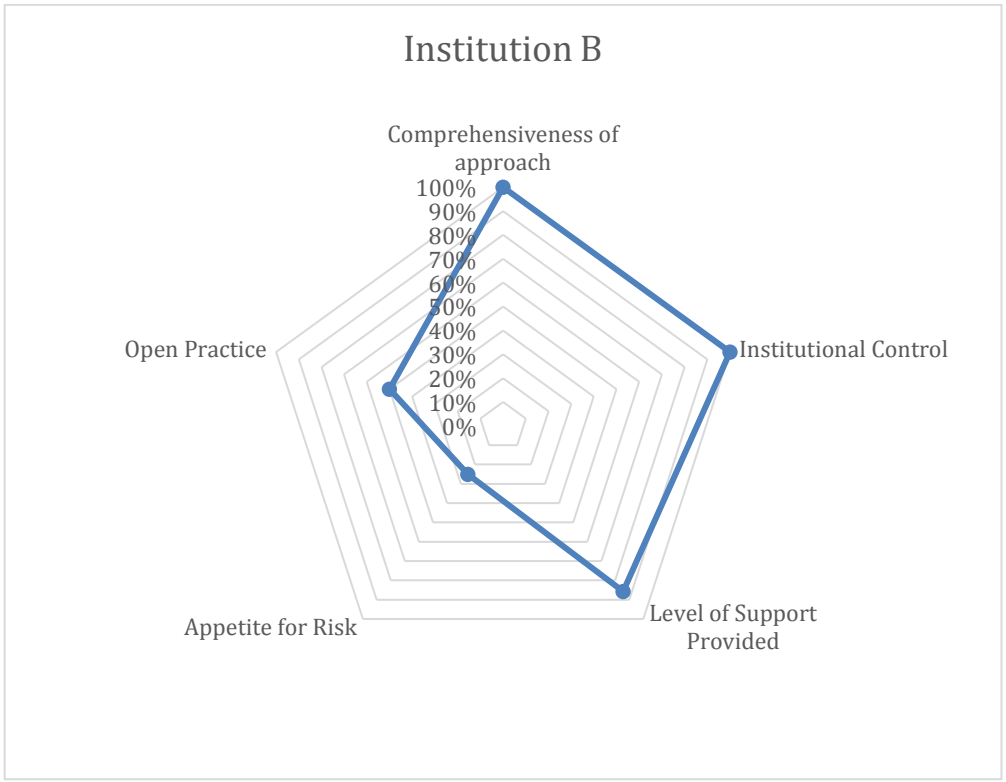
ISSUES AND REACTIONS

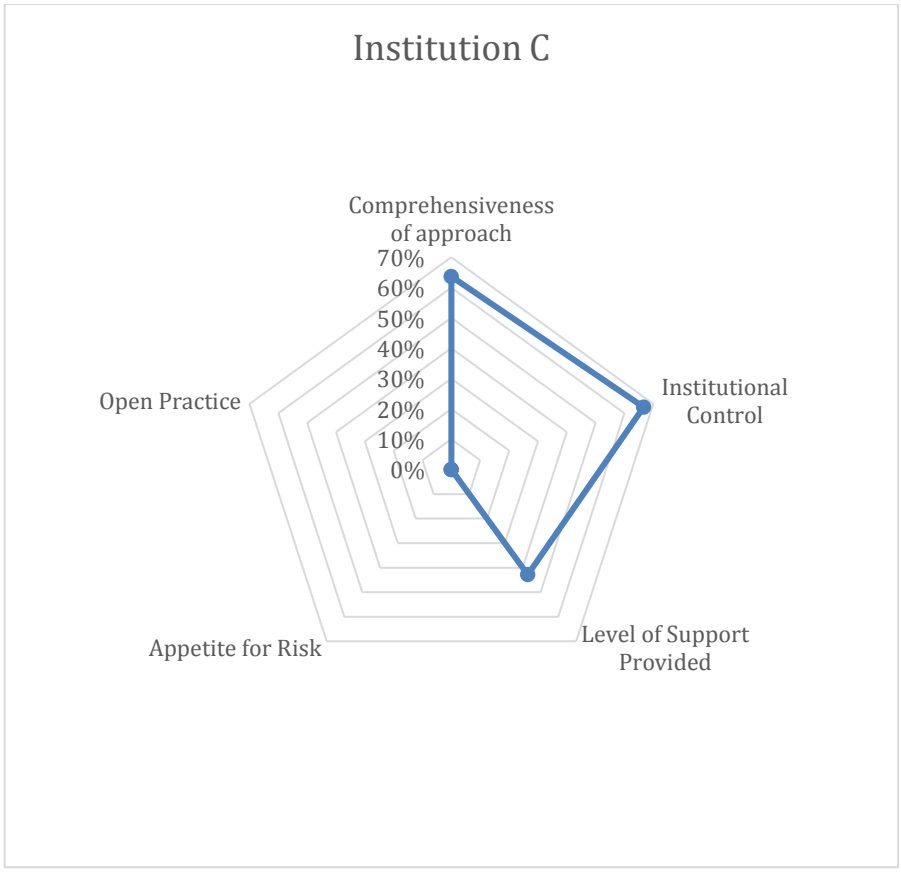
As far as you are aware, has lecture capture caused any problems or issues in your institution to date?

What is the general feeling about lecture capture within the academic community at present?

## APPENDIX 4: INSTITUTIONAL SYSTEMATIC ANALYSIS GRAPH




Institution C
Comprehensiveness of approach
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60%
50%
40%
30%
20%
10%
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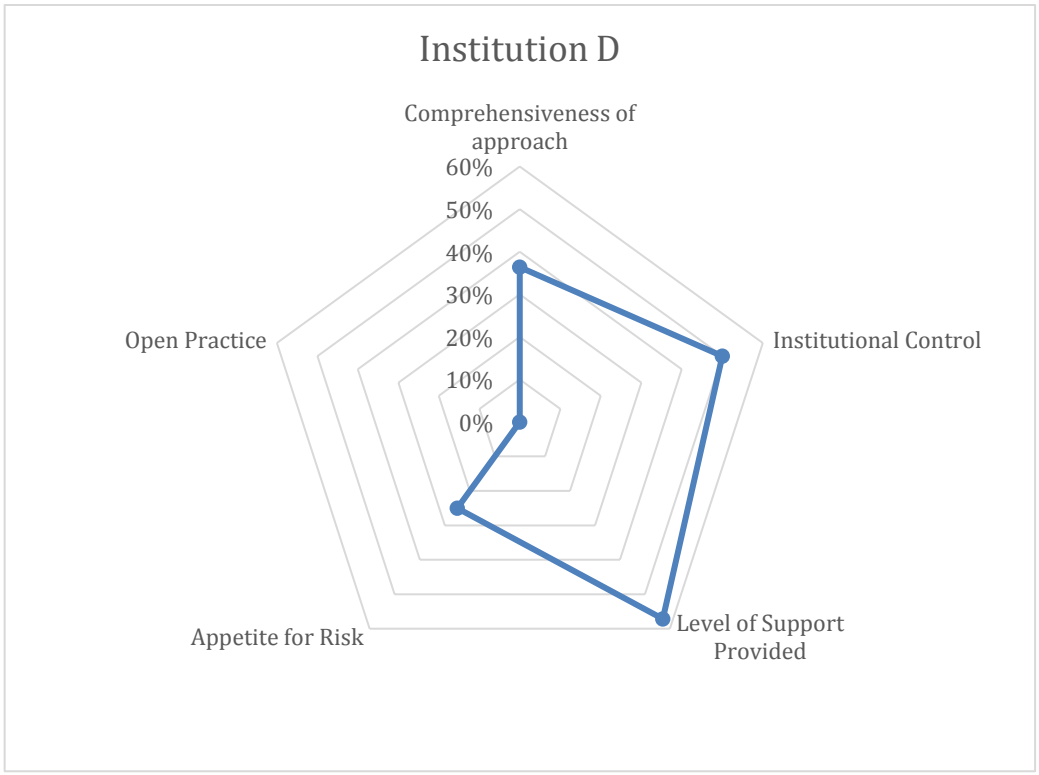
Institutional Control
Level of Support Provided
Appetite for Risk
Open Practice


Institution D
Comprehensiveness of approach
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50%
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30%
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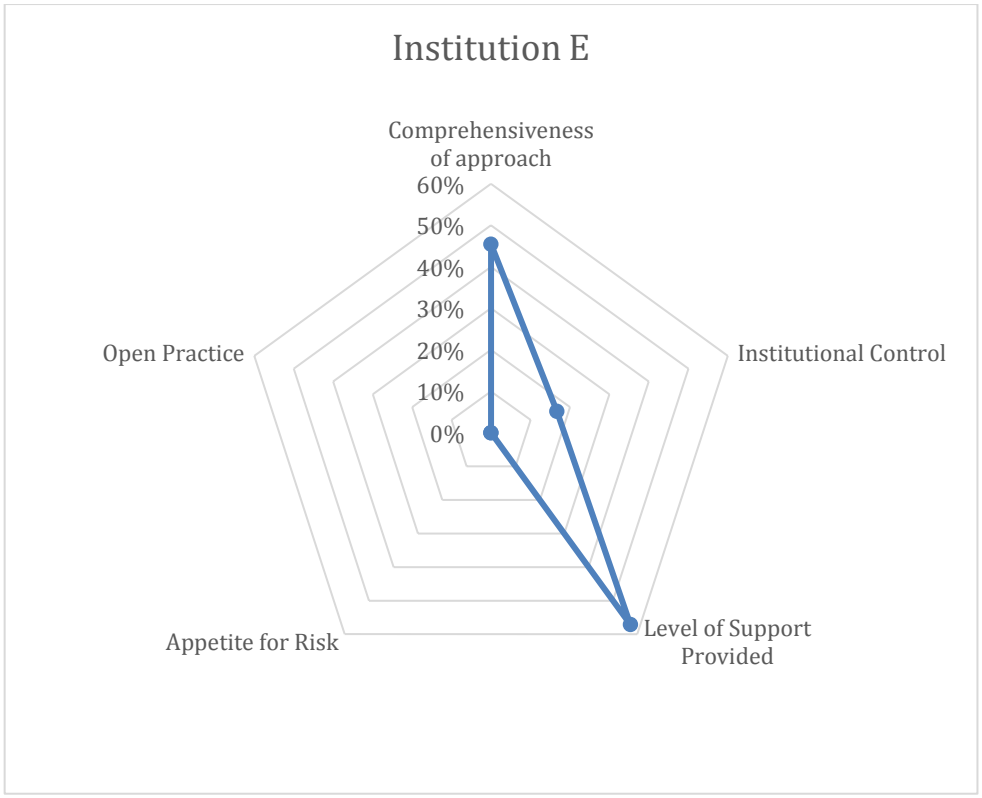
Institutional Control
Level of Support Provided
Appetite for Risk
Open Practice


Institution E
Comprehensiveness of approach
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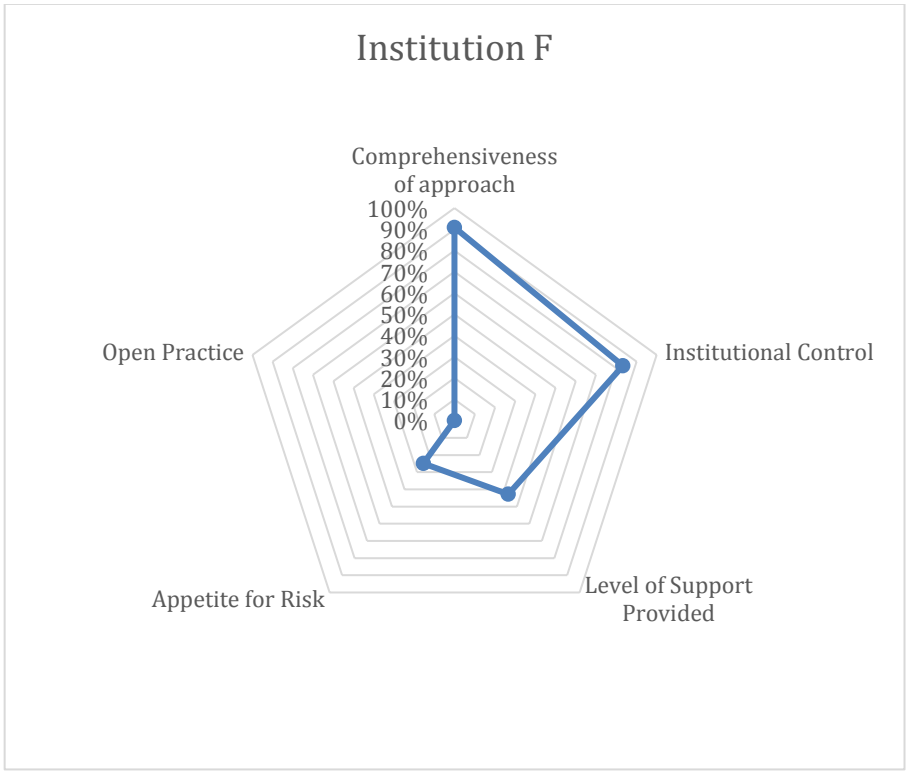
Institutional Control
Level of Support Provided
Appetite for Risk
Open Practice


Institution F
Comprehensiveness of approach
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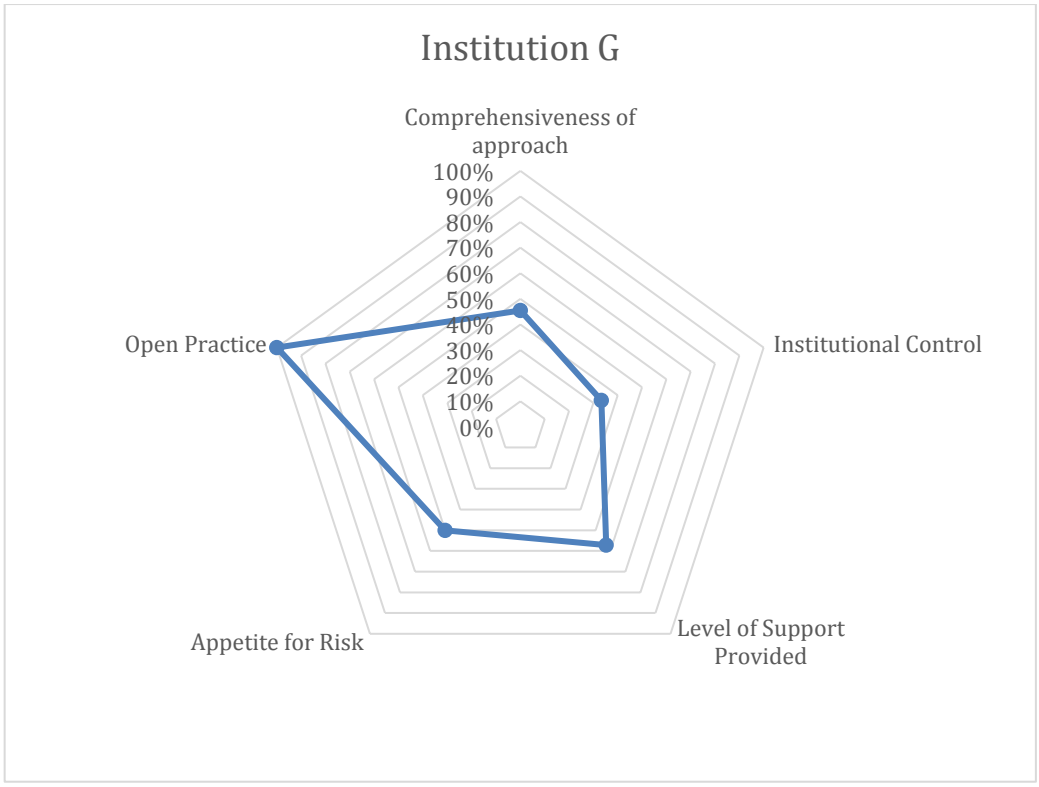
Institutional Control
Level of Support Provided
Appetite for Risk
Open Practice


Institution G
Comprehensiveness of approach
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Institutional Control
Level of Support Provided
Appetite for Risk
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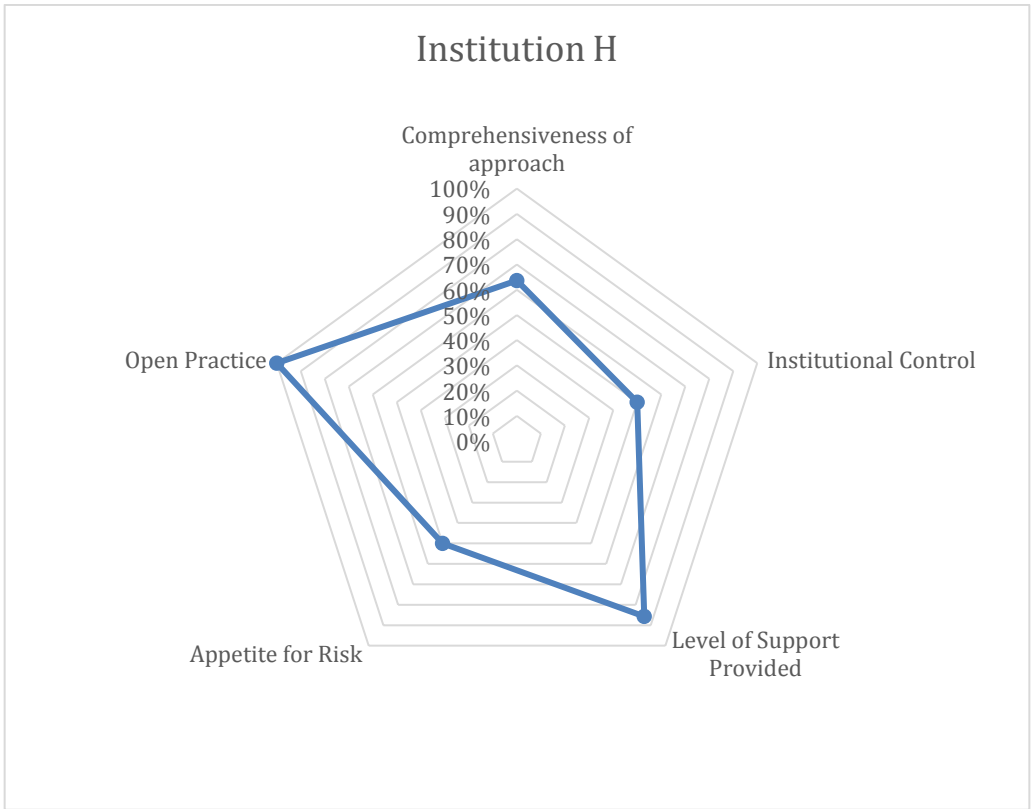
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Comprehensiveness of approach
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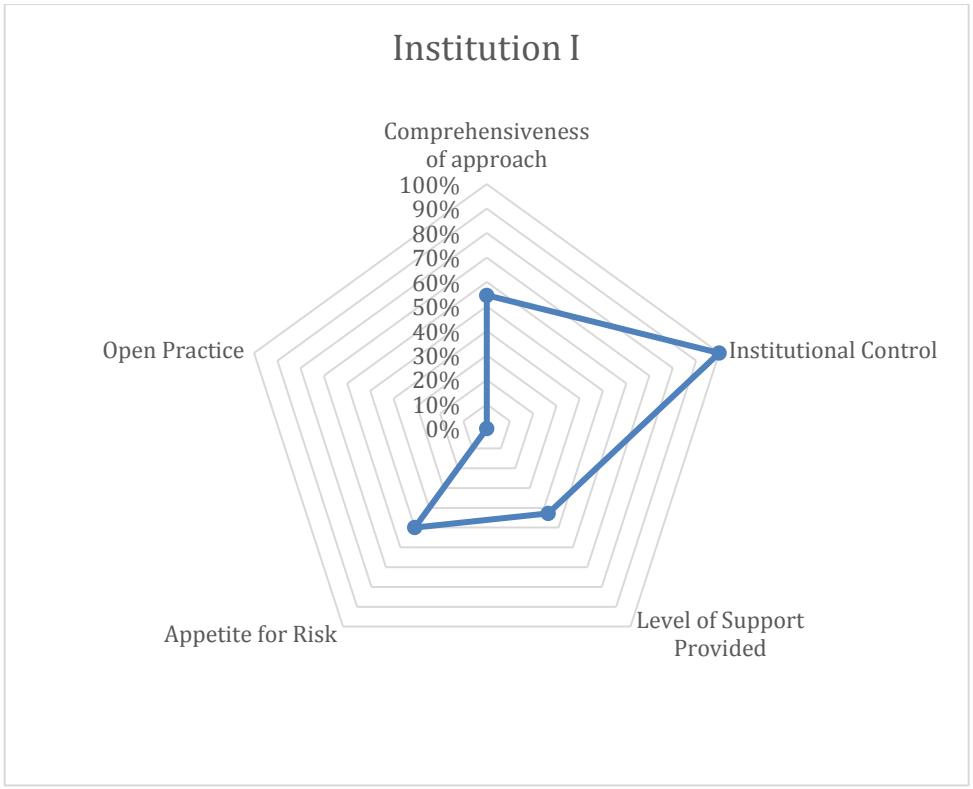
Institutional Control
Level of Support Provided
Appetite for Risk
Open Practice


Institution I
Comprehensiveness of approach
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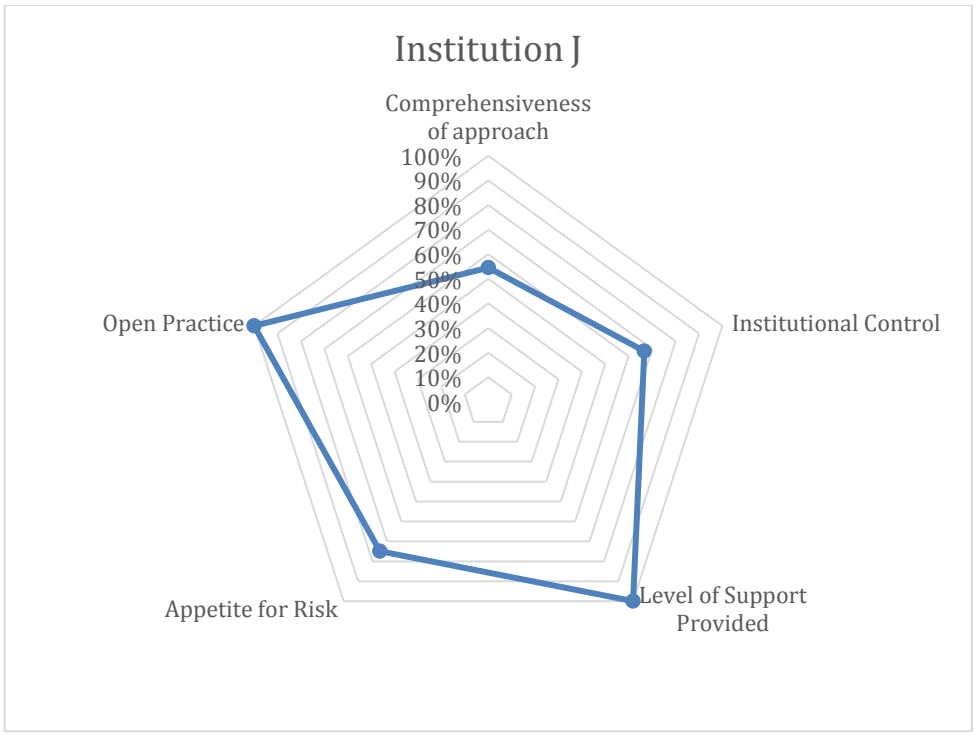
Institutional Control
Level of Support Provided
Appetite for Risk
Open Practice


Institution J
Comprehensiveness of approach
100%
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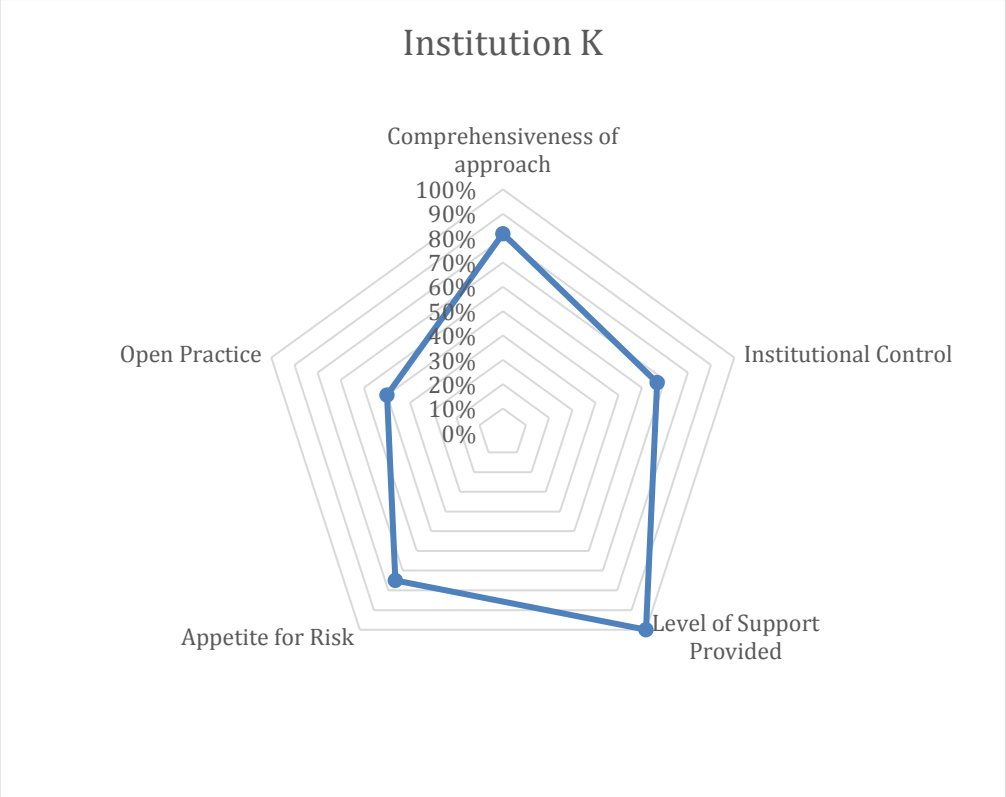
Institutional Control
Level of Support Provided
Appetite for Risk
Open Practice


Institution K
Comprehensiveness of approach
100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
Institutional Control
Level of Support Provided
Appetite for Risk
Open Practice