

## RECORDING OF SCHOLARLY WORK AND STUDENT WORK FRAMEWORK

<b>Section</b>	Academic
<b>Contact</b>	Academic Policy and Regulations Unit
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### Framework

The University has a responsibility to ensure that staff, students and university guests understand the rights and responsibilities in relation to any recording of scholarly work and student work for teaching, learning or research purposes. The purpose of this document is to outline the framework supporting the *Recording of scholarly work and student work policy* to ensure that relevant legislative and policy requirements are achieved.

Massey University staff, students and guests involved in the recording of scholarly and student work must also comply with the associated *Recording of scholarly work and student work policy* and the Massey University *Code of ethical conduct for research, teaching and evaluations involving human participants*.

*Recording* refers to the action or process of recording sound or a visual performance for subsequent reproduction or broadcast.

### Recording consent

The University will ensure that, where it wishes to record and distribute scholarly work or student work for teaching, learning or research purposes, it informs staff, guest lecturers and students of their rights and obtains the necessary consents or specified permissions.

#### A: The University will:

- issue general notifications in all study material and on the University website to advise students that learning experiences are regularly recorded
- obtain explicit written consent from staff and guest lecturers before scholarly work is recorded for distribution both within and external to the University. The written consent is to be stored in accordance with the *Records management policy*
- clearly notify students and other attendees that scholarly work may be recorded or streamed and distributed, and that their participation in a work being recorded is deemed to be with implied consent
- ensure that students are aware of their rights in regard to requesting removal of content from a recording that may personally identify them
- ensure that students and other audience members are aware that a recording is taking place by clearly

- displaying signs in all venues where scholarly work or student work is recorded. Advice will also be provided at any other location, such as an off-site venue, where a recording is being made
- ensure that a “recording light” that identifies when a recording is taking place is easily able to be seen by all students in attendance.

**B: Staff will:**

- complete an *Authorisation for recording* form before any recording is made for teaching, learning or research purposes (this form will include the metadata required for data management and storage purposes)
- ensure that students provide explicit consent before any recording is made of student work for teaching, learning or research purposes
- ensure that guest lecturers provide explicit written consent before any recording is made for teaching, learning or research purposes. The written consent is to be stored in accordance with the *Records management policy*
- provide consent to any “reasonable request” from a student to make personal video recordings of a learning experience. In the case of a student with a documented disability, a request may be made by an appointed delegate. Reasonable request means a request in which the student undertakes to use the recording solely for the purpose of studying, a valid reason is given of how the recording will support their learning, and no significant disruption to the class or teaching space will occur
- not use their scholarly work or any other student work recorded by the University in the provision of a course at any other university or tertiary education provider during the term of their employment, other than as reasonably required as part of that staff member's overseas duties, study leave, secondment or similar visit to that university or tertiary education provider approved by the relevant line manager for that staff member.

**C: Students will:**

- be able to make a recording of a learning experience. The recording may only be used for research or private study purposes and not be re-distributed<sup>1</sup>. In the case of a student with a documented disability, a request may be made by an appointed delegate
- stop recording if a staff member or guest lecturer reasonably considers that the recording is intrusive or the learning experience contains information that is sensitive, subject to copyright and/or confidential and is, therefore, inappropriate to record
- ensure that the recording does not cause any significant disruption to the class or teaching space
- provide explicit consent prior to participating in any recording of student work for teaching, learning and research purposes
- access and download recorded learning experiences and student work that relate only to papers for which they have enrolled or are publically available.

## Copyright

Staff and students own the copyright (but no other intellectual property rights) in recordings, but must not assign or license copyright to their scholarly work to any other university or tertiary education provider other than in accordance with the *Intellectual property policy*.

**A: The University will:**

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<sup>1</sup> For students with a disability, alternative recording and teaching practices may already be provided under the University's disability services.

- ensure staff, students and guest lecturers understand their responsibilities in relation to material they have included for which they may not be the copyright holders
- accept responsibility for copyright issues arising from the distribution of recorded learning experiences and student work more widely than to the relevant group or target audience
- accept responsibility for ensuring that copyright permissions relating to embedded material (for example, video, audio recordings, and pictures) is obtained where recordings will be distributed, or available, to enrolled students and/or persons other than staff through centrally administered University channels
- provide copyright warning and limitation of use notices for any learning experience or student work it records and distributes via audio or video for teaching and learning purposes
- remind staff that, due to the automated nature of the recording system, recordings are not monitored or edited and the staff member is responsible for ensuring all material recorded conforms to copyright guidelines.

**B: Staff will:**

- use copyright material of others in accordance with the University's copyright licensing agreements and New Zealand copyright legislation
- obtain permission for use of material not covered by the University's copyright licences or exceptions under legislation
- ensure that copyright permissions relating to embedded material (for example, video, audio recordings, pictures) are obtained where recordings will be distributed, or available, to persons other than staff and/or enrolled students through channels which are not centrally administered by the University, including departmental websites
- include copyright warning and limitation of use notices in learning experiences, student work or guest lectures they record (in audio or video format) and distribute for teaching, learning or research purposes.

Staff retain copyright (but no other intellectual property rights) of their scholarly work and must give explicit permission before recording can be made by the University and/or other parties. Permission includes the right to know the purpose of the recording and the opportunity to place restrictions on the unauthorised use and distribution.

**C: When the University records student work for teaching, learning or research purposes, students will:**

- use copyright material of others in accordance with the University's copyright licensing agreements and New Zealand copyright legislation.
- obtain permission for use of material not covered by the University's copyright licences or exceptions under legislation
- ensure that copyright permissions relating to embedded material (for example, video, audio recordings, pictures) is obtained where recordings will be distributed, or available, to persons other than staff and/or enrolled students through channels which are not centrally administered by the University, including departmental websites.

Students retain copyright (but no other intellectual property rights) of their student work and must give permission before the University and/or other parties can make a recording. Permission includes the right to know the purpose of the recording and the opportunity to place restrictions on the unauthorised use and distribution.

**D: Guest lecturers**

Guest lecturers retain copyright of their work and must give explicit permission before the University and/or other parties can record and/or distribute their scholarly work. Permission includes the right to know the purpose of the recording and the opportunity to place restrictions on the unauthorised use and distribution.

In granting permission for recording of their works guest lecturers have the option of:

- giving intellectual property rights to the University
- assigning intellectual property rights to a creative commons license
- assigning restrictions as they require.

Guest lecturers have a number of responsibilities. When their work is recorded, they will:

- give explicit written permission prior to any recording
- use copyright material of others in accordance with New Zealand copyright legislation
- obtain permission for use of material not covered by New Zealand copyright legislation.

When guest lecturers record other scholarly work or student work, they will:

- make personal recordings only with the permission of the staff member or student who produced the work and use such recordings only for private or research purposes
- agree to destroy the recorded material at the completion of the purpose for which it was recorded.

### **Intellectual property**

The University has a non-exclusive, royalty free, irrevocable, transferable perpetual license to use, modify and reproduce learning experiences and student work recorded for teaching and learning purposes.

For further detail on issues relating to intellectual property please refer the University *Intellectual property policy*.

### **Mātauranga Māori (traditional and contemporary Māori knowledge)**

Staff, students, and guest lecturers will seek advice from the Head of School, Te Pūtahi-a-Toi, School of Māori Art, Knowledge and Education if that recording contains Mātauranga Māori (traditional and contemporary) that is held in accordance with traditional values and practices.

### **Publication and distribution**

All recordings of scholarly work for the purposes of teaching and learning shall be classified as secondary publications and the staff member authorising the recording designated as the content owner responsible for ensuring that the publication complies with the University *Publications policy*.<sup>2</sup>

Due to the automated nature of the recording system in lecture theatres, recordings are not monitored or edited. The content owner is responsible for ensuring all material recorded conforms to copyright guidelines prior to distribution.

The content manager is responsible for publishing and distributing the recording.

### **Training and professional development**

Professional development opportunities will be made available to staff to assist them to understand the different rights, responsibilities, protocols, and wider issues associated with the effective use of recordings for teaching, learning or research purposes.

Training on technical aspects such as the editing and content management of recordings will also be made

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<sup>2</sup> Massey University (2012) *Publications Policy*

available to staff.

### **Offsite recording**

The policy and framework cover the recording of scholarly work or student work under the control of the University, both on campus and at external locations. For example:

- Guest lecturers who are part of a University (teaching, learning or research) event will be covered by the policy. Students being recorded not at the University but as part of their University paper or course will be covered by the policy and framework.
- For events that are co-organised or jointly “owned”, University staff and students will be covered by the *Recording of scholarly work and student work policy* and *Recording of scholarly work and student work framework* (unless there are memoranda of understanding or other agreements in place).
- Any event that is solely organised by another institution/organisation and held outside University grounds will not be covered by the *Recording of scholarly work and student work policy* and framework.

### **Recording and data management**

#### **A. The University will:**

- advise staff, students and guest lecturers on requirements relating to subsequent distribution and re-use of recordings
- ensure all recordings of scholarly work for the purposes of teaching and learning will conform to data management practices at the University and ensure these practices are made available to staff, students and guest lecturers
- ensure that, while the distribution of any recorded works may be restricted, staff, students and guest lecturers understand that the ability to stop further unauthorised distribution is limited and dependent on the honesty of relevant parties.

#### **B: Staff will:**

- ensure metadata for the recording is documented on the *Authorisation for recording* form, including an appropriate disposal date
- ensure compliance with the Massey University *Records management policy* if the recording is deemed to be a record.

#### **C: Students will:**

- not distribute or otherwise circulate to a third party any scholarly work or student work that they access and/or download from the University
- destroy any recorded material in their possession at the completion of the paper for which they are enrolled.

#### **D: Guest lecturers will:**

- retain copyright (but no other intellectual property rights) in his or her scholarly work and grant the University non-exclusive, royalty free, irrevocable, transferable perpetual license to use, modify and reproduce his or her scholarly works for research and teaching purposes
- not distribute or otherwise circulate to a third party any scholarly work or student work recorded during their time at the University to which they do not hold the copyright.

### **Circumstances where recording may not be appropriate**

There is a number of occasions when it will not be appropriate to record and/or distribute a recording of a scholarly work or student work. These can include situations where students decline to be recorded and/or have the recording distributed due to their religious beliefs, discussions on sensitive and/or controversial issues, such as case studies of client health issues which may not be suitable for later viewing as the content may require lecturer supervision in a group context, or where the material is subject to copyright and/or confidential. Staff should exercise appropriate discretion in these circumstances.

## Definitions

*Audience:* people in the room (or participating online) where the recording (audio and video) is taking place, who are not the primary focus of the recording, but who are there to participate in the session being recorded. Participating online includes but is not limited to making comments via a chat function.

*Consent:*

*Implied:* Consent that is inferred from signs, actions, or facts, or by inaction or silence.<sup>3</sup>

*Explicit:* the individual is clearly presented with an option to agree or disagree verbally or in writing, including email.

*Data management:* the function that develops, manages and executes policies, processes, standards and frameworks that collect, protect, deliver, and enhance the value of data and information assets to meet the data availability, quality and security needs of the University.

*Guest lecturer:* a person who is not an employee or enrolled student of the University and is attending or contributing to a teaching and learning event or activity, including visitors and invited scholars participating on-campus and from a distance.

*Learning experiences:* academic activities which include but are not limited to, lectures, laboratory classes, workshops, tutorials, seminars, field trips, studios, webinars, simulations, practicum, placements, internships, self-directed learning, etc. Successful completion of some learning experiences may be compulsory for mastery of the paper and its learning outcomes.

*Record:* information recorded in any format that is created or received and maintained in the transaction of business activities and retained as evidence of such an activity. A record may be: a document, signature, seal, text, image, sound, speech or data (structured or unstructured). It can be compiled, recorded or stored in written form on any material, or in file, negative, tape or other medium which will make it reproducible, or by means of any recording device or process, computer, or other electronic device or process which will make it machine readable.

*Recording:* The action or process of recording sound or a visual performance for subsequent reproduction or broadcast.

*Scholarly work:* all literary, dramatic, musical or artistic works, sound recordings, films or communication works produced by a staff member in the course of his or her employment at the University and includes:

- a. in relation to a Staff member's research activities, any scholarly publications including books, text-books, articles in scholarly journals or conference proceedings or other collections, research reports and book reviews
- b. in relation to teaching and other activities, any lectures, lecture notes and material, study guides, assessment materials, images, multi-media presentations, web content and published lectures, but excludes software.

<sup>3</sup> <http://legal-dictionary.thefreedictionary.com/implied+consent>

*Student work:* all literary, dramatic, musical or artistic works, sound recordings, films or communication works produced by a student in the course of his or her enrolment at the University and includes reports, research papers, theses, dissertations, books, journal articles, conference papers and book reviews, but excludes software.

*University:* Massey University, including all its constituent components such as, colleges, institutes, and schools.

## Relevant legislation

Copyright Act 1994 and Amendments

Privacy Act 1993

## Legal compliance

### A: Privacy Act

Collection, use and disclosure of personal information must comply with Principles 1-12 of the Privacy Act 1983. Personal information is any information about an identifiable living individual. The University is permitted to collect, store, use, and disclose personal information relating to students in accordance with the Privacy Act 1993 for the purpose of conducting its proper business, but there are additional circumstances where explicit permission is required. Students have the right to access and seek correction of their personal information.

### B: Copyright Act

To adhere to the reproduction and use of material as per the Copyright Act, and the University's Use of Copyright Material for Educational Purposes Policy, in relation to scholarly work produced, and scholarly (or other) work used, work must not be reproduced in a manner which contravenes the exclusive rights of the author or creator.

## Intended Audience

All staff, students and guests using Massey University facilities and resources.

## Related procedures / documents

- [Code of ethical conduct for research, teaching and evaluations involving human participants](#)
- [Data network policy](#)
- [Intellectual property policy](#)
- [Internet use and digital communications policy](#)
- [Peer to peer policy](#)
- [Privacy policy and framework](#)
- [Publications policy](#)
- [Records management policy](#)
- [Recording of scholarly work and student work policy](#)
- [Use and access to information technology systems policy](#)
- [Use of copyright material for educational purposes policy](#)

## Document management control

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