

Memorandum

Title: Guidelines for recording of teaching at SDU

Reference: The University Director

Memorandum sent to: Central Liaison Committee (HSU)

The purpose of this guideline is to define the detailed rules for students' audio and video recording of teaching at SDU.¹

The guideline has been adopted by the Central Liaison Committee at SDU on 7 December 2022.

1. The domain of the guideline

One of the core tasks at SDU is teaching. Teaching is carried out by employees at SDU or employees of SDU's collaboration partners and is attended by students. These guidelines relate to teaching situations in which students wish to audio and/or video record the teaching using their own equipment. The guidelines therefore *do not* cover situations in which the teacher or SDU themselves initiate audio or video recording of the teaching.

The purpose of the guideline is to give teachers at SDU (understood as all employees who carry out a teaching function) and students at SDU a uniform basis from which to act, and which at the same time ensures the rights of teachers, students and other participants. The guidelines cover all types of teacher and all types of student.

The preparation of the guideline was based on a memo prepared by SDU's external data protection advisor. This guideline replaces two previous guidelines at SDU (a guideline decided by the Education Council in 2017 and a guideline adopted by HSU in 2018).

2. For teachers

The teacher has pedagogical management rights in relation to the teaching situation and owns the copyright of the material that they have prepared (hand-outs, presentations, etc.). It is therefore up to the individual teacher whether to allow students to produce examples of the teaching (e.g. sound and image recording). It is therefore the responsibility of the student who wishes to record the teacher to obtain consent from the teacher and the other participants. Verbal consent is generally sufficient, but in case of doubt it is the responsibility of the student to demonstrate that relevant consent has been obtained. In practice, the student can demonstrate that information about the recording has been given by the student saying at the start of the video recording 'Please note that I have started the recording after prior consent from those present'. This gives those present one last opportunity to object, and the student can demonstrate that this did not happen. If consent has been given to record the teaching, the teacher determines what the recordings may be used for, where and with whom they may be shared and for how long they may be saved.

¹ The detailed rules on copyright and right of use for teaching material at SDU appear in the 'Guidelines for copyright and right of use for teaching material at SDU'.

In addition to considerations of the pedagogical management right and the copyright, in their assessment of whether permission to record can be granted the teacher must also observe the principles of administrative law – including that as a starting point students must be treated equally and that there must be an objective reason for refusing recording of the teaching. Examples of this could be that unpublished research is discussed in class, that content of a sensitive/confidential nature is included or that it gets in the way of the learning space, e.g. hampers free discussion or makes the teacher or students nervous or reticent.

Students with special needs – special educational support (SPS students)

Audio and video recording can be an important aid, especially for this group of students, and therefore these students should as a starting point be accommodated if they wish to audio and video record teaching at SDU. It should be included in the teacher's assessment whether the teacher's objective justification for not allowing recording outweighs the student's challenges and the resulting need for recording. Supervisors/mentors may record the teaching on behalf of the student if the teacher gives permission for the teaching to be recorded and subsequently shared with the student with special needs. However, the student must still make sure that participants in the recording (e.g. the voices of fellow students) have had the opportunity to opt out of the recording.

The lecturer can give consent to SPS students but refuse another student without this being unfair discrimination.

Students on elite sports courses (Elite)

Sound and image recording can also be an important aid for this group of students in connection with teaching that collides with, for example, competitions and training. Therefore, as a rule these students should be accommodated in such contexts if they wish to audio and video record teaching at SDU. It should be included in the teacher's assessment whether the teacher's objective justification for not allowing recording outweighs the student's need for understanding and flexibility on the part of the University and the consequent need for recording. Supervisors/mentors may record the teaching on behalf of the student if the teacher gives permission for the teaching to be recorded and subsequently shared with the student on elite sports courses. However, the student must still make sure that participants in the recording (e.g. the voices of fellow students) have had the opportunity to opt out of the recording.

The teacher can give consent to students on elite sports courses but refuse another student without this being unfair discrimination.

3. For students

If students wish to audio or video record the teaching, this must be done with the consent of the teacher and the participants. For reasons of good practice and out of consideration for fellow students, participants in the classes must be made aware that the classes are being recorded and must have the opportunity to opt out of this. If participants and/or the teacher say no to recording, this must be respected. Verbal consent is generally sufficient, but in case of doubt it is the responsibility of the student to prove that relevant consent has been obtained. In practice, the student can demonstrate that information about the recording has been given by the student saying at the start of the video recording 'I confirm that I have started the recording after prior consent from those present'. This gives those present one last opportunity to object, and the student can demonstrate that this did not happen. Obtained consent applies only to the given teaching session and cannot set a precedent for future teaching sessions.

If the teacher and the other participants have consented to sound and/or video recording, the recording is to be solely for the student's own use and the recording may not be live streamed, shared on the internet, shared with fellow students or redistributed in any other way without prior permission from the participants. The teacher has immediate copyright of the material produced.

Information about students with special needs (Elite or SPS): See section under '*for teachers*'.

4. Violation

If a student violates these guidelines in order to take classes, the teacher can report this to the head of studies. If deemed necessary by the head of studies, the student may be reported to the Rector with a view to disciplinary action against the student, see 'Rules on disciplinary measures against students at SDU'.