

Office/Contact: Office of Academic Affairs

Source: Digital Millennium Copyright Act of 1998 (DMCA); SDBOR Policies 3.4.1, 4.9.1 and 6.13

Link: <https://www.copyright.gov/legislation/dmca.pdf>;

<https://public.powerdms.com/SDRegents/tree/documents/1680638>;

<https://public.powerdms.com/SDRegents/tree/documents/1726707>;

<https://public.powerdms.com/SDRegents/tree/documents/1723022>

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**SOUTH DAKOTA STATE UNIVERSITY**  
**Policy and Procedure Manual**

SUBJECT: Recording of Classroom Lectures and Distribution of Course Materials by Students

NUMBER: 2:16

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1. Purpose

This policy prohibits or restricts the recording of classroom lectures or redistribution of classroom materials in order to respect the integrity and effectiveness of the classroom experience, protect students' and faculty members' privacy, respect faculty and University rights in instructional materials, and to comply with copyright laws, including the Digital Millennium Copyright Act of 1998 ("DMCA").

2. Definitions

- a. Course Materials: Slides, outlines, PowerPoint presentations, or other content made available to students by the class instructor or through an online collaboration and learning environment at the University.
- b. Lecture Notes: Literal or summary notes of classroom lectures in or for courses at the University.
- c. Recording: A video or audio replication or photographic image recorded on devices including, but not limited to, audio recorders, video recorders, cellular phones, digital cameras, MP3 players, computers, and other devices that record images or sound.

3. Policy

- a. Unless written permission from the class instructor has been obtained and all students in the class, as well as guest speakers, have been informed that audio and/or video recording may occur, the University prohibits the recording and transmission of classroom lectures and discussions by students.
- b. When properly authorized, the recording of classroom lectures or class presentations may occur solely for the purposes of individual or group study with other students enrolled in the same class.
- c. Permission to allow the recording of classroom lectures or class presentations is not a transfer of intellectual property rights in the recording, and the recording may not be

reproduced or uploaded to a publicly accessible web location.

- d. Recordings, course materials, and lecture notes may not be exchanged or distributed for commercial purposes, for compensation, or for any other purpose other than study by students enrolled in the class.
- e. Public distribution of recordings, course materials, and lecture notes may constitute intellectual property rights infringement in violation of federal or state law and SDBOR or University policy. Violation of this policy may also subject a student to disciplinary action under the University Student Code or other applicable policies.
- f. It is not a violation of this policy for students determined by the University Coordinator for Disability Services, successor, or designee to be entitled to educational accommodations, to exercise any rights protected under Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, including necessary recording or adaptations of classroom lectures or materials for personal research and study. However, the restrictions set forth in section 3.d. still apply in such cases.
- g. Faculty and staff may record classroom lectures and redistribute classroom materials in accordance with the provisions set forth in the SDBOR Collective Bargaining Agreement, SDBOR policies, University policies, and state and federal law.
- h. When recordings have been properly authorized, students must destroy these recordings immediately following completion of the course unless they receive the class instructor's written permission to retain the recordings for accommodation reasons.

#### 4. Responsible Administrator

The Provost and Vice President for Academic Affairs, successor, or designee is responsible for the annual and ad hoc review of this policy. The University President is responsible for approval of modifications to this policy.

SOURCE: Approved by President on 06/05/2015. Revised 01/26/2024 (clerical).