

1. PURPOSE

The American University of Paris (AUP; “The University”) seeks to establish a university policy governing principles and responsibilities associated with lecture capture and the recording of other educational activities either made by or on behalf of AUP, including student-initiated recordings.

AUP recognizes the use of lecture capture as a central technology supporting student learning. Lecture capture and the recording of other pedagogical activities, such as symposia, laboratory activities, discussion groups, and workshops, are essential to the University’s course delivery.

This policy and its accompanying procedures are technology neutral. That is, they apply to all potential devices and technology that may be used for recordings and disseminating recordings of learning activities. It is also location neutral. That is, it includes recordings taken both on- and off- campus.

The recording of all learning activities, which are offered by or on behalf of the University, is to be governed by this policy.

2. WHO IS AFFECTED BY THIS POLICY

This policy affects all AUP employees, students, and participants in learning activities offered by or on behalf of AUP.

3. LEGAL CONTEXT OR REGULATORY BODY

Data Protection Legislation, including the General Data Protection Regulation (GDPR), the *Code de la propriété intellectuelle*, FERPA, and any additional or successor legislation or regulation.

4. POLICY STATEMENT

4.1 General Principles

- a. Recording of educational activities should supplement the student experience and is not intended to replace student contact hours.
- b. Not all teaching environments or approaches are suitable for recording.
- c. A requirement for staff to change their preferred teaching style for the purpose of recording might be detrimental to the student experience and is not encouraged.
- d. Ethical issues, copyright, or the use of sensitive material, might render the recording of some learning activities as being inappropriate.
- e. In all cases, recordings of educational activities should be initiated by the professor and not by the students.
- f. This policy will be implemented in compliance with Data Protection Legislation, including the General Data Protection Regulations (GDPR), the *Code de la propriété intellectuelle*, FERPA, and any additional or successor legislation or regulation.
- g. Learning activity recordings are only to be made available to the participants.

4.2 Consent to be recorded and to use recordings

a. *When consent is not required*

- i. In times of emergency, as defined by the French government, the recording of learning activities, including classroom and online lecture capture, is deemed to be necessary in support of the educational objectives of The American University of Paris and to be a reasonable expectation of students, faculty, and staff, meeting the conditions under Article 6 of the General Data Protection Regulation (GDPR). Thus, personal data in these instances can be processed without obtaining prior consent.
- ii. Students may opt out of the recording, on grounds relating to their particular situation or because of concerns about detriment to the University’s educational objectives.
- iii. Individuals must be informed of their right to opt out of being recorded at the first viable point of communication. It must be explicitly brought to the attention of individuals and must be presented clearly and separately from any other information, along with details of the opt-out process.

- iv. It must be made clear to individuals, in advance where possible, when recording is taking place. Individuals have the right to know which sessions were captured and who will have access to the recording.
- v. The University, as the data controller, has the responsibility to approve and process opt-outs unless the University can demonstrate a compelling legitimate ground for processing the personal data, which overrides the interests, rights and freedoms of the individuals being recorded.
- vi. In the case of an opt-out to lecture capture or objection to another type of recording, if the University has an overriding legal obligation to provide the information in an accessible format, an alternative provision must be made for the student(s) concerned.
- vii. In most cases of online lecture capture, the opt-out will take the form of students simply watching the recording later or not participating in the lecture.

b. When consent is required

- i. Explicit opt-in consent must be obtained for recordings of sensitive personal data of the staff, faculty, or students being recorded.
- ii. Explicit opt-in consent, through the appropriate consent form, must be obtained for recordings of non-AUP employees (such as guest speakers/guest lecturers).
- iii. 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 focus of the recording or identifiable in the background.
- iv. 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 consent from the individual being recorded.
- v. Students wishing to directly record a lecture, either as video or sound only, must gain written consent from the faculty, staff, or student leading the lecture.

4.3 Recording storage, access, and dissemination

- a. All educational recordings must be stored, accessed, disseminated and processed in accordance with the University's Acceptable Use Policy and *Règlement Intérieur*.
- b. Recordings of learning activities will only be made available to the activity participants for whom the original recording was intended.
- c. Recordings cannot be forwarded, shared, uploaded or edited without explicit permission from the faculty or staff member leading the activity.
- d. Recordings made for disabled students, or made on behalf of those with other personal needs, are for the recorder's or intended recipient's personal use and must not be re-distributed, shared, or re-used by any means.
- e. Except where authorized by the University, including seeking appropriate consent, recordings of educational activities are not for public consumption by any means.
- f. Lecture-capture recordings linked to courses will be made available to authorized faculty, staff, and students only, and only on University-provided software platforms, including Blackboard, Microsoft Stream, and others.
- g. Lecture-capture recordings will be made available within a reasonable timeframe after capture. (For example, when using TEAMS, immediately after the end of the recording process.)
- h. The University reserves the right to remove a recording or to refuse access to it to specific individuals.
- i. Misuse of recordings will be treated as misconduct and will be handled through the appropriate disciplinary process as per the Student Academic Integrity Pledge.
- j. Where possible, all recordings made by AUP faculty and staff or on behalf of AUP faculty and staff should be made on AUP-owned devices to support fair and lawful processing of personal data.

4.5. Editing and Destruction of Recordings

- a. If faculty, staff, or students wish to have a recording edited, they must request a change from the person responsible for the activity being recorded. This request must specify which material they wish to have changed. In case of disagreement, the matter shall be resolved by the relevant Department Chair, with escalation to the Provost.
- b. Recordings of educational activities made by or on behalf of the University should be permanently erased once they have served their purpose. Lecture capture recordings will normally be kept by the University until the end of the

semester during which the recording was made. Recordings can be retained for a longer time where a need exists, as determined by Academic Affairs and/or the Provost.

- c. Students must permanently delete all personal copies of recordings as soon as they have served their purpose or as soon as they cease to be a student, whichever comes soonest.
- d. 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 as determined by the Office of Academic Affairs in consultation with the Data Protection Oversight Committee.

4.6 Data Protection

- a. The University's Data Protection and Privacy Policies (Policies BN024EN to BN030EN) 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 or where a contractual obligation exists.
- b. Where recordings 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 Data Protection and Privacy Policies and the Acceptable Use Policy.
- c. 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.

5. RESPONSIBILITIES

This policy will be reviewed by personnel in the following offices:

1. The Office of the Provost
2. The Office of the Executive Vice President for Finance and Administration
3. The Data Protection Oversight Committee
4. Information Technology Services

6. DEFINITIONS

Consent: A freely given, specific, informed, and unambiguous indication of agreement by the data subject to personal data relating to them being processed.

Participants: When referring to learning activities the "participants" are those who are registered to participate either as invited guests, with a written invitation, or as students registered in the course.

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, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Learning activities: Teaching, learning and assessment activities for the interest and consumption of AUP faculty, staff and students which may include, but are not limited to; lectures, student discussions, laboratory activities, presentations, seminars, tutorials, blogs and online discussions help on an LMS, and student assessments, whether conducted in person or on-line.

Lecture: Any activity of fixed duration where an instructor (faculty, staff, or student) presents a topic to an audience with the intention of bringing the audience members to achieve learning. Peer interaction, questions, paired discussions, or online polling tools, and other delivery methods, may be integrated in lecture sessions.

Lecture Capture: The digital recording of lectures using information technology.

Recordings: The process of capturing sound and/or visual images (still and moving) of an activity.

Personal data: Any information relating to an identified or identifiable natural person ("data subject").

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; criminal data; and/or national identity numbers.

7. APPROVALS & HISTORY

Reviewed and approved by the Office of the Provost in consultation with the Council of Chairs.

Leadership Team approval on March 31, 2021.

Next review in November 2024.

8. ISSUING OFFICE AND CONTACT

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