



**Lecture Capture
Provisional Policies
for Spring 2021**

REVISED 02.05.2021

Note: the policies listed below will be implemented provisionally for the Spring 2021 semester. Their effectiveness will be assessed, and refinements/revisions made as necessary before "final" implementation for Fall 2021.

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Note: the policies listed below will be implemented provisionally for the Spring 2021 semester. Their effectiveness will be assessed, and refinements/revisions made as necessary before “final” implementation for Fall 2021.

CONTEXT

While the short-term objective for TU’s Lecture Capture is centered around maintaining instructional continuity as we navigate the disruptions presented by the COVID-19 Pandemic, the ultimate, long-term benefit of this initiative will focus on improved student success through improved access to instruction.

With our new systems, students will be able to thoroughly review pertinent materials and classroom lectures, whether they were absent from class or not. We are hopeful that this increased access to materials will significantly improve both our students’ performance in the classroom and their overall success in their academic careers at TU.

In order to maximize this access, we will capture all lectures and upload recordings to the YuJa system by default. Faculty will then have the option to release (“publish”) Lecture Capture Video to the appropriate Moodle Shell for students to view.

DEFINITIONS

Video Types: Captured vs. Reusable vs. Releasable

- *Captured Video* is defined as the “raw” automated recording of all (or part) of a class created by the YuJa system.
- *Reusable Video* is Captured Video that has been sufficiently edited to remove all identifiable likeness of students and has been vetted to mitigate potential copyright issues related to third-party content.
- *Releasable Video* is Captured Video that has been sufficiently edited to remove both identifiable likeness of students and mitigate potential copyright issues related to third-party content.

Video States: Recorded vs. Processed vs. Published

- *Recorded* means the video is captured on YuJa’s hardware.
- *Processed* means the video has been uploaded to YuJa’s cloud.
- *Published* means the video has been published to Moodle.

OWNERSHIP AND USE

Ownership of Videos

The instructor of the captured class section (Faculty) retains intellectual property (ownership) rights to ALL videos created as part of the Lecture Capture process. Faculty must comply with requirements listed below for the various use cases.

Use of Captured Video

Captured Lecture Videos are FERPA-protected, impermanent educational records and are intended solely for use by faculty or students enrolled in the course section during the term in which they were recorded.

Retention of Captured Video

All videos and backups will be deleted from the servers as soon as practicable after the Final Exam for a course which has been administered unless converted to Reusable or Releasable video as per below.

Availability for use after the term (e.g., for use in grade appeals and incompletes) is neither guaranteed nor implied.

However, if a legal claim is filed (or is reasonably anticipated), or an investigation initiated, the University will immediately seek legal counsel and retain all relevant records until notified otherwise. The University will forward all pertinent documents to the designated and appropriate office to hold for the duration of the legal matter or until released for deletion. These instructions override all standard and existing practices with respect to record retention.

Creation/Use of Reusable Video

At the Faculty's discretion, videos may be retained for reuse in an academic setting (i.e., in a physical classroom or Moodle Shell) ONLY after they have been sufficiently edited to remove any identifiable student likeness, original student work, OR after obtaining written release (Appendix A) from any student who is identifiable (by voice or image) within the video. This written release must be retained for the duration of the video's reuse. Additionally, Faculty are responsible to ensure that these videos remain in compliance with all pertinent rules regarding copyright, licensing restrictions, and/or fair use. [Formal process/instructions in development - Pfeiffer Library]

Retention of Reusable Video

Reusable Video will be retained in the Faculty Members "folder" on the YuJa server until such time as it is no longer actively being used as part of regular coursework. [Data storage policies TBD by COEL/YuJa Administrator, depending on YuJa server space]

Creation/Use of Releasable Video

At the Faculty's discretion, videos may be retained for reuse OUTSIDE the academic setting (e.g., for Faculty's personal use, in a marketing video, etc.) ONLY after they have been sufficiently edited to remove any identifiable student likeness OR after obtaining written release from any student who is identifiable (by voice or image) within the video. This written release must be retained for the duration of the video's use. Additionally, Faculty

are responsible to ensure that these videos remain in compliance with all copyright law and any restrictions in place for university-licensed content.

- *Use in Research:* Faculty must obtain prior IRB approval and full written consent of participants in order to use video for research purposes. (Appendix B)
- *Use in Evaluation for Promotion:* Faculty who wish to submit video as part of their promotion portfolio may do so.

Retention of Releasable Video

Videos that have been made suitable for release outside the Educational Context will be retained locally by the “owning” faculty member in their own storage location.

Guest Lectures

- For Captured Video, non-University presenters or panelists should give verbal consent at the beginning of their presentation so that record of their consent is captured in the video.
 - If a presenter does not consent to having their video released to students for later re/viewing, Faculty should ensure that the video remains “unpublished” in YuJa.
 - If a presenter does not consent to be recorded at all, faculty should explore options, such as moving the class session to a classroom not scheduled to be recorded. – *note: Faculty should consult the Event Services Calendar or the Registrar’s office to identify an appropriate room.*
 - If the instructor knows in advance that the guest speaker will not (or cannot) consent, they may request that the session not be recorded via a provided form (see: OPT OUT Process, Appendix C).
- For Reusable or Releasable Video, consent of the speaker(s) should be obtained in writing, using the appropriate form (Appendix A).

Other Use of Video

Captured and Reusable videos cannot be viewed and/or used by administrators/evaluators for purposes of faculty evaluation without the consent of faculty.

“OPTING OUT”

Faculty who teach courses with content that is particularly sensitive or otherwise inappropriate for recording may apply to their Dean for “opt out” status at the beginning of the semester using the provided form (see: OPT OUT process, Appendix C). Faculty may also apply to their dean for “opt out” status if they have other plans for providing students with a similar experience. If granted, that class section will be removed from the recording schedule and no sessions of that class section will be recorded.

Additionally, a faculty member may request that recording sessions start/end five or ten minutes late/early (this cannot be an individual class session, but all sessions in a given semester) to account for attendance and interpersonal student interaction after the lecture period using the provided form (see: OPT OUT Process, Appendix C).

It is expected that the Dean’s and faculty member’s decision will be consistent with faculty governance of course content, classroom management, and pedagogy. Furthermore, faculty decision-making regarding participating in Lecture Capture may not be used for faculty evaluation, discipline, or contract renewal.

Note: *Cameras will follow any motion in the classroom, even if not recording.*

PUBLISHING OF VIDEO TO MOODLE

Notwithstanding the above process(es), all other class sessions will be automatically recorded (per the class schedule) and uploaded to the Faculty’s “My Media” section in YuJa. ***After the video is uploaded, faculty have full control over the availability of the video to students.***

Using the YuJa interface, faculty may elect to publish the video as-is, temporarily delay its publication to edit content, or leave the video “unpublished” and inaccessible to students. Similarly, Faculty may choose to remove student access to the video after sufficient time has elapsed (by “un-publishing” it). At any time, faculty can choose to “re-publish” the video to students for review.

If the Faculty member takes no action, the recording will not be made available to the appropriate students.

In order for students to view any video, Faculty must publish the video to the appropriate course section in YuJa.

STUDENT CONSENT

Students will be made aware of the Lecture Capture program via a statement on the Syllabus (below). Students may not opt out. If a student expresses concern regarding a specific captured class session, the faculty member may take the student's concern into consideration when deciding to share, edit, or not share lecture capture. If a student has a concern about Lecture Capture in general, the student should contact the Provost's office.

Student consent is not required for captured video. However, student consent must be obtained for reuse or release of that video, as defined above.

Students who require recording or other adaptations of lectures as a reasonable accommodation for a disability should contact the Office of Disability Support Services (DSS) in advance of the lecture in order to obtain permission for the recording.

SYLLABUS STATEMENT

Faculty should ensure that the following statement is included in their course Syllabi.

Classroom Lecture Capture

Notice of video recording and permissible use.

This course, including your participation, will be recorded on video and may be available to students in the course for viewing remotely after each session. Except for captured original student work within the video, course videos belong to your instructor.

Do not download, copy, or share any course or student materials or videos.

All recorded lectures, presentations, and class discussions are for viewing by members of this class section only. Students who have access to authorized recorded lectures may use such recordings **ONLY** for personal or group study. Downloading, recording, or sharing any lecture capture video or portions of a lecture capture video with anyone not enrolled in this class section is not permissible and subject to the [Student Conduct Policy](#), [Technology Acceptable Use Policy](#) and/or including other punishments up to dismissal from the university. Students violating these rules will be referred to the Office of Student Conduct for disciplinary action and possible legal action.

Viewing Lecture Capture Videos does not replace class attendance.

Lecture Capture Videos are intended to be temporary supplements to the core educational experience and are not considered to be inherent to the delivery of the course learning outcomes. These recordings are not meant to replace the classroom experience and may not be duplicated or redistributed without appropriate consent. Recordings do not replace attendance or in-person requirements of an instructor (see attendance policy in this document) and should be used to review class content and/or to supplement excused absences.

Your likeness will not be used outside of this class without your consent.

If Tiffin University or your professor plan to utilize recorded lectures for educational purposes beyond this class you will be notified of the nature of intended use and your *written consent will be required*. Video Capture usage data may be viewed by the instructor or may be collected for Quality Improvement/Educational Outcomes Assessment and data to be reported in aggregated non-identifying ways.

CONDUCT/ MISUSE/ DISCIPLINE

Use of Videos

Students who have access to authorized recorded lectures (e.g., via Moodle) may use such recordings ONLY for personal or group study. Downloading, recording, or sharing any lecture capture video or portions of a lecture capture video with people outside of the classroom is not permissible and subject to the [Student Conduct Policy](#), [Technology Acceptable Use Policy](#) and/or including other punishments up to dismissal from the university.

Tampering With Equipment

Faculty, staff, and students are prohibited from powering off, adjusting, redirecting, tampering with, damaging, misusing, defacing, or altering in any fashion the lecture capture recording equipment installed in all classrooms without the express permission of the Yuja Administrator. Any visitor, student, staff or faculty member who fails to adhere to this policy is subject to disciplinary action, as outlined in the [Student Handbook](#), [Personnel Handbook](#), and the [Technology Acceptable Use Policy](#). Any damages or loss of lecture recording equipment is also subject to prosecution to the fullest extent of the law.

Ohio's Right of Publicity Law

Ohio law provides that no person shall use any aspect of an individual's "persona" (name, voice, signature, photograph, image, likeness, or distinctive appearance)" for a commercial purpose without such individual's permission. However, a use of an individual's Persona by an institution of higher education is permitted if all of the following apply:

1. The individual is or was a student at, or a member of the faculty or staff of, the institution of higher education; and
2. The use of the individual's persona is for educational purposes or for the promotion of the institution of higher education and its educational or institutional objectives.

RESEARCH USE

Institutional Review Board (IRB) Policies and Practices.

Prohibited Use as Research* without Explicit Approval of Tiffin University's IRB Committee.

Individuals have the right to know they are being recorded and for what purpose (instructional and/or research). Research* use of recordings requires Tiffin University IRB Application, full Tiffin University IRB Committee review as well as faculty and student written consent to the standards of applicable federal human subjects rules and TU IRB Policies and practices. If recordings will be used for pre-approved Research*-- students and faculty can decline consent in being recorded and/or allowing the recordings with their likeness to be used in research* without penalty. Any missed course content will be made available to a student with the format to be determined by the faculty.

Any use for Research* without full IRB application and full committee review process and pre approval (prior to a semester) is strictly prohibited and approval is not guaranteed. Retroactive recording data cannot be used for Research or gain post approvals from IRB.

If recording data is used for internal organizational assessment (e.g. Internal Organizational Quality Assurances/Performance Assessment QA-PI and/or Educational Outcomes)—notifications of how these recordings will be used this way needs to be disclosed and explicit as possible as part of existing university written informed consent assessment practices. Any recording data use for QA-PI assessment or educational outcomes should be reported as non-identifiable and aggregated if possible.

**For IRB Purposes--The federal definition of Research is —the intent to develop or contribute to generalizable knowledge—this means--Classroom or other projects or classroom data that will be presented outside the class/university setting and/or will be submitted for publication or professional presentation (called “External Projects’ by TU IRB)*

APPENDICES

Appendix A: Consent Form (next page)

Tiffin University (TU)
Lecture Capture Video Recording
Reuse/Release Consent Form

*This consent is NOT to be used for Research**

Without expectation of compensation or other remuneration, now or in the future, I

_____ (name) hereby give my consent to

_____ (faculty) at Tiffin University, its affiliates
and agents, to use my image and likeness captured during my participation in

_____ (class/event/date) for the purposes of

Check all that apply:

_____ Instructional Materials

_____ University Promotional Materials

_____ Quality Assessment/Educational Outcomes/and/or inclusion in the Faculty
Portfolio

_____ Other: _____

Name (print): _____

Signature: _____ Date: _____

I certify that I have presented this consent form in full to the person whose signature appears above.

_____ Date: _____

Signature of Faculty or Organizational Representative

**For IRB Purposes--The federal definition of Research is —the intent to develop or contribute to generalizable knowledge—this means--Classroom or other projects or classroom data that will be presented outside the class/university setting and/or will be submitted for publication or professional presentation (called “External Projects’ by TU IRB)*

Appendix B: IRB Consent Form (next page)

IRB
AUDIO/VIDEO CONSENT FORM

I agree to **(audio)/(video)** taping at _____

on _____.

Signature

Date

I have been told that I have the right to (hear)/(see) the (audio)/(video) tapes before they are used. I have decided that I:

____ **want to (hear)/(see) the tapes**

____ **do not want to (hear)/(see) the tapes**

Sign now below if you do not want to (hear)/(see) the tapes. If you want to (hear)/(see) the tapes, you will be asked to sign after (hearing)/(seeing) them.

[Researchers' names] **and other researchers approved by Tiffin University may / may not use the tapes**

made of *(me)/(my child)*. **The original tapes or copies may be used for:**

____ **this research project** ____ **teacher education** ____ **presentation at professional meetings**

Signature

Date

Address:

Explanatory Notes to Generic Consent Form and Audio/Videotape Consent Form

1. Items in **bold regular** type can be used verbatim.
2. Items in plain regular type are descriptions of sections to be provided by the researcher.
3. Items in *italic type* give two options; choose one.

Appendix C: "OPT OUT" Processes

COURSE "OPT OUT" Procedure

Live Lecture Capture operates on an 'Opt-Out' basis; this means that unless a course has an approved exemption, all the course lectures will be recorded by default.

This process is required for full course opt-outs. Individual class situations that require individual class meetings or sections to be limited/excluded in video capture will use editing or non-publishing actions.

Lecture Capture is intended as a tool to benefit students in reaching the course learning outcomes of the course. However, Tiffin University understands that, under certain circumstances, there may be legitimate reasons why the recording of a course's sessions is not appropriate or possible. Faculty do not need to give a reason for not publishing a particular class session. However, faculty do need to provide rationale for opting out of an entire semester. Reasons may include (but are not limited to) the following:

- Course materials may contain confidential, sensitive, or personal information and require an atmosphere of privacy to serve the educational process.
- Course content may be commercially or politically sensitive.
- Course content may include trade secrets.
- Course content could breach research confidentiality.
- Recording a course would require changing a (discipline-specific) pedagogical approach that would be detrimental to the student experience and the educational outcomes.
- Faculty already possess alternative and equivalent delivery methods to Lecture Capture or have other plans for providing students with a similar experience.
- Other reasons as determined between the dean and the faculty.

The course opt-out process will require an individual to specify a brief rationale, using the School-specific **Lecture Capture OPT OUT Request** form(s) located on the YuJa Lecture Capture Support website: <https://tuonlineresources.com/support/yuja.html>, as to why they wish to opt-out of course recording. The rationale should specify why recording the course is inappropriate and/or not useful to students. It is then up to the school dean to approve that application or not in conversation with the faculty member.

Application for "Opt Out" exemption for a specific course *must be made* by the following dates:

For Fall Courses:	July 1
For Spring 2021 Courses:	January 22
For Spring 2022+ Courses:	December 1
Summer courses:	April 1

Applying for Delayed Start/Ending Early

To change the time of recording for your class to accommodate time to engage students individually or to avoid recording preparation time, you may complete the **Video Trim Request** form (located on the YuJa Lecture Capture Support website: <https://tuonlineresources.com/support/yuja.html>) to provide a rationale for requesting the delayed start/early end. The request cannot be for a single class session, but must be for the entire semester for a course. Requests must be submitted before the dates listed above. Time changes are not guaranteed until the instructor receives a confirmation email from the COEL staff/YuJa Administrator.

Guest Speakers who cannot or may not want to be recorded

If a guest speaker has not consented to be recorded for whatever reason, faculty may request that class session of their course to not be recorded by completing the **Do Not Record Guest Speaker** form (located on the YuJa Lecture Capture Support website: <https://tuonlineresources.com/support/yuja.html>). Faculty must give as much notice as possible to COEL staff, with a minimum of 5 business days. Cessation of recording is not guaranteed until the instructor receives a confirmation email from the COEL staff/YuJa Administrator.

Note: *Cameras will follow any motion in the classroom, even if not recording.*