

Management responses are in red



LECTURE CAPTURE

SUMMARY OF CONCERNS, University Response and UCU/Member Response

1 October 2018

The following is a summary on the proposal to automatically record all lectures using Panopto. The concerns listed below are drawn from extensive consultation with members via email, meetings and an online poll that showed clear opposition from academics to the policy in its current form. Paragraphs in green are responses from Gail Brindley.

Summary of concerns

- 1) Many academics are extremely concerned that automatic recording with limited opt-out undermines professionalism and academic freedom

Response: This is a very sweeping statement. The automation is to assist staff and the opt out acknowledges that there will be legitimate reasons for some lectures not to be recorded. I would fully acknowledge that change is sometimes uncomfortable and that people find cultural shift difficult. The NSS scores show that we need to gear up to change if we are to hold our own in the sector. There are no implications for academic freedom – Panopto is a teaching tool.

UCU finds this response highly problematic for a number of reasons:

- a) The GDPR requires active – not passive – consent. An extremely limited capacity to opt-out, and furthermore, not one within the academic's control, does not meet this criterion.

The statement that Panopto is a 'teaching tool' underlines the University's narrow and uncritical approach to pedagogy that characterises the approach to its implementation and does disservice to Greenwich as an academic institution. This is not about academics 'finding change difficult' (a phrase which many may find patronising if not actively demeaning) but about engaging staff in an evidence-based dialogue on the right approaches to teaching Greenwich students and meeting their differing needs. The university refers to a 'pilot' but provides no report on its outcomes. There is no general body of research that finds lecture capture helpful; if there were many more academics would be happy to use it more often. In fact, there are legitimate concerns about surface learning, poor attendance, inability to take notes (and a concomitant rise in forms of plagiarism), exam cramming instead of regular sessions and rising anxiety from students at exam time. These concerns are particularly strong for students who enter with poor A levels, who do not have strong support at home or family experience of higher education and those who may have to engage in significant work during term-

time. Academics should be allowed to evaluate this research for themselves and make decisions about how best to teach.

In fact, academic freedom is directly involved here and it is disappointing that those working in a University should be so unfamiliar with it. The UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel 1997 (adopted by the United Kingdom) states:

27. The maintaining of the above international standards should be upheld in the interest of higher education internationally and within the country. To do so, the principle of academic freedom should be scrupulously observed. Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to *freedom of teaching* [our italics] and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.

Paragraph 28 states:

Higher-education teaching personnel have the *right to teach without any interference* [our italics], subject to accepted professional principles including professional responsibility and intellectual rigour with regard to standards and methods of teaching. *Higher-education teaching personnel should not be forced to instruct against their own best knowledge and conscience* [our italics] or be forced to use curricula and methods contrary to national and international human rights standards. Higher education teaching personnel should play a significant role in determining the curriculum.

b) UCU members are also concerned to engage with student views, although they recognise that satisfactory learning and teaching goes much further than NSS. To a certain extent, student satisfaction is also affected by the messages sent out: it is quite likely that if told that lecture capture would involve more work as it should to provide more than a substitute for attendance, students would probably be less enthusiastic. Moreover, no evidence has been produced to demonstrate that the use of lecture capture affects NSS scores at all. We suspect that students are judging the university on a number of issues, not just whether they can watch poor substitutes for lectures at home. It certainly does not help student learning let alone student satisfaction if students are asked to accept lecture capture instead of other innovative ways of teaching that academics cannot bring in because they lack time or support. Academics subject to compulsory lecture capture are unlikely to embark on the more innovative ways that Panopto can be employed.

- 2) A decent policy should encourage staff to opt-in rather than make recording compulsory or opt-out only – it is a useful tool which should be used at the academic's discretion.

Response: This seems counter intuitive. We want to encourage recording, so it does seem helpful to put barriers in the way of this.

The UCU is rather shocked at this response. It may be the University's strategy to increase the use of Panopto but it does not follow that the solution is to force academics to use

methods with which they do not agree (contrary to internationally-recognised standards of academic freedom) as a substitute for enabling them to make informed, evidence-based assessments of the likely benefits and risks for the particular student cohorts they are teaching and to engage in ongoing evaluation of its actual effectiveness in supporting particular cohorts of students. In other words, the University appears to have decided to force academics to use particular approaches rather than leave them to decide how to teach students (i.e. to use Panopto or not) on the basis of their professional evaluation of what would work best. It is revealing that management prefer to use coercion rather than persuasion and lays them open to suspicions that they do not believe the arguments for lecture capture are strong enough to convince professionals. This is particularly problematic since the University has failed to distribute the results of a literature review on the effectiveness of lecture capture for student learning across a range of different student cohorts. This would enable academics to assess the evidence base for lecture capture and to implement it, or not, in an informed manner.

- 3) Lecturers will be in a vulnerable position that might lead to self-censorship and thus a reduction in academic freedom. Students may feel the same, especially worrying in light of difficulty engaging a diverse student body in lectures.

Response: As indicated, there are no implications for academic freedom. Panopto is a teaching tool. Staff will continue to determine the content of their lectures. Students will have heard the lecture. Staff should not be saying anything that is unprofessional or offensive whether the lecture is recorded or not.

This response shows that the arguments and information put forward by UCU have been ignored. To suggest that UCU concerns arise about the use of offensive or unprofessional language, rather than copyright or libel belittles academics and reveals an ignorance of legal constraints. We remain concerned also that students – especially those who are already reluctant to speak in public - may feel constrained if they are being recorded. It also reveals a fundamental misunderstanding of academic freedom (see above). There are a number of issues that may arise if lectures are recorded:

- a) Students often draw upon their own personal experience and that of others they know in relating to the content of lectures. Some students may feel intimidated at being recorded and therefore be inhibited from asking questions or otherwise participating in sessions. Speaking in class in the presence of others is NOT equivalent to being recorded. This impact is likely to be felt differentially across different student groups. It is particularly likely to affect female and minority students as these groups are already struggling to speak up in public.
- b) Lecturers use a range of means to connect with students, including revealing personal experiences, information about their research which is unpublished, anecdotes, jokes, talking about their family, friends etc. related to content or to connect to students in an appropriate way. Being recorded it likely to inhibit this freedom to express themselves. And this will undermine the quality of student experience in the lecture.
- c) If lectures are ‘published’ by being recorded – and making them available internally is publishing them (in legal terms) even if this seems counterintuitive – then the ‘educational use’ exception to copyright law no longer applies. This means that any use of material from other sources (maps, pictures, tables, video clips etc.) can only be used

with written permission and usually after payment of a fee. Who will undertake this work? Who will pay the fee? Who will track down the copyright holder? Who will decide how many will see the lecture or whether it will be sold elsewhere? All of these affect copyright permission. If anyone is still brave enough to make their lectures more interesting by including this material and slips up, who will be prosecuted and pay the fine? The union is aware of members that have found their lecture slides on-line through google. Slides have appeared on external websites without their knowledge or permission. The university needs to explain to academic staff what measures are going to be put in place in order to secure the recordings and prevent students and other parties from downloading them and posting them elsewhere.

- d) If lectures are published (even internally) and anyone objects to some of the content (drug companies trying to block criticism or embassies objecting to the portrayal of their countries / leaders to quote but two real-life examples), then they become subject to claims of libel not slander. It is possible that a lecturer would win the libel case but such cases can take years (nearly full time in some instances) and cost hundreds of thousands of pounds. Who will provide legal advice, time off and cover the costs? How can the stress of being prosecuted be compensated? Simon Singh eventually won his case against the BCA but it took two years before they withdrew it and the exorbitant costs were paid by the Guardian.

If the University wishes to motivate academic staff to embrace this teaching tool, it needs to provide all academic staff with a clear written statement of indemnity against any such breaches.

- 4) Lack or minimal academic staff consultation and involvement – many academics are further disillusioned by another autocratic senior management dictum.

Response: There was a lengthy and robust discussion at Council. This resulted in a steering group being formed. Members of that group have engaged with wider staff. Some staff groups have already raised issues by various means. All concerns have been carefully listened to and the frequently asked questions reflect the issues raised.

Discussion at Council is not consultation. The method of 'consultation' chosen means that very few individuals had any idea that this was going on. It could have been raised systematically in departments or, better still, through academic representatives. Given the appalling feedback on communication in the last staff survey, it is disappointing, but not surprising, that no real consultation occurred.

What is more, the University has a Recognition Agreement with the trades unions at the University. The UCU should have been consulted at an early stage, and, since academic terms and conditions would have been changed by the policy, any such changes were subject to negotiation. Instead, UCU concerns have been ignored; this does not bode well for others. Indeed, none of the concerns here, which have all been raised by academics, have been addressed. It is, therefore, entirely inaccurate to state that 'concerns have been carefully listened to and the frequently asked questions reflect the questions raised.' For UCU members this is the latest managerial diktat to be imposed without significant engagement with the academic staff who are supposed to implement it.

- 5) There was no formal negotiation with UCU despite inaccurate claims that consultation has taken place.

Response: Simon Walker spoke to UCU about the automation. JNC were kept informed.

EDU did share a draft of the policy with interested academics who commented at length but no formal consultation between EDU and UCU has taken place. The first meeting UCU was invited to took place long after the new 'policy' had been taken to Academic Council and did not constitute a serious attempt to reach agreement with the unions. No changes were made as a result and the responses to our concerns in this document demonstrate that there is no intention to understand, let alone address, the issues raised. Moreover, although management appears keen to consult the SU at every opportunity, they also appear to have misrepresented UCU concerns to them.

- 6) GDPR – the legal basis for sharing recordings is not clear

Response: This has been carefully checked. We are compliant.

The University is a public authority under the Data Protection Act 2018. The primary legal basis for the processing under the General Data Protection Regulation (GDPR) is 'public task', as lecture capture relates to the University's core functions as a learning and teaching institution. A secondary legal basis under the GDPR is 'compliance with a legal obligation', as lecture capture supports compliance with the University's duty under the Equality Act to make reasonable adjustments for disabled students and to build inclusivity into the curriculum.

This statement does not follow any of the guidance seen so far, including that of the universities' own IT organisation, JISC. See <https://community.jisc.ac.uk/blogs/regulatory-developments/article/gdpr-whats-your-justification>.

The Public Interest justification (not public task) is that the storage of data must be *necessary* for the public interest (here defined as teaching). Storing the data from lectures (especially for long periods) is not necessary for teaching to take place; people have been teaching for thousands of years without it. It may be desired for the way management wants academics to teach (see the definition of academic freedom above) but the storage of data like this is not necessary at all.

The Legal Obligation justification is somewhat different. This is defined as being where it is *necessary* in order to fulfil a contract with the data subject (the academic). It is not clear how this applies. There may be some times when the storage of some data is necessary to provide reasonable adjustments for some students with some (not all) disabilities. Other forms of adjustments are also needed and in many cases may be more helpful than recording lectures and storing the data long after that student has completed the task. UCU is not opposed to recording lectures where it has been shown to help students with disabilities but reasonable adjustments are individual; they do not justify blanket retention of data for years. We also question any assertion that Panopto aids equality, particularly in terms of disability – the University should have active policies that encourage disabled students to participate in class, not providing mechanisms for exclusion by enabling of viewing of lectures at home.

Both these justifications must be proportionate: even if they do apply (and this is doubtful), they are unlikely to be proportionate. As a result, the only justification that is clear in the GDPR is that of consent from the person whose data is being held. Under the GDPR, this consent has to be actively sought and cannot be assumed because of lack of objection. The data subject must be fully informed of what will happen to the data, how long it will be retained etc. and there should be a real option to refuse. The proposal here does not conform to any of this.

Well before the GDPR was incorporated into law, when data protection statutes were weaker than they are now, JISC (the Joint Institutions' Computing Service, i.e. the universities' own authority) legal advice to universities recommended that they obtain consent from individuals and recommended asking lecturers to opt in to the use of recording, rather than opting out. They did not even *conceive* of any institution making it compulsory.

- 7) The pedagogic rationale for recording lectures is missing and there has been no pilot for compulsory lecture capture. In a university we would expect to avoid management based on what Sir Eric Ashby described as "dubious assumptions, scrappy data and mere hunch".

Response: The earlier version contained a lengthy literature review. This made the Policy difficult to process. There is a literature review available that we could post online if helpful? However, the literature is mixed which the policy acknowledges. Most reports of decreased attendance come from Universities who do not monitor attendance, and most crucially, do not manage low or dropping attendance. The automation process has addressed staff concerns re ensuring that recordings do not disrupt attendance monitoring.

It remains a mystery why the University has decided to coerce members of staff to employ a particular technology when the evidence is far from clear. Research on the impact of lecture capture and the expertise of UCU members that have experience of the tool informs our caution. The idea that research showing problems (not just decreased attendance) comes only from universities that do not monitor attendance is surprising: due to immigration requirements there are few – if any – universities in this country that do not monitor attendance. Indeed if no monitoring took place, it would not be possible to state that attendance had decreased. Not only does the University not provide evidence of an apparent pilot study, but no monitoring arrangements for the impact of Panopto, including on attendance, are in place. Other problems reported include: encouraging surface learning; failure to understand the practice of note-taking; increases in potential plagiarism; increased anxiety among students. Problems appear to be more prevalent among students who have significant paid work outside their studies, who arrive at university with poorer grades and those who are struggling. This has a particular relevance at the universities like ours.

The lack of a sound pedagogical rationale is crucial here. The refusal of the university to release the literature review regarding the impact of lecture capture on student behaviour and outcomes suggests they either have something to hide and / or that they are contemptuous of the professionalism and professional development of academics. Since the literature clearly identifies potential risks for some student cohorts in their use of lecture capture, it is essential that academics and students are fully informed and can debate the full implications, the potential benefits and risks for particular student cohorts. It may be that a significant number of academics will be persuaded to adopt lecture capture if they can see the full range of literature.

Furthermore, the university needs to cooperate with academics to develop a comprehensive evaluation of the effects of lecture capture on students' behaviour and outcomes at *this* institution, and to work together to develop a risk management plan to mitigate risks. Academic judgement on the use of lecture capture in relation to particular student cohorts is crucial. As a part of this evaluation, the university needs to ensure that for all lectures, attendance is recorded (including in the Business Faculty, which is not currently the case).

Panopto is only suitable for a very specific kind of "hypodermic injection" model of teaching, where students are seen as empty vessels waiting to be filled with data. This is degraded learning and if the University attempts to go down this 'low road' we can see it ending in the further marketization and commodification of education to an online package and the end of universities as places of experiential, interactive and participating learning that reflects true dialogue.

Response: The policy is being applied to lecture sessions only. We are clear in the policy that staff are not expected to change their teaching style for the recording.

It is shocking that management understand so little about pedagogy that they do not understand this point. If Panopto is forced on individuals then a particular model is being rolled out across the entire university, taking pedagogy back decades. To think that participation is not applicable to lectures is also surprising. What is more, there is no guarantee that once lectures are recorded routinely, there will not be pressure to extend this to other types of session. This is precisely why lecturers should control whether recording takes place, using their professional expertise and approach to teaching to decide when it would be helpful and when it would be more counter-productive than beneficial.

UCU does not oppose the use of lecture recording by academics. We do oppose the imposition of one particular method when academics may not believe that it is helpful pedagogically. This is particularly acute when evidence is far from clear cut. What is more, management insisted on bringing this in with no pilot. Surely a university should operate on evidence, not supposition?

- 8) There are problems with the answer to FAQ 20. In fact, recording and publishing images and video materials has significant implications. There is no information on who is liable, the university or the staff member, no details of how staff will be protected.

Response: FAQ20 is intended to flag that third-party material (e.g. commercially purchased DVDs) which may be used in a lecture may be subject to copyright protection and therefore permission may have to be sought from the rights owner(s) before the material can be used in a recording. This is no different from the considerations that apply to other uses of third-party material in learning and teaching. The FAQ links to a Moodle course which provides further guidance.

This is not quite accurate. Lecturers may use third-party material (not just commercially-produced DVDs) in their lectures under an exemption for educational use. This is not the case for any type of 'publication' or 'broadcast', including internal publication. Thus pictures, maps, diagrams, examples etc. will require written permission and usually, the payment of a fee. Even unpublished PhD theses require written copyright permission. The fee is usually based on readership. Who will calculate this? Who will track down the copyright owner? Who will negotiate for permission and who will pay the fees? This can

take months or occasionally years. Will there be time before lectures are delivered? If this is not done, who will pay the fines and support any lecturer who is prosecuted?

- 9) No FAQs on use of recordings for handling complaints or disciplinary action against staff.

Response: The policy clearly states that the recordings will not be used for staff performance monitoring.

This reply carefully skates round a number of issues. It does not say that recordings will not be used for disciplinary or capability purposes. It is silent on the issue of student complaints. Nor does it say that the recordings will not be sold, given to partner institutions, used in franchises, employed to substitute for lecturers made redundant or on strike (as happened in a number of institutions in an attempt to break the USS dispute earlier in 2018). A good policy would make explicit that recordings cannot be used for any other purpose than supplementary study by students enrolled on the course that year. Indeed, if the University did not intend to use the recordings for other purposes, why does it intend to keep them beyond the end of the relevant academic year?

- 10) Slander and libel issue is not covered (differs if recorded and published). How will staff be protected?

Response: It is unclear what the concern is here. If the concern is about potentially slanderous or libellous comments made in class that might be recorded, it should be noted that the University also has a legal duty to ensure academic freedom and freedom of speech within the law for students, staff and visiting speakers. Recordings will only be available internally for teaching purposes and will not be externally published. As indicated, staff should not be saying anything that is unprofessional or offensive whether the lecture is recorded or not.

The concern is actually very clear.

In UK law, claims of slander usually fail if the claimant cannot demonstrate damage to their reputation. It is also often much harder to prove the exact form of words or gestures used. There is a much lower threshold for libel although the law has been tightened somewhat. As in broadcasts, lectures recorded and made available, even internally, would give rise to claims of libel. How will the University protect staff against (spurious) libel claims? They may well be ultimately proved to be vexatious but will be very costly in time and legal fees. Who will pay for these? How will academics be compensated for the loss of their careers? It shows little understanding of the issues and a poor opinion of academics to conflate this with staff 'saying anything that is unprofessional or offensive'.

The comment about the legal duty to ensure academic freedom and freedom of speech is worthy but incomprehensible in this context. It appears to be a non sequitur. Even the threat of a libel claim might lead to quite understandable self-censorship which is clearly an issue of academic freedom. Moreover, UCU has raised issues of academic freedom frequently without the slightest interest from management. In fact, the definitive definition of academic freedom, agreed internationally and adopted by the UK government more than 20 years ago, is clear that it is indivisible and includes freedom to teach without

interference, freedom of research, freedom to express opinions and criticise the institution without detriment and staff involvement in the governance of the institution, including the formulation of teaching and other policies. UCU would be delighted if the University not only acknowledged this duty but also implemented it.

11) This policy breaches lecturers' rights to their intellectual property

a) It assumes that moral rights have been waived.

Response: In terms of 'moral rights', FAQ 30 confirms that the university is not seeking a waiver from you as the lecture is attributed to the member of staff who gives the lecture. The lecturer also has the ability to edit the recording.

It is good to hear that the University acknowledges the moral rights of academics to their intellectual property. This is, however, much more than attributing it to the person who gave the lecture and it is disappointing that management does not understand this. Moral rights include attribution, but also to the integrity of the work among other issues. The latter allows objection to alteration, distortion, or misuse of the work that may affect the creator's reputation. "Anything else that may detract from the artist's relationship with the work even after it leaves the artist's possession or ownership may bring these moral rights into play." [Wikipedia]. Many academics may feel that the sale of their work to private providers, the use of outdated versions etc. would damage their reputation.

b) There is no mention of performance rights

Response: See the University's Intellectual Property Policy at

<https://docs.gre.ac.uk/rep/vco/intellectual-property-policy>. This states that:

The University acknowledges that ownership of Performers' rights in any Teaching Materials, including video or other recordings of a University Employee's own lectures or presentations, are owned by the Employee. All Employees grant to the University and its subsidiaries a non-exclusive, perpetual, world-wide, royalty free licence to use such materials for administrative, promotional, teaching, research and commercial purposes, with rights to sub-license. In the event of commercial usage of the materials the originators will be rewarded in accordance with the provisions for distribution of net commercial returns currently in force.

We will revise the FAQs to refer more specifically to these provisions in the Intellectual Property Policy.

This proposed policy has been changed without agreement with UCU (or, to our knowledge, with any other union) as laid out under the Recognition Agreement and various statutes. UCU were not even notified. We would not agree to anything after the first sentence and the grant of such a license may conflict with moral rights outlined above. There appears to be limited understanding or consideration of the full range of rights to intellectual property displayed here. Equally importantly, employers cannot unilaterally change contracts of employment so the contract of employment which is more nuanced predominates in the absence of a collective agreement. Performance rights are important and must remain with the academic concerned.

UCU can see no reason why lecture recordings should be used for administrative purposes and for all other purposes, the 'performer' (i.e. the lecturer) should be asked for permission first: someone may be happy for their recording to be used for research but not published widely for promotional purposes or used to generate funds. Once sold or rented out it might be used for years becoming out of date and thus damaging reputations.

12) Opt-out very limited and unclear – exceptional circumstances requiring a special cases to be made – example list of would be useful?

Response: We could provide a list, but the Steering group felt that there might be subject specific reasons and that we should trust staff to use the opt out appropriately.

- a) This is revealing. Why not trust academics to opt in appropriately? There is no support for the idea that academics, as professionals in this area are capable of making up their own minds about how best to help students engage and learn. As noted above, the research on the impact of lecture recording is far from clear and it does not all support the assertion that it is beneficial for students. The fact that a member of staff has to request permission to opt out (which can be withheld at the discretion of managers on unknown grounds) undermines their professionalism and serves to intimidate them.
- b) The opt-out provision proposed is so limited as to be virtually useless. Firstly, it is subject to veto without explanation, raising questions of equity, bullying and privacy. Secondly, lecturers will be obligated to make the material available in some other way. This may be time-consuming and could easily defeat the object of the exercise. If material should not be available – for whatever reason – it is not rational to demand that an alternative method is employed. In effect, there is no opt-out which makes recording of lectures compulsory despite the lack of evidence of proven benefits.

c) The critical difference between opt-in vs opt-out is the impact on academics' ability to use their professional judgement as to the forms of teaching that are most likely to benefit the more vulnerable student cohorts. It is important to emphasise that key Russell group institutions are respecting the professional judgement of their academics by having an opt-in policy. An opt-out policy, especially such a restricted policy as the one pushed through Council, indicates lack of support for the professional judgement of academics at this institution. This is particularly important in the context of a wide range of students, some of whom may be more inclined to miss classes with an intention, (if not actual practice!) of substituting recordings of lectures for actual attendance. It is crucial that academics directly teaching these students be able to assess this risk for the particular cohort of students and to make decisions as to the potential value of lecture capture, or not, to the students they are teaching.

d) Will union meetings be recorded?

Response: Panopto is intended as a learning and teaching tool. There is no expectation that it will be used to record trade union meetings.

The response here does not say that it will not happen: if recording is automatic, then any union meeting in a teaching room (i.e. all of them) will be recorded. This appears to offer a serious breach of staff privacy and their human rights. Union members have the right to privacy (their membership is classed as sensitive personal information) and the union has a legitimate expectation of privacy of communications. Both of these are breached here.

13) JISC employer guidelines on lecture recordings have not been adopted – jisc.org.uk

Response: We are aware of those guidelines. Equally we are aware of policies implemented without issues in other universities.

In other words, the management of the university is aware of legal advice prepared specifically for universities and has chosen to ignore it. Managers may be aware of policies implemented elsewhere, however most – if not all – other universities have much less aggressive policies than that proposed here. For example, QMUL has a policy that is opt-in and where the recording remains entirely under the control of the lecturer concerned. This would be easy to implement and would be more likely to be adopted by academics as it ensures academics remain responsible for the conduct of teaching.

- 14) Lack of protection from student misconduct such as publishing Panopto videos on YouTube or other fora or even editing clips to change meanings or to make fun of staff or troll them online.

Response: We agree that such behaviour is unacceptable and this is stated clearly in the Policy for Lecture Capture. The policy is very clear that students can only use recordings for study purposes and that disciplinary action could be taken if recordings are used inappropriately. Please refer to the Student disciplinary process.

This response does not inspire trust. The University seems remarkably unconcerned and has clearly done no work on prevention. Staff are already concerned that some students feel entitled to break regulations and that disciplinary processes are deployed more to protect students (and disciplining staff) than to ensure students keep to the regulations. Existing regulations do not, for example, prevent students recording lectures (according to the SU President), plagiarising material or harassing staff. All of these are currently disciplinary offences. The attitude of the Student Union President in recent communications, broadcast to all staff and students with the University's approval, demonstrates how students view such matters.

Tracking down misuse is time-consuming and difficult to monitor. Moreover, the policy offers no preventative role: the theft of material or the abuse has to occur before the University is prepared to consider action (if, in fact, it does). It should not be expected that members of staff become experts in cyber-crime in order to protect themselves from misconduct when their employer has a duty of care towards them. The University is abdicating its responsibility: this is an issue that should be dealt with by the University, rather than putting the onus on staff.

If the University wants lectures to be recorded, it is the University's responsibility to issue a written statement to all staff explaining how they will be protected and what provisions are being put in place to prevent or teaching materials being misused and/or causing reputational damage to Greenwich staff.

- 15) Lack of rational explanation of why any recordings should be kept for 2 years: part-time students will have completed the module within the academic year and resit students will be registered on the course again and will have access to the latest materials. One year is enough.

Response: Steering group members were asked to have wider discussion on this. For part-time students and for students who suspend registration, there could be a need for further availability. We will evaluate whether more than one year appears appropriate.

This does not answer the point at all. Whether or not students are part-time or not, modules are completed within the year. Lectures and modules often change from year to year so using old materials could, in fact, be seriously detrimental to students re-sitting a module in subsequent years. There is no good reason to keep recordings longer than necessary.

Since there are no conceivable pedagogical reasons for keeping recordings longer than necessary, the decision (and refusal to change that decision) raises serious questions about management's unstated motives for holding on to outdated recordings. This needs to be addressed by reducing the storage time to 1 year in order for this policy to become meaningful in practice.

16) Why would external examiners need to have access to the recorded materials?

Response: External examiners have access to all course materials. It is unlikely that they would have time or need to review the lecture capture.

Again, this is a non-answer. Why would external examiners need access to lecture recordings if the recordings are a 'study tool for students'? They currently perform a good job without any access to lectures or lecture notes. Whether or not they will have time to view them, the recordings should be restricted unless a lecturer gives particular permission. It is doubtful whether quality assurance procedures would count as 'teaching' or compliance with equality duties anyway, even if these were valid justifications for recording lectures in the first place so giving external examiners access might breach the GDPR.

17) Limited benefits for students with impairments unless additional features such as "caption" and screen reading are encapsulated.

Response: The Access Ability team are satisfied with oral capture and consider this to be a big step forward in improving accessibility of lecture material. Where a student has a particular need e.g. hearing difficulty they will usually have their own device to adapt material. The key change is to make the material available. There are a wide variety of additional recording features that could be added in, but these would make further demands on staff and the point of automation is to reduce the demand on staff, so we have opted for basic verbal capture only. We have had feedback that some staff are already using visual and audio recording. This can be requested by staff as now.

This response shows that very little consideration has been given to how students with impairments can be helped to overcome or offset detriments. Management cannot show how recording lectures helps particular students. In the example given, hearing difficulty *might* in fact be better addressed by hearing loops in lecture theatres or the employment of signers; it would depend on the needs of the individual concerned. In fact, recording lectures may be of extremely limited utility for many disabled students. Access for disabled students is best provided by interventions that support identified individual needs.

UCU has never been opposed to making adjustments for disabled students. Those adjustments must, however, be tailored to individual needs if they are to be of any benefit. Moreover even if recording a lecture were a sensible solution for one person, this would not justify providing copies to everyone. A one-size-fits-all approach is unlikely to be helpful and appears to be being employed as a blanket cover for other motives.

- 18) Concerns that staff with impairments/disabilities or a dislike of being recorded are not supported. Some have mentioned they would leave if forced.

Response: Only audio is recorded, which significantly reduces the privacy implications and means that there will be no implications for many staff with disabilities. Staff with disabilities who have concerns can discuss them with their line manager and submit a case using the opt out provisions in the Policy for Lecture Capture if appropriate.

This answer reveals the indifference of management towards disability, especially when the disabled person is a member of staff. The fact that only voice is recorded is a complete non-sequitur; it certainly untrue that this fact removes privacy or concerns for disabled staff members. Moreover, it begs the question of why all slides etc. are also recorded. Lecturers who wish to make their slides available could upload them to Moodle so this is unnecessary.

Forcing people to discuss their disability (or personal views) with their line managers in this way may well breach the Equality Act.

Moreover, this answer makes no commitment to 'allowing' an opt-out, just a concession that individuals may request it. Since all academics may complete an opt-out form, this makes no move to make life easier for those with disabilities or particular concerns about recordings, whether for religious or secular reasons.

- 19) How will additional workload for any forced recording be allocated?

- a) Are the 48 hours allowed before material is published automatically working hours or are they counted as two working days? How does this apply staff who are fractional or hourly paid?

Response: 'Forced recording' is a pejorative term. As stated above, automation is a response to staff feedback that recording is over demanding. The policy clearly states that there is no expectation that staff will edit the material. Feedback from staff strongly requested a pause to potentially allow editing, or recording of a very brief summary to accompany the recording, which some staff already do. Two working days is specified in the policy. We will add a frequently asked question to specify this also.

If staff are recorded against their professional judgement and against their will then it is indeed 'forced recording'. If management do not like this, the best solution would be to adopt an approach based on staff choosing to use the facility rather than protesting against the use of the term. More significantly, this answer does not address the question. If academics need to edit a recording or to record a brief summary to supplement it, then this will take time. Where does this time come from? None is provided. The pressures on part-time staff are ignored completely. How will the system recognise that two working days may, in some cases, mean two weeks or even longer?

What additional workload support will be introduced for pre-recording materials and what other alternatives to lecture capture are deemed acceptable under the opt-out?

Response: Allowances of time already include preparation time.

The so-called 'balanced academic workload' is totally inadequate in its provision of preparation time. Merely drawing up slides (let alone researching or updating content) takes far longer than is allowed in the model. As a result, academics already work long hours of unpaid overtime (far more than other professions) in contravention of health and safety legislation. To expect them to do yet more merely on a hunch that it might be useful, could be downright dangerous.

- 20) When the recording is on pause then the data is still being captured and stored on the cloud – cause for concern that the explicit material that staff restrict will still be available to other uses, e.g. academics, management, students on placements, admin staff?

Response: While the material is still recorded, when the recording is uploaded it cannot be heard. It is important in this context to remember that students have been present and will be able to feedback to staff if they feel that too much or too little of the content is being recorded.

Again, this response does not address the question. If the data are still being captured, what happens to it? Who can access it? How will it be used? Could it be hacked? If voice only is paused, then how can one avoid displaying copyright material? It appears that individuals will not, in fact, be able to exert any control whatsoever on which sections or what material is recorded and UCU will have to advise members not to use any third-party material in their lectures. A return to chalk-and-talk methods seems outdated but may become a necessary corollary of this way of forcing recordings.

The response also carries an implicit threat that staff who use their professional judgement to exclude material will be subject to student complaints. This does not seem to be a good route to positive staff-student relations or to reassure staff that recordings are not forced.

- 21) What will be the impact on Evasys scores for courses where recording has not been provided due to 'legitimate' reasons and signed off by the Head of Department?

Response: Staff are asked to inform students that a lecture is not being recorded and to inform students of the alternative arrangements to make the material available. We will monitor student feedback on the recordings. The most common issue currently is that recordings are not available.

The insistence that the material will be made available regardless of professional concerns de-skills teachers and ultimately damages students. Academics will be sensible to exclude visual material, examples or any other form of third-party material from their lectures. The question remains as to how the university will support staff for legitimate exclusion from recording.

- 22) Will the recordings be used or stored outside the EU?

Recordings are stored by Panopto in Ireland.

This answer may not be valid after 29 March 2019. What is more, it still begs the question of whether it may be transferred outside Ireland at some time in the future. What will happen in six months' time?