Lecture recording: investigating copyright and IPR issues in HE

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What? Why? How? When?

Survey devised by: Jane Secker, Chris Morrison, Philippa Hatch, Alex Fenlon, Charlotte Booth, Carol Summerside, Helen Cargill, Phil Ansell and Scott McGowan
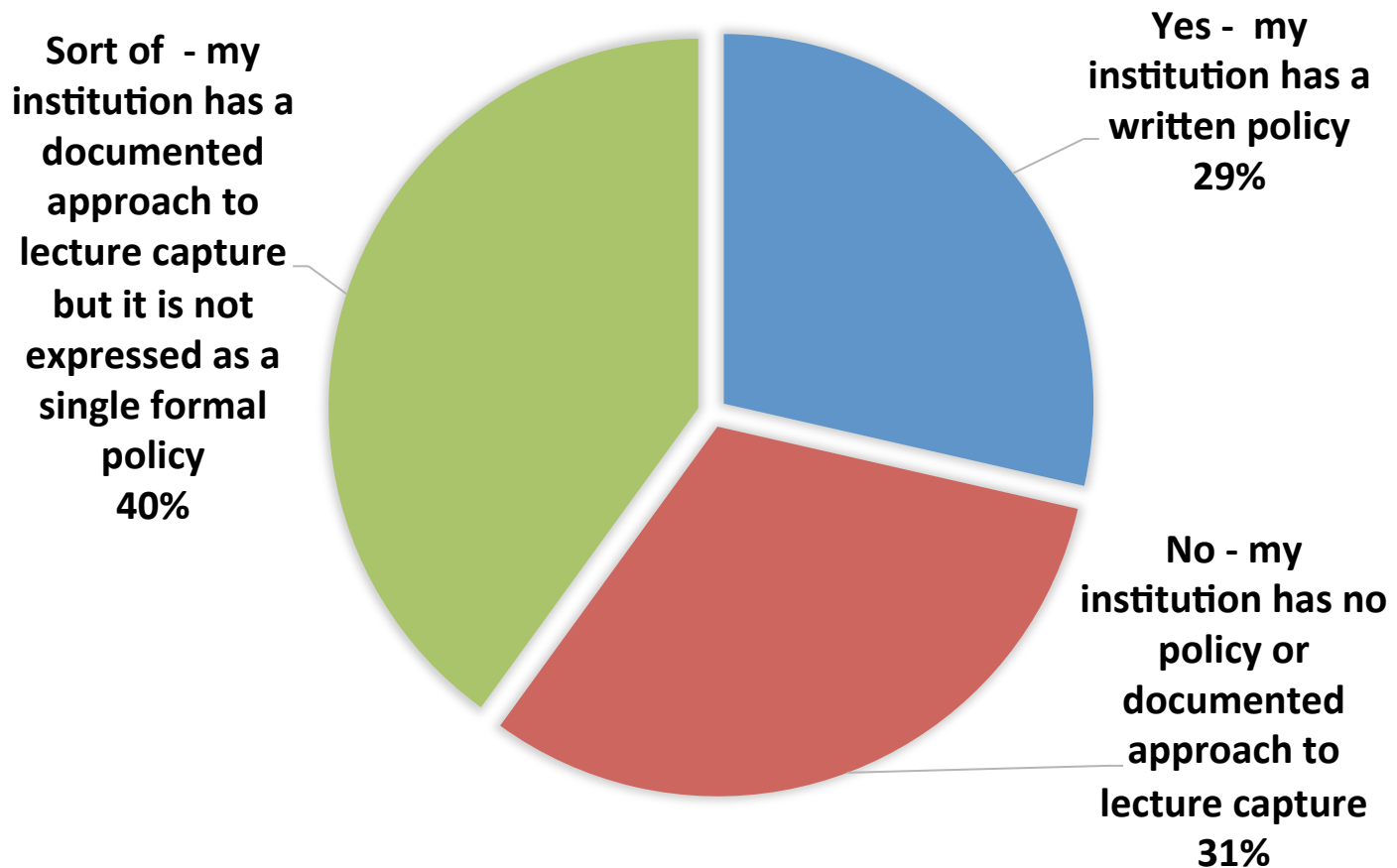
The issues

Lecture recording & IPR policies

Consent from individuals

Dealing with 3rd party copyright
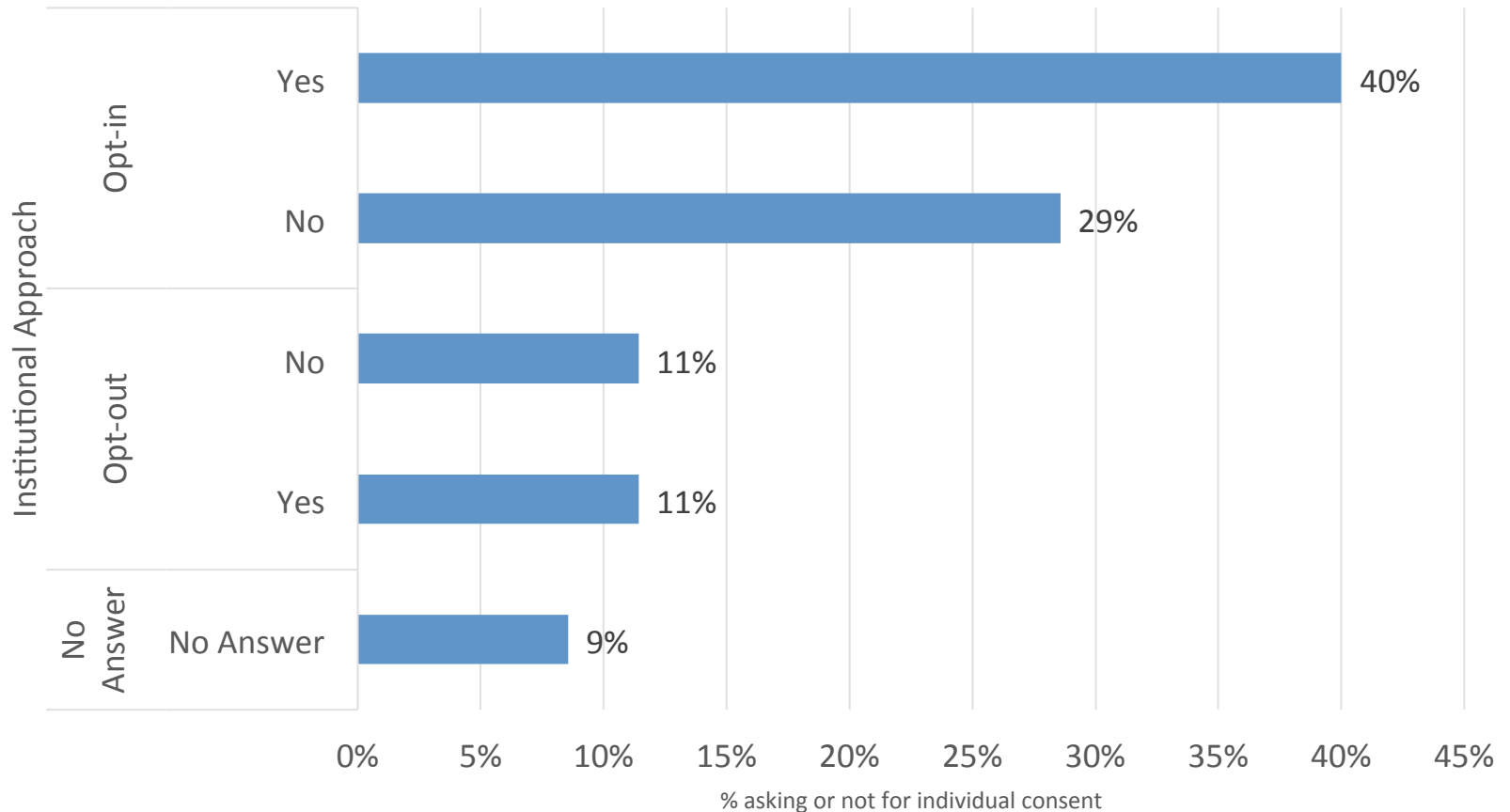
Wider issues IPR issues

Headline findings

Does your institution have a policy covering IPR issues with lecture recording? (N=35)

Sort of - my institution has a documented approach to lecture capture but it is not expressed as a single formal policy
40%

Yes - my institution has a written policy
29%

No - my institution has no policy or documented approach to lecture capture
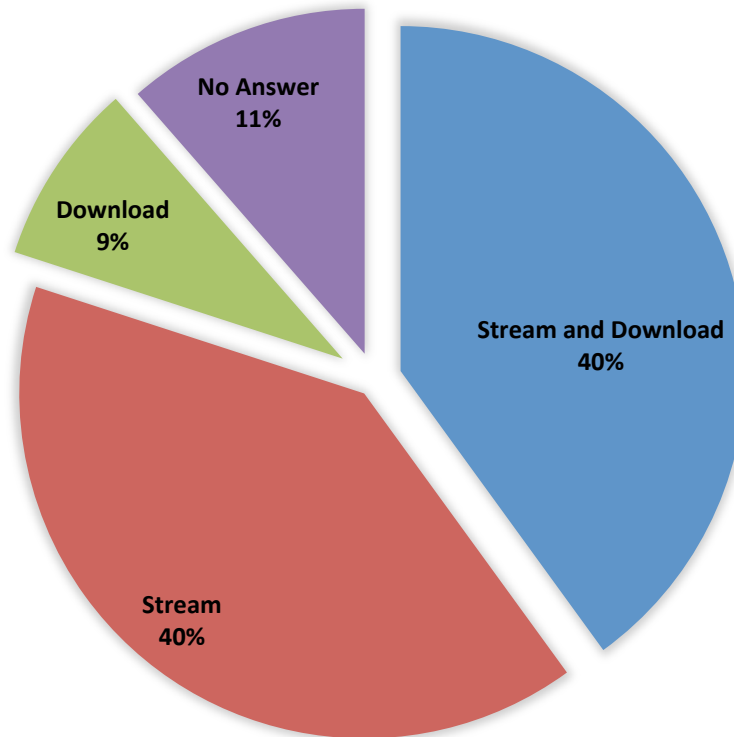31%

Opt in vs opt out and consent

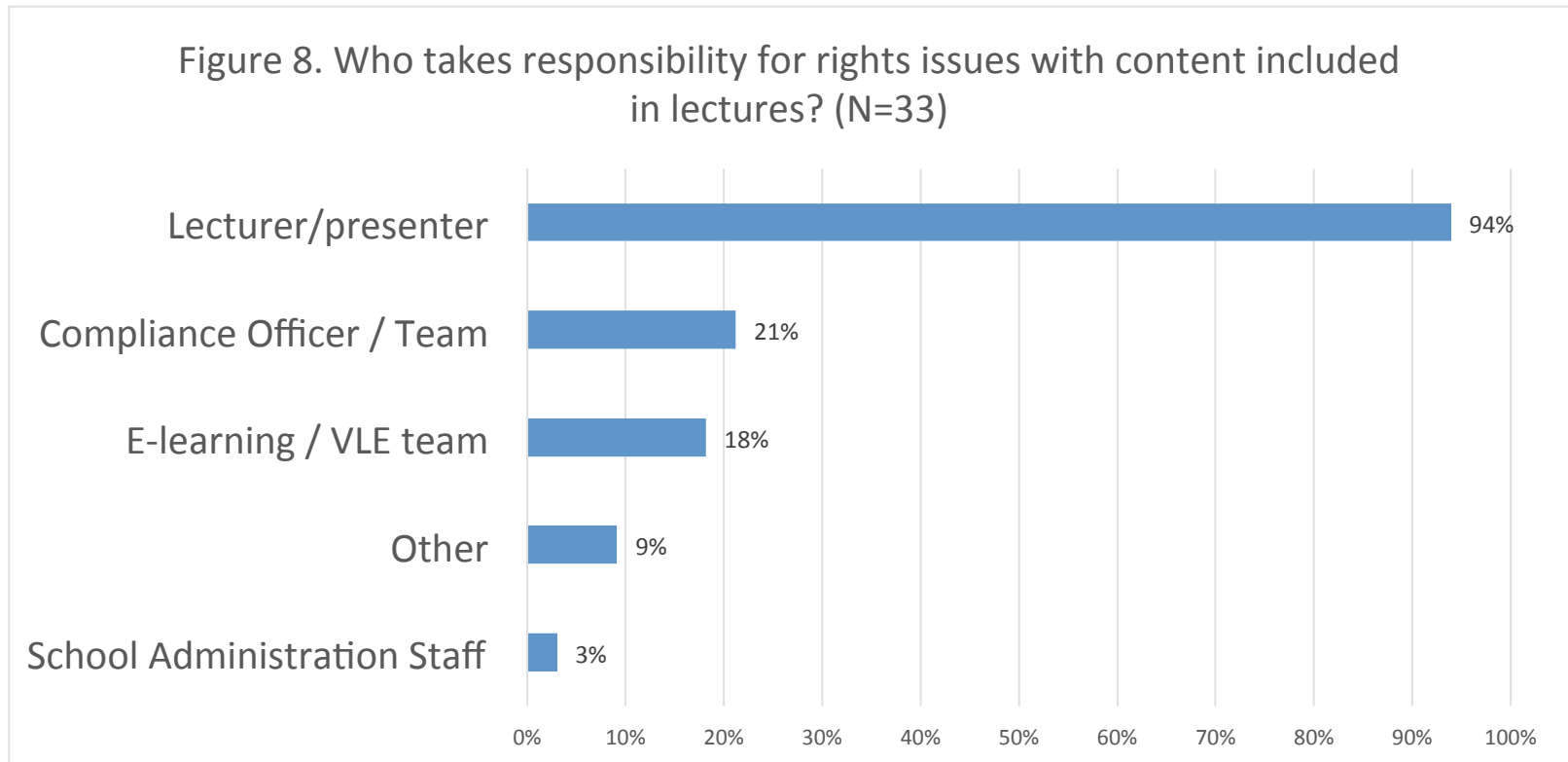Figure 5. Institution approach to lecture recording and asking for individual consent for being recorded (n=35)

Students and lecture recording

Are your students permitted to stream and / or download recordings?
(N=35)

- Stream and Download 40%
- Stream 40%
- Download 9%
- No Answer 11%

Responsibility for third party copyright

Figure 8. Who takes responsibility for rights issues with content included in lectures? (N=33)

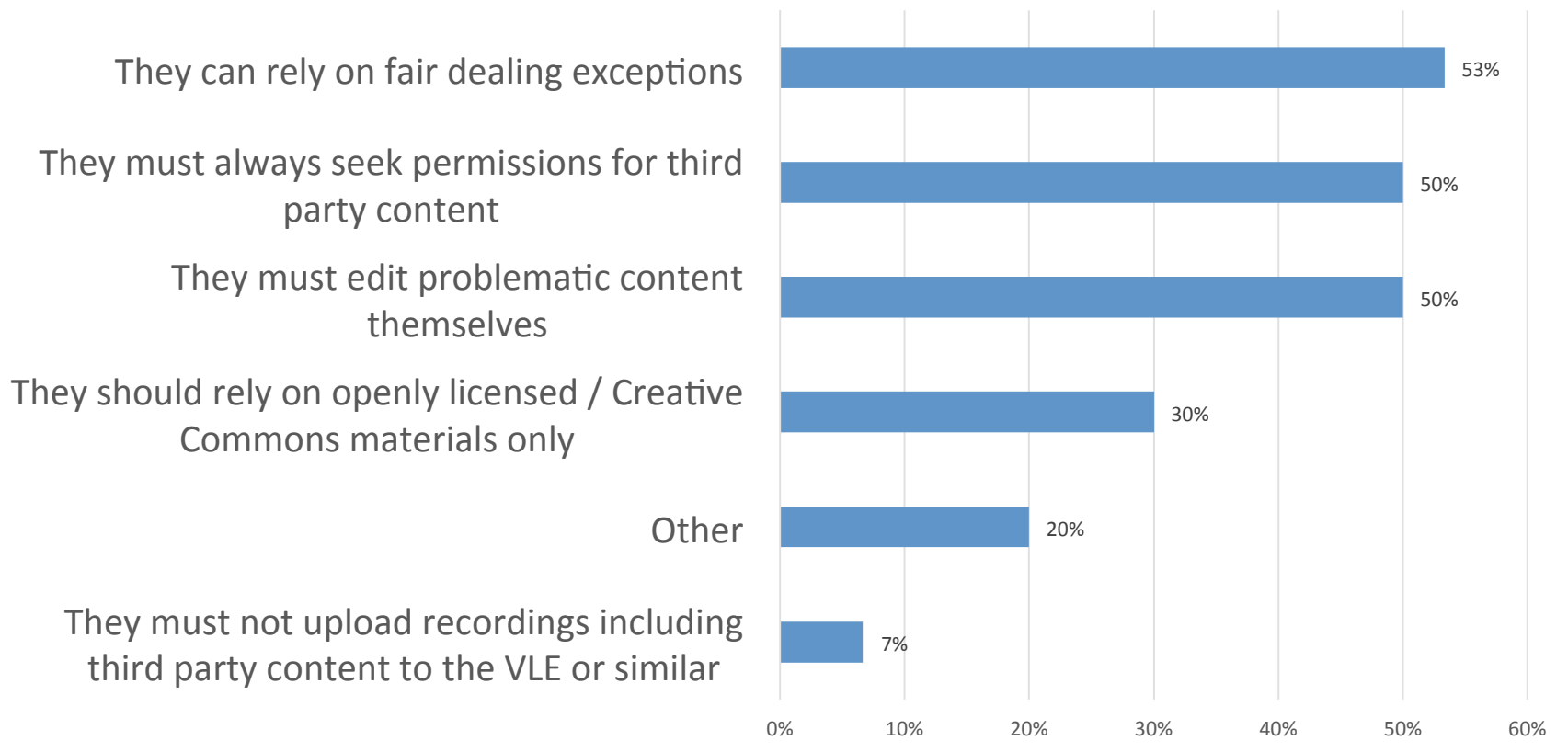| Category	Percentage
Lecturer/presenter	94%
Compliance Officer / Team	21%
E-learning / VLE team	18%
Other	9%
School Administration Staff	3%

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 expected to observe copyright and can apply to the Copyright Clearance Service for advice.
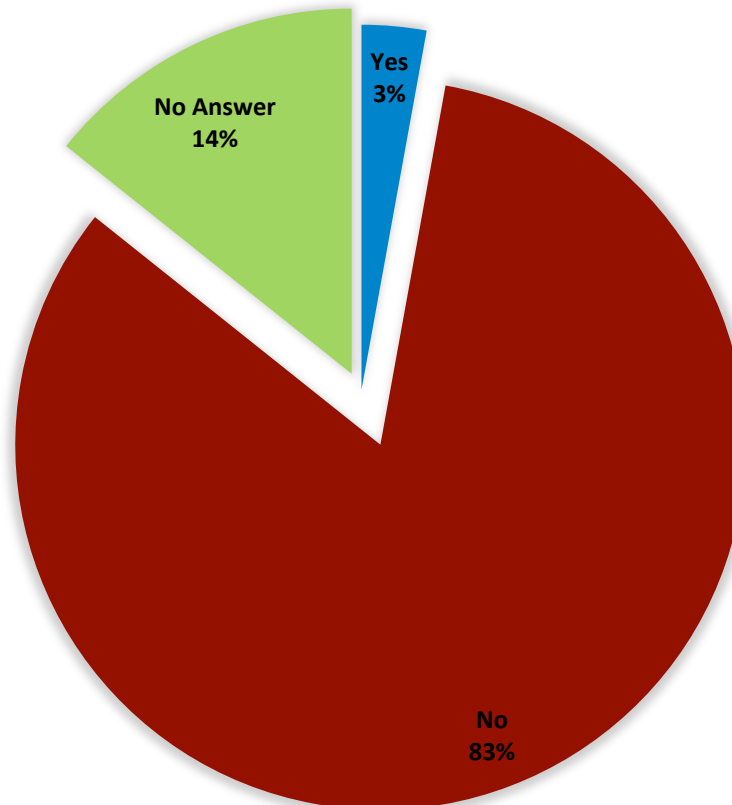
Dealing with third party copyright issues

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

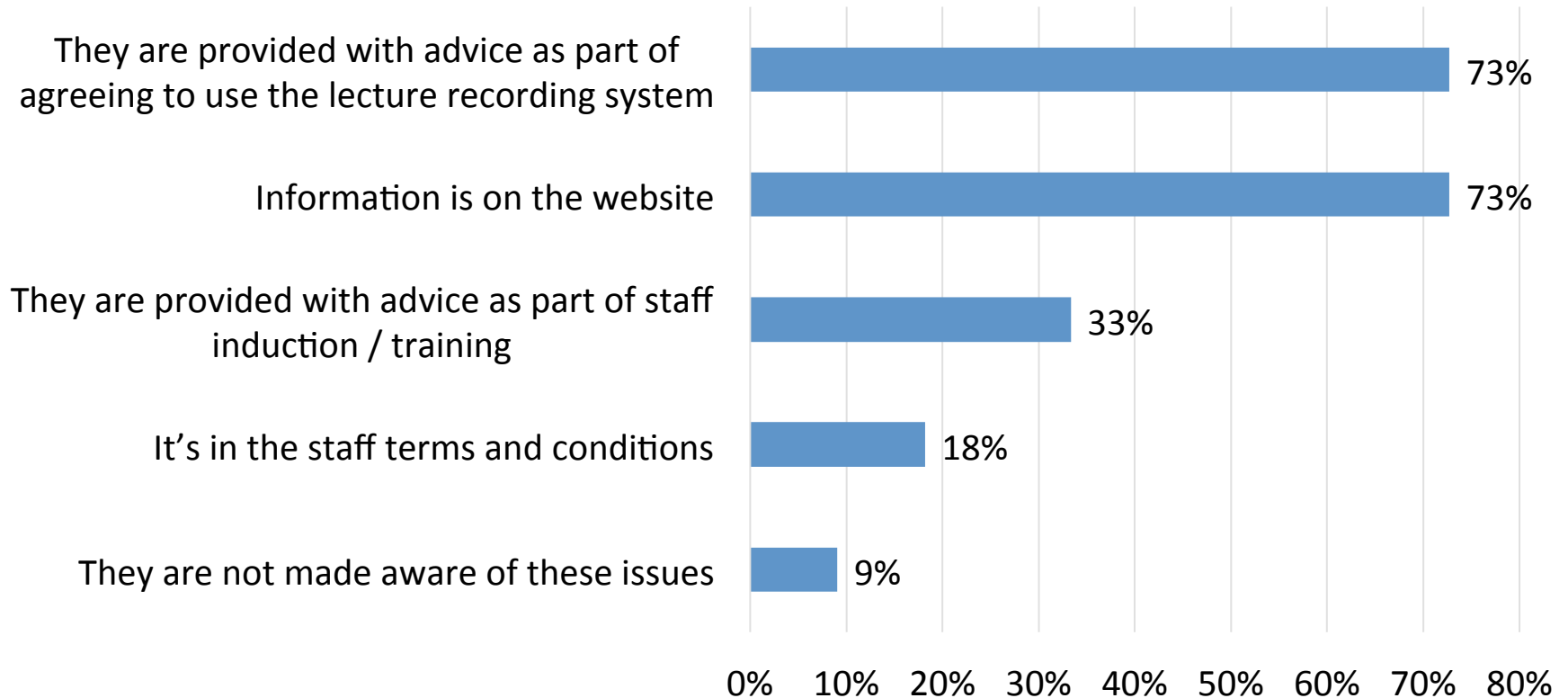| Advice	Percentage
They can rely on fair dealing exceptions	53%
They must always seek permissions for third party content	50%
They must edit problematic content themselves	50%
They should rely on openly licensed / Creative Commons materials only	30%
Other	20%
They must not upload recordings including third party content to the VLE or similar	7%

Responsibility for third party copyright

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)

Yes 3%

No Answer 14%

No 83%

Making staff aware of copyright issues

Figure 9. How are staff made aware of copyright issues that might arise in recording lectures? (n=33)

- They are provided with advice as part of agreeing to use the lecture recording system — 73%
- Information is on the website — 73%
- They are provided with advice as part of staff induction / training — 33%
- It's in the staff terms and conditions — 18%
- They are not made aware of these issues — 9%

Copyright advice

We have a widget that is used to launch Panopto, 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 QA guidance so it is easy for them to read this... **but I suspect that very few do**.

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.

Copyright concerns….

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.

Copyright concerns….

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.

Copyright concerns....

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!

Wider consent issues …

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

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

Emerging findings

- Variety of approaches
- Grey areas
- Policy vs practice
- Institutional culture

References

- Jisc (2015) Recording lectures: legal considerations. https://www.jisc.ac.uk/guides/recording-lectures-legal-considerations

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- Secker, J., Bond, S., & Grussendorf, S. 2010. Lecture Capture: rich and strange, or a dark art? LSE Research Online. Available: http://eprints.lse.ac.uk/29184

- Toppin, I. 2011. Video lecture capture (VLC) system: A comparison of student and faculty perceptions. Education and Information Technologies 16, 383-393.

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