DIGITAL EDUCATION POLICY

Policy Category:	Academic/Academic-Student
Subject:	Digital Education
Approving Authority:	Academic Board
Responsible Officer:	Vice President (Education & Student Success)
Responsible Office:	Vice-Dean Education in each Faculty
Related Procedures:	Physical teaching: Procedures for Lecture Capture and recordings of other educational activities
	Online teaching: Digital Learning, Flexible Teaching and Learning (KEATS)
	Copyright
Related College Policies:	Intellectual Property, Commercial Exploitation and Financial Benefit, Code of Practice
	IT Acceptable Use Policy
Effective Date:	September 2020
Supersedes:	Lecture Capture and Recording Other Educational Activities Policy and Procedures.
	Faculty-specific policies.
Next Review:	July 2023

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I. Purpose & Scope

The purpose of this policy is to establish the university policy, governing principles and responsibilities for Digital Education to meet our objectives:
- for students to experience high quality teaching and learning that is technologically enhanced,
- to provide opportunities for contact and collaboration between staff and students, and
- to add value to the teaching and learning experience at King's.

The policy addresses synchronous teaching sessions both in class and online or other educational activities made by or on behalf of King's College London, as well as student-initiated recordings.

The university's Education Strategy promotes flexible learning and programme structures that recognise the use of digital content as a method of innovative learning which supports flexibility. Digital production of synchronous and asynchronous educational activities, including video, photos and moving film images, made by or on behalf of the university, is particularly important in the context of our commitment to equality and diversity, as it meets our obligations to embed inclusive practice into teaching.

This policy and its accompanying procedures apply to all potential devices, infrastructure and technology that may be used for digital educational activities and in accordance with King's core, recommended and recognised technologies. This policy is location neutral and includes educational activities produced and delivered both on and off campus.

As per the IT Acceptable Use Policy, King's staff and students working from jurisdictions with different laws around IT use and internet access should not use university-provided technologies as a way of skirting local laws.

II. Definitions

Alternative text: Alt text (alternative text) is a word or phrase that can be inserted as an attribute in an HTML (Hypertext Markup Language) document to tell Web site viewers the nature or contents of an image.

Asynchronous teaching: Asynchronous teaching happens on the students' schedule. Instructors provide educational activities which allow students to satisfy requirements within a flexible time frame. Methods of asynchronous online learning include streaming video content, self-guided lesson modules, virtual libraries, posted lecture notes, and exchanges across discussion boards or social media platforms.

Consent: The consent of the data subject means any freely given, specific, informed and unambiguous indication of his and her wishes by which the data subject, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed.

Core technologies: These technologies comply with university policy and legal requirements and are considered business critical systems. Account creation, access, maintenance and user support is fully supported by IT. Mobile access is an important consideration as is seamless integration with other learning technologies.

Data controller: The natural or legal person, public authority, agency or any other body which alone, or jointly with others, determines the purposes and means of the processing of personal data.

Data processing: Any operation or set of operations performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Digital Education materials: Digital teaching, learning and assessment materials for the interest and consumption of King's College London staff and students which may include, but are not limited to, audio and visual recordings, video, lecture capture, presentations, podcasts and notes.

Educational activities: Teaching, learning and assessment activities for the interest and consumption of King's College London staff and students which may include, but are not limited to, lectures, laboratory demonstrations, presentations, seminars, tutorials, academic teaching and student assessments, whether conducted in person or on-line.

Lecture Capture: The digital recording of lectures using Classroom Capture Software and Podium PC, commonly referred to as Echo 360 and subsequent publication of the teaching sessions via the Virtual Learning Environment.

Personal data: Any information relating to an identified or identifiable natural person ("data subject"). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Recognised technologies: Recognised technologies tend to be in use by a range of faculties but are not formally supported by IT as they are not currently sustainable or scalable to be supported across King's. Faculties administer and support these technologies locally.

Recommended technologies: recommended technologies are supported by King's College London and/or are recommended to enhance learning and teaching provision. They are all accessible to staff and students using a King's username and password. These technologies are supported by a range of services in King's.

Recordings: The action or process of capturing sound and visual images (still and moving) of an activity or performance for subsequent reproduction or broadcast.

Sensitive personal data: Personal data, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership; data concerning health or sex life and sexual orientation; genetic data or biometric data.

Synchronous teaching: Synchronous teaching, or 'live' events, are where students and instructors come together in a virtual space to a) foster learning and belonging through social interaction and community; and b) to provide opportunities for students to practice the key skills needed to achieve Learning Outcomes. Methods of synchronous online learning include video conferencing, teleconferencing, live chatting, and live-streaming lectures.

Virtual Learning Environment: Education learning platform and supporting technologies – commonly referred to as KEATS.

III. Policy

A. General Principles

1.   Digital educational activities are an integral part of the student education experience and as such are an integral part of the curriculum design.

2.   An inclusive, high quality student experience is a key priority of the Education Strategy and Vision 2029. As such, teaching styles may need to be adapted for the purpose of a variety of education activities.

3.   King's core and recommended technologies should be used for producing and delivering educational materials. Recognised technologies should be used only in situations where core and recommended technologies are deemed unsuitable, e.g. where a recommended technology lies outside of a remote students' jurisdiction. As per the IT Acceptable Use Policy, King's staff and students working from jurisdictions with different laws around IT use and internet access should not use university-provided technologies as a way of skirting local laws.

4.   Only core and recommended technologies will be supported centrally. Administration and support for recognised technologies will need to be provisioned locally.

5.   Digital activities and materials, including recordings, will not be used for staff performance management purposes and will not be the basis for instigating performance or disciplinary proceedings.

6. Where possible teaching sessions should be pre-recorded or recorded live, depending on the mode of delivery. Where it is impossible to record teaching due to ethical issues, copyright or the use of sensitive materials render recording inappropriate, a reasonable alternative of sharing information must be sought.

7. Recordings of assessment, for example presentations, may be required for internal and external verification purposes to maintain rigour in assessment.

8. Digital content must be inclusive and therefore accessible by design. This includes, but is not limited to, providing captions, transcriptions and alternative texts. Staff are expected to engage with the training and resources available to support this. This applies to any external speakers who are engaged by faculties to deliver teaching.

9. This policy will be implemented in compliance with the Equality Act 2010, Data Protection Legislation, including the General Data Protection Regulations (GDPR), the Copyright, Designs and Patents Act 1988 (CDPA), The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 and any additional or successor legislation or regulation.

B. Consent to be recorded and to use recordings

Consent not required

10. Recording of educational activities, is deemed to be in the legitimate interests of the educational objectives of King's College London and to be a reasonable expectation of students and staff, meeting the conditions under Article 6, recital 47 of the General Data Protection Regulation (GDPR). Thus, personal data in these instances can be processed without obtaining prior consent.

11. Academics may opt out of the recording of live lectures (in-classroom and online) in consultation with their faculty's Vice Dean (Education), on grounds relating to section A6 above. In the case of an opt-out to live education activity if the university has an overriding legal obligation to provide the information in an accessible format, an alternative provision must be made.

12. It must be made clear to students and staff, in advance where possible, when a recording is taking place. At any time, students and staff have the right to know which sessions were captured and who will have access to the recording. Where possible this notification will be automated within recommended technologies when recording begins, either through an in-classroom lecture recording light, or by a similar identification when online as follows:

⚠ **Recording has started.** This meeting is being recorded. By joining, you are giving consent for this meeting to be recorded. Privacy Policy

13. The university as the data controller has the responsibility to approve and process opt-outs, except in circumstances where the university can demonstrate a compelling legitimate ground for making digital content available, which overrides the interests, rights and freedoms of the individuals being recorded.

Consent required

14. Explicit opt-in consent must be obtained for recordings of sensitive personal data of the staff or students being recorded.

15. Explicit opt-in consent through the appropriate consent form must be obtained for recordings of non-King's employees (such as guest speakers).

16. Explicit opt-in consent through the appropriate consent form must be obtained where recordings are made of educational activities not directly linked to the curriculum, or those designed for public consumption. This applies for all identifiable individuals who will appear in the recording, whether they are the main focus of the recording or identifiable in the background.

17. Students wanting to directly record other students for educational purposes (e.g. in informal or formal teaching environments or when practicing an oral presentation) must gain permission from the individual being recorded.

C. Digital Education Materials: content and rights

18. For any form of interactive teaching involving substantive student participation or for sessions with members of the public present (such as seminars, tutorials, special events), recording is not permitted without obtaining opt-in consent at the beginning of such activities of the lecturer and all participants.

19. With prior permission of the lecturer, students are permitted to make audio recordings (not video) of lectures on personal devices for their own personal use.

20. Where practicable all educational content and recordings made by University staff or on behalf of the University staff should be made on University owned devices to support fair and lawful processing of personal data.

D. Digital Education Materials: storage, access, and dissemination

21. All digital education materials must be stored, accessed, disseminated and processed in accordance with the university's Information Technology Regulations.

22. Digital education materials will only be made available to the individuals for whom the original material was intended, unless explicit consent for further dissemination has been obtained from person(s) recorded.

23. Digital materials made by students, made for disabled students and made on behalf of those with other personal needs are intended for the recorder's or intended recipient's personal use and must not be re-distributed, shared or re-used by any means.

24. In the event of industrial action, previously recorded material will not be used for the purposes of making up for lost learning except with the express permission of the member of staff.

25. Except where authorised by the University, including seeking appropriate consent, digital education materials are not for public consumption by any means.

26. Digital education materials linked to modules will be made available on the Virtual Learning Environment (KEATS) to authorised faculty staff and students.

27. All education materials will be made available promptly. Live recorded sessions will be made available within 12 hours, unless a delay is requested at the time of scheduling. Transcriptions will be available within two weeks.

28. The university reserves the right to retain digital education materials from individuals or to remove materials if already disseminated.

29. Misuse of digital materials, including unauthorised dissemination of them, will be treated as misconduct and will be handled through the appropriate disciplinary process.

30. Recordings for assessment purposes should be used for grading and administration purposes within King's College London only and should not be shared except, as per the Student Data Collection Notice, where they are shared with other educational institutions for the purpose of verifying University awards.

E. Digital Education Materials: editing and destruction

31. If staff or students wish to have digital material edited, they must request a change from the person responsible for the material being created. This request must specify which material they wish to have changed. In case of disagreement, the matter shall be resolved by the relevant Vice Dean of Education.

32. Recordings of educational activities made by or on behalf of the university should be permanently erased once they have served their purpose.

33. Recordings and other digital education materials will be kept by the university for a minimum of four years from the date of recordings. Recordings and other digital education materials can be retained for a longer time where a need exists. Where possible, Educational content is kept for a period of 10 years.

34. Students must permanently delete all personal copies of King's digital materials as soon as they have served their purpose or as soon as they cease to be a student, whichever comes soonest.

35. Recordings of summative assessment for the purpose of internal or external verification should be kept for the length of the programme + 1 year with reference to the University's Retention Schedule.

36. An individual has the right to request the deletion or removal of personal data including participation in recordings of educational activities where they withdraw consent or where there is no overriding legitimate interest for continuation of processing.

F. Performer Rights

37. Where relevant, it is assumed individuals assign their performer rights to King's College London for recordings of educational activities for the originally intended purpose.

G. Intellectual Property

38.   The university owns the intellectual property in all the teaching materials that staff generate or create whilst working for or at the University. This includes the content and recordings of educational activities as covered by the 'Code of Practice for Intellectual Property, Commercial Exploitation and Financial Benefit'

39.   Permission to record personal audio copies does not give recorders any intellectual property in, or entitlement to use, the content other than for their own personal study. Content includes information imparted by the lecturer or session lead, as well as the views and arguments of fellow students.

H. Moral Rights

40.   As per the 'Code of Practice for Intellectual Property, Commercial Exploitation and Financial Benefit' document, any 'Covered IP', including moral rights, created by any Personnel during the course of their duties of employment at the University, will be owned by the University.

I. Copyright

41.   A recording is a copyright work in its own right. Unless separate contract terms apply, the university owns the copyright in recordings made by its employees during their employment (or duties assigned to them).

42.   Subject to fair-dealing, modest amounts of copyright material may be included within a lecture that is recorded under the terms of the copyright exceptions in UK law that allow their inclusion for the specific purpose of illustration for instruction (s.32 CDPA), for criticism or review, or quotation (s.30 CDPA), caricature, parody or pastiche (s.30A CDPA), or in order to make an accessible copy (s.31A-F CDPA).

43.   These exceptions allow for the use of modest excerpts from literary, dramatic, musical or artistic works, sound recordings, films or broadcast provided that the use is accompanied by sufficient acknowledgement and that the instruction is for a non-commercial purpose.

44.   For use of copyrighted materials that extend beyond the fair-dealing clause, extra consideration must be taken.

45.   Where a recording is challenged by a rights holder or deemed unacceptable for other reasons, such as if it is judged to be defamatory in nature, the university requires others or itself to make edits or deletions to the recordings.

J. Data management

46.   The university's Data Protection Policy allows the university as 'data controller' to process personal data in relation to employees, students, research subjects and other users, for education and student/staff support services where there is a legitimate need.

47.   Where digital materials are held in online environments, it should be noted that a user's access to and use of online services can be monitored and is an example of the type of personal data held by the university, as stated in the Student Data Collection Notice.

48.   With regard to recordings of educational activities, individuals have the right to obtain confirmation that their data is being processed and to get access to their data. Individuals are also entitled to have personal data rectified if it is inaccurate or incomplete.

IV. COMPLIANCE REPORTING AND MONITORING

1.   Non-compliances with this policy will be reported to Vice Deans of Education.

2.   Metrics around non-compliance may be used to develop focused supporting guidance.

V. REVIEW AND UPDATE

1.   The policy will be reviewed no less frequently than three years by the College Education Committee.

2.   The procedures and associated responsibilities will be reviewed annually.

Appendix: guidance to students on "staying safe online throughout your studies"

(NB: students are required to confirm that they have "read, accept and will stay up to date with" this guidance as part of the enrolment/re-enrolment task.)

King's College London is committed to protecting the dignity of its students in their learning and participation in university life, and in their interactions with others. All students and staff have the right to expect good conduct and professional behaviour from others, and have a corresponding responsibility to behave professionally and with good conduct towards others. Online communications must in all ways meet the conditions of the university's policies concerning communications, dignity, equality, diversity, inclusion, and respect.

Staying safe online at King's
When participating in any discussion forum, live seminar, or other online meeting (e.g. with a personal tutor or student support services), please take account of the following in order to keep yourselves and others safe:
- Treat your facilitator and other students with respect. Comments or images that would be inappropriate in a face-to-face environment are also inappropriate online.
- Language must always be professional and appropriate, including other members of your household that may pass in the background.
- When using cameras, the background should be blurred or a template should be used. Be mindful of your surroundings and use an appropriate room for video calling. Video calls should not be carried out from a bedroom unless the background is concealed.
- When on a video call you must wear suitable clothing, as should anyone else in the household whilst the call is taking place.
- If a video call is to be recorded, all participants must be notified at the start of the session.
- Photographs or screenshots of a video call must only be taken with verbal consent.
- If screens are shared at any point, the individual must ensure that all extraneous tabs or browsers have been shut down.
- If your programme is conducted in English you should always post contributions in English to enable everyone to understand, unless specifically requested to do otherwise.
- Ensure you only post messages that are related to the discussion and avoid posting the same message multiple times ('spam').
- Be careful to only share content that you have a right to make available under any law.
- Messages sent in the course of the programme should only be shared with the permission from the sender, unless requested to by an administrator for site administration purposes.
- KEATS or other King's College London online learning spaces should not be used to advertise products or services for profit or gain.

Staying safe when using social media and other online services
When using social media and other online services, you should think about how activity can impact on your life (and the lives of others) outside of the online world. We recommend taking the following steps:

Protect your reputation. Consider how future employers may perceive your content and comments and bear in mind the permanence of what your post. Language, nudity and activities considered or interpreted to be offensive or antisocial may impact on your employability.

Avoid criminal activity. Abusive behaviour, bullying and 'trolling' can be illegal in some instances and may lead to criminal charges. Behaviour that is perceived by individuals to be hostile or prejudiced towards themselves or others based on perceived or actual race, religion, gender,

sexuality or disability could be considered a hate crime or hate incident [Metropolitan Police].

Think about what you post. Posting content obtained through deception or breaching the privacy of others (such as secretly-filmed video or content shared with you privately through apps) not only causes pain and embarrassment to others, but may also be considered illegal.

Keep your details private. Posting personal details such as your address, regular locations or student card can make you vulnerable to identity theft and other crimes. Always avoid putting your personal safety or that of others at risk. Security settings on social media can change, so review your privacy settings regularly.

Take reasonable measures to prevent the transmission of computer viruses, such as not opening email attachments received from unsolicited sources.

Maintain professional standards. Sharing social media content about your workplace and individuals while on placement, work experience or working in a healthcare setting may conflict with data protection legislation, non-disclosure agreements or impact on the position of a company or organisation in the marketplace. You should never assume that you have consent to share personal information on any social platform (including closed groups and messaging services).

Keep passwords secure. Make sure passwords are strong, and never share them with anyone else. Don't leave your computer unlocked with your social media or other sensitive accounts logged in. If you log into social media accounts on your phone, make sure you have a passcode set up on it.