

<b>Policy Title:</b>	Recording of Lectures and Other Instructional Activities (COVID-19)		
<b>Category:</b>	<input type="checkbox"/> Institutional - Board	<input type="checkbox"/> Academic - Administrative	
	<input checked="" type="checkbox"/> Institutional - Administrative	<input type="checkbox"/> Employment - Administrative	
<b>Approved by:</b>	<input type="checkbox"/> Board	<input checked="" type="checkbox"/> President	
<b>Date approved:</b>	May 28, 2020	<b>Effective date:</b>	May 28, 2020
<b>Policy Sponsor:</b>	Vice President, Academic	<b>Date last reviewed:</b>	May 28, 2020
<b>Date of Mandatory Review (expiry date)</b>	November 2024	<b>Date of last revision of Procedures</b>	November 28, 2019

## 1 POLICY

1. All recordings at CMCC are subject to and protected by privacy guidelines and legislation if the presence, thoughts, and/or ideas of other individuals (e.g. faculty, students, teaching assistants, staff, guests) are captured in the recording. Recordings of educational activities by CMCC personnel and CMCC students must comply with the terms set forth in this policy, related policies, and applicable legislation.
2. All lectures and instructional activities at CMCC (collectively “**educational activities**”) are considered the lecturer’s intellectual property unless specifically agreed to and are protected by copyright regulations.
3. Recordings of educational activities are solely authorized for the purposes of individual or group learning for students at CMCC. If CMCC wishes to use any of the recording beyond the purposes articulated in this policy, e.g. for Continuing Education, written agreement by all parties is required. Additional permissions may be required dependent upon the content of the recording.
4. Any non-CMCC faculty and/or guest lecturers (collectively “**external speakers**”) must enter into an agreement with CMCC to have their content recorded and made accessible to current CMCC students and personnel. Students should not assume that external speakers will be recorded. Consent for future uses of the recording may be withdrawn by the external speaker, in writing, at any time unless specifically agreed to within a contract. Failing any prior agreement relating to the withdrawing of the recording as it relates to the removal of the recording, policy statement 1.7 shall apply.
5. Recordings of educational activities shall not be made, used, or distributed for any commercial purposes or compensation unless a licensing agreement is negotiated and authorized in writing by CMCC and the lecturer.
6. Recordings of educational activities do not replace a lecturer. Any permissions by the lecturer to have their learning activity recorded is not considered a transfer of any copyrights for the recording. Nothing in this policy shall infringe upon the intellectual property rights of the lecturer or the legal owner of those rights. Intellectual property rights and copyright protections remain in effect notwithstanding a student or lecturer ends their formal relationship with CMCC. Upon request by the applicable personnel, CMCC will delete these recordings at the end of the academic year and supplemental exam period, or a minimum of 90 days after the end of academic year and supplemental exam period, subject to accommodation considerations. In all other circumstances the Record

Management, Retention and Destruction policy applies.

7. Recordings of educational activities will not be used for faculty teaching evaluation purposes unless requested and authorized by the faculty member. At the faculty member's request, recordings may be used for formative evaluation and professional development purposes.
8. Faculty and Staff Recording(s)
  - a. Subject to the issue of student accommodation, faculty members may elect to record all, some, or no educational activities for their assigned class. If a faculty member chooses to record their lecture, etc., then faculty must provide students and other attendees with appropriate notice that the educational activity is being recorded.
    - i. The recording will be made available to authorized users and students on the Learning Management System (LMS) within one (1) working day.
    - ii. The recording will remain accessible from the LMS system until the deferred and supplementary assessment periods for the recorded course have passed.
    - iii. Students will have access to all CMCC Academic-related recordings while they remain full or part-time students at CMCC. Due to the COVID-19 pandemic access to recordings will not be discontinued upon graduation for the Class of 2020; they will continue to have access to Panopto until the fall CCEB 2020 Part C examination is administered (to enable them to have the material to study for the CCEB exam).
    - iv. The recording will be retained for a period of four (4) years (subject to change based on the availability of storage space and/or modifications to the lecture capture vendor contract), after which time the recording shall be deleted from the video management platform (VMP) unless for specific purposes agreed to by the lecturer and CMCC. If CMCC is unable to retain the recording for four (4) years, lecturers will be provided with written notice and will be given seven (7) working days from the notice to allow them to retrieve their recording. After seven (7) working days, the recorded lecture will be deleted from the VMP.
    - v. In the event that a lecturer is no longer employed at CMCC, their recordings shall be deleted after the regular retention period and will not be used for any commercial purpose unless prior to the deletion there is an explicit written agreement between the lecturer and CMCC, granting CMCC consent to use the recording.
    - vi. The contractual workload of faculty members shall not be altered by the use of educational activity recordings.
    - vii. The recording may only be accessed by the student and not shared or viewed by other than the student.
  - b. Educational activity recordings made available on the LMS system may not be downloaded or copied by students or other authorized users unless permission is received in writing from the lecturer.
  - c. The lecturer is responsible for ensuring permissions have been obtained for any copyrighted work embedded in the recording and that privacy regulations have been met. Furthermore,
    - i. Recordings are strictly prohibited from being reproduced or uploaded to a publicly-accessible web platform or website (e.g. Facebook, Snap-chat, Vimeo,

- ii. YouTube, Instagram, Twitter).
  - ii. Distribution of materials to the public (in-person or online) constitutes copyright infringement and will be considered a violation of federal law and/or provincial law as well as CMCC policy.
  - iii. In addition to any legal ramifications, misuse of recordings may subject a student or CMCC personnel to disciplinary action by CMCC.
- d. Registration as a student, and attendance in the educational activity or participation in an assessment, where there may be mandatory partial or full recording by the lecturer, constitutes consent to CMCC to be recorded in accordance to this policy.

#### 9. Student Recording(s)

- a. Recordings made by students may be required for assessment purposes. Where the student is asked to create a recording by faculty:
  - i. The recording must be carried out under the direction and guidance of faculty.
  - ii. The method and procedure for recording must be agreed upon by the faculty member and the student.
  - iii. The student must inform all other students and guests in the recording vicinity that a learning activity is being recorded and provide them with the opportunity to protect their privacy should they not wish to be recorded.

All other student recordings are only permitted for the purpose of content review by oneself outside of the teaching environment to enhance the student's understanding of materials presented and is subject to this policy.

- b. Students may not record any portion of an educational activity without the prior and explicit written permission of the lecturer as well as the written consent of all those who are being recorded by audio and/or video. The method and procedure for recording must be agreed upon by the lecturer and the student(s). If a recording is requested for the purposes of accommodating a disability, and Student Services has confirmed the student's need to record educational activities, the lecturer's consent must not be unreasonably withheld. If the lecturer is unable to accommodate the student's request, reasonable efforts must be taken to ensure equal and equitable access to learning for the student. If permission to record is obtained by the student, then:
  - i. The lecturer must inform all other students and guests in the recording vicinity that a learning activity is being recorded.
  - ii. The lecturer must provide students and guests with the opportunity to protect their privacy should they not wish to be recorded (e.g. allowing students to ask questions in writing instead of verbally or allotting a space in the classroom that will not be included in the recording).
  - iii. The lecturer cannot penalize students for choosing not to be recorded where the recording is voluntary and not integral to the course. If participation is integral to the course then a student shall participate to the extent required by the faculty member.
  - iv. The lecturer may record on the student's behalf using CMCC equipment or may only permit recording if the lecturer is able to control the student's recording device.
  - v. The lecturer has the right to stop the recording or rescind permission if they feel that the recording may violate copyright or privacy regulations in which event

there shall be no access to the recording by students.

c. Where all appropriate permissions and consents are obtained, it is understood that:

- i. Student recordings are not permitted, and are strictly prohibited from being reproduced or uploaded to a publicly-accessible web platform or website (e.g. Facebook, Snap-chat, Vimeo, YouTube, Instagram, Twitter).
- ii. Distribution of materials to the public (in-person or online) constitutes copyright infringement and will be considered a violation of federal law and/or provincial law as well as CMCC policy.
- iii. In addition to any legal ramifications, misuse of recordings may subject a student to disciplinary action by CMCC.

## **2 PURPOSE**

To establish the principles, guidelines, procedures, and expectations that govern the recording of all educational activities, including lecture materials and other instructional activities at CMCC.

## **3 SCOPE**

All forms of recording including, but not limited to, audio and video captured by CMCC personnel and CMCC students.

## **4 DEFINITIONS**

Asynchronous learning refers to a method of learning that uses online resources to facilitate learning at any time or any place outside of the traditional classroom.

Blended learning refers to a method of learning that occurs through a mixture of online resources as well as traditional in-class teaching.

CMCC personnel, for the purposes of this policy, refers to any individual employed at or contracted (either in a paid or unpaid capacity) by CMCC. This includes, but is not limited to, faculty, researchers, adjunct faculty, support staff, administrative and professional staff, and grant employees.

Guest lecturer, for the purposes of this policy, refers to any non-CMCC personnel either in a paid or unpaid capacity who delivers an instruction activity.

Instructional activities, for the purposes of this policy, refers to all formal and informal teaching and teaching-related and educational activities that contribute to student learning.

Intellectual property is defined as any form of knowledge or expression created with one's intellect. It can be categorized into two main areas: property (e.g. patents and trademarks) and copyright (e.g. literary and artistic works).

Learning management systems (or LMS) refers to CMCC's software or web-based applications used to support, deliver, and administer courses and programs in CMCC's Undergraduate, Graduate, and Continuing Education divisions. As at August 2017, these systems included KIRO (Sakai) and Absorb.

Lecturer refers to CMCC personnel, student, or other person making an educational or research presentation to students, faculty members, staff members, or other attendees of an educational activity.

Live broadcast refers to the video and audio streaming of a lecture or other instructional activity transmitted to an audience without delay. Live broadcasts may also be recorded by CMCC for repeated use, which would then constitute the definition of a recording.

Recording refers to any audio or visual recording, including but not limited to photograph or screenshot of a lecture or other instructional activity using any type of audio or video recording device including, but not limited to, the lecture capture system, audio recorders, video recorders, cell phones, smartphones, digital cameras, video cameras, computers, tablets, and laptops.

Student refers to any full-time or part-time person enrolled in the Undergraduate or Graduate Studies program during the duration of their education. Continuing Education learners follow the terms and conditions as per agreements for the delivery of their program. Student also refers to CMCC personnel or Board member participating in professional development activities.

Video management platform (or lecture capture system, video management system), refers to CMCC's video recording, editing and storage system. Video storage may occur either on CMCC hardware or in an authorized vendor site in the cloud.

## **5 INFORMATION AND COMPLIANCE PLANS** (not a comprehensive list)

The Canadian Memorial Chiropractic College (CMCC) supports the use of recorded instructional and educational activities as part of its commitment to enhanced teaching and learning through technology. CMCC recognizes the use of recorded materials to:

- support blended or asynchronous learning, where students are able to access online resources at their convenience and learn at their own pace;
- facilitate and augment learning among students with diverse learning styles and abilities;
- ensure continuity of learning during illness, weather interruptions, or other unanticipated events; and
- provide students with disability accommodation as required.

The Associate Vice President, Institutional Advancement and Communications is responsible for the oversight of the lecture capture system at CMCC. The Vice President, Academic is responsible for decisions relating to the use of recorded sessions.

- *Canadian Copyright Act*
- *Canadian Personal Information Protection and Electronic Documents Act [PIPEDA]*
- Collective Agreement between CMCC and the Canadian Union of Public Employees Local 4773, Articles 25 and 35
- Federal and Provincial Privacy Legislation
- Ontario's *Anatomy Act*
- Ontario's *Accessibility for Ontarians with Disabilities Act (AODA)*
- Ontario's *Personal Health Information Protection Act (PHIPA)*
- Postsecondary Education Quality Assessment Board (PEQAB) Handbook for Private Organizations 2019, Degree Program Quality Review Standards: Program Delivery Standard 7.2, 4 Capacity to Deliver, Standard 7.2, 5

- 6 RELATED CMCC POLICIES** (not a comprehensive list)
- Academic Accommodation for Students With Disabilities
  - Computing and Information Technology Use
  - Copyright and Intellectual Property
  - Discipline
  - Privacy
  - Record Management, Retention and Destruction
  - Student Code of Conduct: Academic

**New Policy Approved (date):**

Recording of Instructional Activities - September 28, 2017

**Policy Revision History (dates):**

August 30, 2018

Recording of Lectures and Other Instructional Activities -  
November 28, 2019

-----**END OF POLICY**-----

**7 PROCEDURES**

1. Lecture halls and select conference rooms have permanent installations of the lecture capture software. Faculty members wishing to use laptops or tablets instead of room computers for recording lectures must ensure that these devices use the lecture capture software provided by CMCC. An Internet connection is necessary for the uploading of the recorded lecture to the storage system.
2. Lecture capture software is available for employee for desktop, laptop and mobile devices to enable recordings in offices, at home, and other locations.
3. Not all teaching methods are suitable for capture, for example where there is use of whiteboards or chalk boards, or if a high degree of audience interactivity is used. Faculty are not expected to change from the most appropriate teaching method for their material solely for the purpose of recording, as this might be detrimental to the student experience. Ethical issues or the use of sensitive or confidential material might make the recording of some lectures inappropriate. Questions regarding the appropriateness of lecture capture for certain lectures or courses should be referred to the respective Director of Education.
4. For privacy reasons, camera views do not generally include students. Editing by lecturers can remove any portions of recordings that may have included students. Lecturers are not to identify students by name when answering questions.
5. The lecture capture technology might be adaptable for use in some laboratories or interactive seminars; however, such use should be approved in advance by the Vice President, Academic and students must sign consent forms before recordings in these settings may be made.
6. It is possible that some components of a class activity may not be recorded if recording has the potential to violate federal or provincial privacy regulations. Lecturers are to contact the CMCC Privacy Officer if they have any questions or concerns about privacy regulations and recording.

7. The lecture capture platform provides an editing function, to which the lecturer will have access. This can be used by the lecturer to remove undesirable portions of the captured video. If students wish to have a recording edited, they must request a change in writing 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. No reasonable request should be refused. In cases of disagreement, the matter shall be resolved by the Vice President, Academic.
8. If the lecture recording system captures information shared confidentially with the lecturer before, during or after class, that section of the recording must be removed using the video platform editor before making the recording available to students.
9. Students may use the lecture capture system to record CMCC educationally related personal presentations, assignments and self-assessments. Students may wish to download these presentations if they do not want them to be deleted from the video management system after the normal retention period. The recording shall be subject to the provisions of this policy.
10. If a lecturer opts to record educational activities, the course syllabus (outline) must include the following statement regarding recordings: "Lectures may be recorded and made available to CMCC students and other authorized users using the CMCC lecture capture system. Use of lecture recording is intended to supplement the classroom experience and not to substitute for class attendance. Downloading, duplicating, or redistributing lecture capture recordings is prohibited without appropriate written consent in accordance with CMCC's Recording of Lecture and Other Instructional Activities policy. Students may not create video, audio, or other digital recordings of educational activities without written permission of the lecturer or unless approved as part of an Accommodation Plan from Student Services as required in the Recording of Lecture and Other Instructional Activities policy. Students creating unauthorized recordings violate a lecturer's intellectual property rights and the Canadian Copyright Act and will be subject to CMCC disciplinary action."
11. Any CMCC personnel or student who becomes aware of a breach of this policy are to bring such matter to the attention of the Vice President, Academic or the Privacy Officer immediately upon becoming aware of the breach.
12. Nothing in this policy precludes faculty from adhering to best practices in universal instruction design of providing lecture notes and slides in advance of any lecture.

The following applicable forms and related documents are currently in use:

- Digital Recording Authorization, Release & Indemnification
- Guest Lecturer Service Provider Agreement
- Patient Photograph, Audio & Video Recording Permission

**New Procedure Approved (date):**

September 28, 2017

**Procedure Revision History (dates):**

August 30, 2018

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## **8 ATTACHMENTS**

None