

## RECORDING OF SCHOLARLY WORK AND STUDENT WORK POLICY

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

The purpose of this policy is to establish the rights and responsibilities when scholarly work and student work are recorded and distributed for teaching, learning and research purposes.

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 framework* and the *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.

This policy, and associated framework, relate only to recordings. Therefore, they do not apply to learning experiences streamed live, which are instead considered to be attended in person but from a different location.

### The policy

#### A: Recording of learning experiences

##### 1. Students

- 1.1. Each student may make a recording of a learning experience subject to Section 2.1. The recording may only be used for research or private study purposes and not be re-distributed.
- 1.2. A student's participation in a learning experience that is recorded by the University, whether as an active participant or a member of the audience, is deemed to be with that student's implied consent. This section is subject to section 3.1.
- 1.3. Each student who actively participates in a learning experience recorded by the University may request in writing the removal from the recording of any content that personally identifies that student. This section is subject to section 3.5.
- 1.4. Each student may only access recordings for papers they are enrolled in or that are publicly available.

##### 2. Staff and guest lecturers

- 2.1. Staff or guest lecturers may require a student to stop recording if they reasonably consider 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.
- 2.2. Staff or guest lecturers may request in writing the removal of any content recorded by the University.

## **B: Recording of scholarly work**

### **3. University**

#### Recording

3.1. The University may record a scholarly work:

- (i) after clearly notifying students and staff that the learning experiences in the paper in which the students are enrolled may be recorded
- (ii) with the explicit written consent of any guest lecturer
- (iii) after informing students and lecturers of applicable cultural protocols.

3.2. The University will retain the recorded scholarly work in accordance with approved data management practices.

#### Distribution

3.3. The University may distribute a recorded scholarly work for use in a course of instruction by:<sup>1</sup>

- (i) screening the recording to a class, or making one copy of the recording available in the library to students of that class
- (ii) making multiple copies of the recording available, or making the recording available to stream or download, only under licence or with the written consent of the owners of any copyright work used in the recorded lecture.

3.4. The University may distribute a recorded scholarly work other than for use in a course of instruction only with the written consent of the relevant staff member (e.g. lecturer) and the owners of any copyright work used in the recorded scholarly work.

3.5. Before distributing a recorded scholarly work, the University will:

- (i) remove (or, if the University has already distributed the recording, remove from each copy of the recording that remains under the University's control) any content that the University considers is inappropriate, or on accepting a request under section 1.3 or 2.2
- (ii) 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.
- (iii) display on each copy of the recording, or on the website from which the recording is made available to stream or download, a statement that acknowledges the copyrights in and restrictions on use of the recording.
- (iv) All recordings of scholarly work distributed for the purposes of teaching and learning shall comply with the publications policy.

## **C: Recording of student work**

### **4. University**

The University will:

4.1 inform the student of the intention to record a student work for the purposes of teaching, learning or research. The recording will be made with students' explicit consent.

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<sup>1</sup> Copyright Act 1994, s 44 (Copying for educational purposes of literary, dramatic, musical, or artistic works or typographical arrangements).

- 4.2 retain a recording of a student work in accordance with approved data management practices.
- 4.3 distribute a recording of a student work, other than for the purposes of teaching, learning, and research, only with students' written consent.
- 4.4 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.

## 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>2</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 Massey 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.

*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.

*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:

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<sup>2</sup> <http://legal-dictionary.thefreedictionary.com/implied+consent>

- a. in relation to a staff member's research activities, any scholarly publications including books, textbooks, 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.

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

### **Intended audience.**

The intended audience for this policy is all staff, students and guests using University facilities and resources.

### **Relevant legislation**

Copyright Act 1994

Privacy Act 2020

### **Legal compliance**

#### **A: Privacy Act 2020**

Collection, use and disclosure of personal information must comply with Principles 1-13 of the Privacy Act 2020. 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 2020 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 1994**

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.

### **Related procedures / documents**

- Acceptable Use of Technology Policy
- Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants
- Data Management Policy
- Information and Records Management Policy
- Information and Technology Security Policy
- Intellectual Property Policy
- Privacy Policy
- Publications Policy
- Recording of Scholarly Work and Student Work Policy
- Recording of Scholarly Work and Student Work Framework
- Social Media Policy
- Use of Copyright Material for Educational Purposes Policy
- Web Policy



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## **Document management control**

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