Summary

Our current LLM students can expect to experience one or more forms of online teaching during Easter Term 2020. This Recording Policy has been developed within the Faculty of Law to define the parameters within which recordings may be made of online workshops and seminars whilst face-to-face teaching cannot occur in Cambridge. It is necessary to deal with the recording of such teaching separately from lectures because – unlike lectures – workshops and seminars inherently involve a substantial amount of student participation and interaction.

Recording of interactive, smaller-group teaching is a difficult and contentious issue. The Key Principles contained with the Faculty’s Recording Policy seek to strike an appropriate balance between several competing considerations. These include, in particular:

(i) providing adequate support for the learning of individual students who may, in the current circumstances, be unable to benefit from ‘live’ online teaching;

(ii) the legitimate interests and wishes of participants in interactive online teaching – students and staff – who object to the recording of their online interactions;

(iii) the adverse impact that recording might have on the willingness of participants – students and staff – to interact freely and fruitfully;

(iv) the significant extra threats to individuals’ privacy, reputations and data protection that can be posed by the generation and proliferation of audio and video content in which individuals and their views/opinions can be identified, in a format susceptible to widespread circulation and to manipulation/misrepresentation by third parties;

(v) the need to ensure that any recordings are made, circulated and accessed lawfully, including with due regard to key principles of data protection law;

(vi) University policy in relation to the recording of smaller-group teaching during the Covid-19 pandemic.

The University’s policy, announced in a message from the Senior Pro-Vice Chancellor to all students on 21 April 2020, identifies the circumstances in which online smaller-group teaching can be recorded in only the most general terms. The Faculty’s Policy aims to give more concrete practical content to the University’s policy – defining more precisely the parameters within which such recordings may occur for the benefit of our LLM students.
The Faculty’s Recording Policy does not govern recording by students who have undergone a Disability Resource Centre assessment of need and have signed their own recording agreements. These students may record online teaching in accordance with the terms of their recording agreements (see Preliminary Note).

The Faculty’s Recording Policy applies in all other circumstances to online LLM workshops and seminars. It comprises seven Key Principles. Their key implications can be summarised as follows:

1. No workshop or seminar can be recorded without the express permission of the workshop/seminar leader, and a workshop/seminar leader is not obliged give permission (see Key Principle 1).

2. Student-initiated recording is not permissible under any circumstances (except by students who have a DRC assessment of need and are bound by their own recording agreements). Any recording of an online workshop/seminar must be initiated by the workshop/seminar leader. This is vital to ensure that the Faculty, through the workshop/seminar leader, can regulate access to and circulation of the recording (see Key Principle 2).

3. In the light of the numerous competing interests and considerations that need to be balanced, the Faculty considers that online workshop/seminars should not be routinely recorded, and that recording requires a special justification. To date, the Faculty has not routinely recorded, or permitted the recording of, workshop/seminar teaching, and the considerations that have shaped this general position remain forceful despite the move to online teaching. On that basis, the Faculty considers that recording should normally be restricted to two broad categories of case, where it is necessary to make a recording available to one or more students who are unable, for substantial reasons, to participate in or substantially benefit from a ‘live’ online workshop/seminar (see further Key Principle 3).

4. Where any recording is proposed, workshop/seminar leaders will notify participants of this fact, inform participants of the nature and purposes of the recording, and give them an opportunity to object to the recording being made. No recording can take place if any participant in an online workshop/seminar objects to the recording (see further Key Principle 4).

5. Any recording which is made of an online workshop/seminar will not be made generally available: it will only be made available to those students who have a particular need for the recording to be made, in order to assist their learning until the end of this year’s assessment period. It is a condition of their access to any recording that they only use the recording for their personal private study, and that it is not reproduced or passed on or made available to anyone else (see further Key Principles 5, 6 and 7).

If you foresee any insurmountable obstacle to your being able to participate fully in online workshop/seminar teaching, it is very important that you contact the relevant course
convenor and workshop/seminar leader (if different), to make them aware of this, well ahead of any proposed workshop/seminar. This will give them the opportunity to explore whether the obstacles to your participation can be addressed, and if they cannot, whether it would be appropriate for them to propose that an online workshop/seminar is recorded for your benefit. Since no recording can take place if any participant objects, and since there are legitimate concerns about the impact of recording on interactive smaller-group teaching, there can be no assurance that recording will occur, even where it might appear appropriate to assist your learning. If recording is not possible, then alternative arrangements may need to be made to support you.

LLM Workshop/Seminar Recording Policy

Preliminary Note

A student is permitted to make a recording of an online workshop/seminar/class in accordance with their recording agreement, where the student has undergone an assessment of need by the Disability Resource Centre, the Disability Resource Centre has recommended that the student be permitted to record his or her workshops/seminars/classes, and the relevant recording agreement has been signed by the student. This Policy does not govern recordings made by such students.

Key Principles

1. No Workshop/Seminar should be recorded without the explicit permission of the Workshop/Seminar Leader, and no Workshop/Seminar Leader is obliged to give such permission.

2. Any recording of a Workshop/Seminar must be initiated by the Workshop/Seminar Leader. It is not permissible for a student to record a Workshop/Seminar.

3. Workshop/Seminar Leaders should not normally agree to initiate a recording unless the recording is being made for one or both of the following specific purposes:

   (i) It is necessary to record the teaching session for the benefit of one or more specific students who have given the Workshop/Seminar Leader advance notice (and wherever practicable, at least 24 hours’ advance notice) that they will be unable, for substantial reasons, to participate in a scheduled ‘live’ teaching session (for example, because of their local time-zone, insurmountable difficulties with web-access or reliability, other insurmountable technological obstacles, or illness), or that their immediate working environment during a scheduled ‘live’ teaching session is likely to mean that, owing to severe disruption or distraction, they will be unable to derive any substantial benefit from the ‘live’ teaching session in which they will be participating.
The recording is being made to anticipate the possibility that insurmountable technological or other difficulties may prevent one or more participants in a ‘live’ teaching session from substantially benefiting from it (for example, because unreliable web-access during the ‘live’ session means that they cannot benefit from substantially all of the relevant session, or because of severe disruption in their immediate working environment during the relevant session), and is being made in order to make the recording available to any such affected participants who notify the Workshop/Seminar Leader by email, no later than 24 hours after the affected ‘live’ session, that they encountered such insurmountable difficulties.

The specific students who are intended to benefit from recordings made for the reasons listed in (i) or (ii) are described in this Policy as ‘the intended beneficiary/beneficiaries of the recording’.

4. A Workshop/Seminar leader who proposes to record a Workshop/Seminar is expected to observe the following conditions:

(i) The recording must be initiated by the Workshop/Seminar Leader who is running the online teaching session.

(ii) Before any recording is initiated, all participants in the session should have been informed:

- that a recording will be made;
- whether it will be audio only, or both audio and video;
- the reason(s) why the recording will be made, which must normally be one or both of the reasons specified in principle 3;
- how the recording will be stored; and
- for how long the recording will be retained.

(iii) Before any recording is initiated, all participants have been given an adequate opportunity to disable the microphone and/or camera on their personal computer/mobile device, if they wish to do so, and (if their camera is not disabled) to take advantage of any facility that may be available to obscure their surroundings.

(iv) Before any recording is initiated, all participants in the teaching session have been given an adequate opportunity to object to the recording being made for the purposes described. If any participant does object, then the session must not be recorded.

(v) After the recorded online teaching session has finished, the Workshop/Seminar Leader takes reasonable steps to ensure that the recording is only available to the identified beneficiary/beneficiaries of the recording, and that their access is limited to ‘view’ access only. No recording should be made unless the relevant online teaching platform allows these
safeguards to be exercised over the recording and its accessibility. Guidance on how access to the recording can be controlled can be found in section 1 of the Annex to this policy.

5. In accordance with University policy, any student who has access to a recording of a Workshop/Seminar is given access subject to the condition that they comply with the following statement:

   “I agree that any recording of a workshop/seminar must only be used for my personal private study, and must not be reproduced or passed on or made available to anyone else other than for transcription purposes, including by any electronic means such as email, attachment or posting on any website or social media on any platform.”

The University has indicated that this condition should be treated as a formal University policy, and that non-compliance will be subject to disciplinary and other penalties in the normal way.

6. An audio/video recording initiated by a Workshop/Seminar Leader in accordance with principles 3 and 4 should only be processed in order to make the recording of a specific teaching session available to the intended beneficiary/beneficiaries of the recording.

7. An audio/video recording initiated by a Workshop/Seminar Leader in accordance with principles 3 and 4 should only be retained and made available to the intended beneficiary/beneficiaries of the recording for as long as necessary to assist their learning in the relevant paper during the present academic year. These recordings should ordinarily* be made available to such students until the end of this year’s assessment periods, after which they should be deleted** by the Workshop/Seminar Leader.

* This is subject to the right of any subject of the recording to request erasure or otherwise object to the processing of the recording, in accordance with the General Data Protection Regulations, art 12(3).

** Please note some material may be automatically backed up by University systems and may therefore continue to be retained in this form for a longer period.