

# Memorandum

**Title:** Guidelines for copyright and right of use for teaching material at SDU

**Reference:** The University Director

**Memorandum sent to:** Central Liaison Committee (HSU)

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The purpose of this guideline is to provide employees and students at the University of Southern Denmark (SDU) with a common set of rules for copyright and use of teaching material at SDU.<sup>1</sup> The guideline determines the extent to which a teacher at SDU (understood as all employees who carry out a teaching function) gives SDU as an institution the right to share their teaching material, and the extent to which SDU as an institution has the right to use teaching material produced by a teacher employed at SDU.<sup>2</sup>

To the extent that the guideline uses the term *manager*, reference is made to SDU's management structure (head of department or dean or equivalent management level), and to the extent that the term *trade union representative* is used, reference is made to the employee's trade union representative from an organisation entitled to negotiations or, alternatively, HSU's deputy chair if there is no trade union representative.

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

## 1 The domain of the guideline

As a university, SDU's task is to conduct research and provide research-based education to the highest international level (see the University Act). This requires research-based teaching material of the highest academic quality.

This guideline concerns the intellectual property rights relating to unpublished teaching material created by a teacher or a group of teachers at SDU as part of the employment of the person(s) concerned at SDU. This guideline regulates the extent to which teachers at SDU give SDU the right to share their teaching material. Therefore, the guideline does not concern teaching material published by publishing companies, as the sharing of this material is regulated by SDU's agreements with Copydan and similar organisations.

A teacher who produces teaching material owns the copyright for the material according to the Danish Copyright Act. Teaching material is understood as all types of material that the teacher has created as part of their employment for use in teaching at SDU (including further and continuing education, etc.); examples include slides, handouts, images, e-learning courses, quizzes, recordings of teaching, etc.

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<sup>1</sup> The guidelines have been drawn up on the basis of common practice at SDU and in the university sector, as well as a model agreement at the universities from the Committee for the Protection of Scientific Work (UBVA).

<sup>2</sup> Detailed rules on the recording of teaching at SDU can be found in the 'Guidelines for recording of teaching at SDU'.

As a rule, the use of teaching material produced by a teacher requires permission from the teacher. A teacher can give permission for other teachers at SDU to use their material, either by entering into individual agreements with them or by giving SDU the right of use for the material.

As the employer of university staff, in special cases (for example, in the event of illness, bereavement or death during a semester) SDU has the right to use teaching material produced by an employee of SDU when this is necessary for the University to maintain its operations and obligations as stipulated in the University Act. However, this only applies following the approval of the trade union representative.

The guideline is generally divided into two parts: one part regarding teaching material for use in own teaching and one part regarding teaching material for general use. This division is in line with the model agreement from UBVA and means that different rules and requirements about permission from the teacher apply to the two types of teaching material.

SDU can only use teaching material for resale and other commercial exploitation under usual market conditions if a concrete agreement has been entered into between the teacher and SDU about the copyright for specific teaching materials. The agreement is entered into between the head of department and the teacher with the involvement of a trade union representative and can, among other things, specify the extent to which the teacher will receive remuneration, the time frame for the agreement and the extent to which the rights obtained by the University will be exclusive rights or rights of use. It is not considered commercial exploitation when the University receives payment from foreign students for participation in the teaching.

## **2 Teaching material for use in own teaching**

Teaching material that has been produced by a teacher with the aim of using it in their own teaching, e.g. Power-Point slides or exam assignments, can be reused by SDU's other employees if the teacher gives permission. Permission can potentially be given by the teacher making the material available under a suitable license, e.g. a Creative Commons license. Reuse can then take place to the extent allowed by the license.

Permission is also deemed to have been given if the teacher distributes the material in other ways which signal that the material can be shared freely, e.g. if the teacher uploads it to a file sharing drive, where teachers who want to share material with others can upload and download material freely. Which drives are considered sharing drives is to be clarified locally between the University and the local representatives of the organisations authorised to negotiate. In those cases, reuse can take place in the manner that has been agreed. The permission according to this provision also applies after the teachers have left SDU, unless it is explicitly clear from the material that the permission only applies as long as the teacher is employed at SDU.

The teaching material can also be used by other employees at SDU for teaching activities in special cases when there is an unforeseen, compelling need to use the teaching material to carry out teaching. However, this only applies following the approval of a trade union representative.

Teaching material that has been produced by several teachers together for the purpose of using the material in their own teaching or for the purpose of using it in joint teaching can also be reused by SDU's other employees if the teachers collectively give permission.

### **3 Teaching material for general use**

Teaching material that has been created by one or more teachers with a view to use that extends beyond use in that person's own teaching can be reused by SDU's other employees to the extent that it is necessary for SDU's usual teaching activities. Examples include exam assignments, correction instructions or courses, etc. that are created with a view to implementation with the involvement of various teachers. In cases of doubt, the manager and union representative can agree on which specific teaching material is covered by SDU's usual teaching activities.

In this way, a teacher grants SDU a non-exclusive license (right of use) for their teaching material. The right of use implies that the teachers can reuse and further process each other's teaching material as part of the teaching activities at SDU. In addition, the material can be used in teaching at other educational institutions that form part of an agreed cross-institutional teaching collaboration with SDU. The license also applies after the teachers have left SDU.

### **4 Teaching material with audio and video recordings**

In teaching material that includes recordings (sound and/or video) made by a teacher or that consists exclusively of recordings, the teacher has the right to have the recordings approved before they are included in the teaching. The teacher can subsequently demand that the recordings be removed from the teaching material.

The teaching material can be used by other employees at SDU for teaching needs in special cases where there is an unforeseen, compelling need to use the teaching material to carry out teaching. However, this only applies following the approval of a trade union representative.