Chat Transcript

Karen A. Wetzel (EDUCAUSE Help): Thank you for participating in today’s EDUCAUSE webinar on the University of California’s Learning Data Privacy Principles and Recommended Practices with Jim Williamson and Jim Phillips!

Karen A. Wetzel (EDUCAUSE Help): If you have any technical difficulties, please post a note in the chat area to me directly.

Karen A. Wetzel (EDUCAUSE Help): The audio recording, slides, and transcript will be available shortly after this event on the EDUCAUSE Cybersecurity Initiative website: https://www.educause.edu/focus-areas-and-initiatives/policy-and-security/cybersecurity-initiative

Jim Phillips (UCSC): Hello everyone!

Anna Stoute: Good Afternoon Everyone :)

Tracy: I have a thought to offer, a recent insight. This quote is almost correct. YOU are not the product, however, just your information is ... discuss the distinction.

Valerie Polichar, UCSD: Isn't it a possibility that mitigating behaviors could make it possible to more safely use external tools? For example, students could set up temporary "course" email accounts for use of forum tools, and students could be alerted to the possible public nature of their engagement. What are feelings about that?

Jim Phillips (UCSC): I think that is a good suggestion Valerie - awareness is the key.
Carlos S. Lobato, New Mexico State University: Hello friends and colleagues!!!

Valerie Vogel, EDUCAUSE: Welcome Carlos!

Valerie Polichar, UCSD: Some of our faculty have noted that their exams are already "out there", published without their permission on all kinds of sites, so that they aren't particularly bothered by the idea of giving up the exams to someone who might resell. But one wonders if the University exerts IP ownership over such exam questions, or has other IP concerns. This might be different from university to university, but I'm curious about this also.

Jim Phillips (UCSC): The establishment of some basic principles that are shared across campuses is a possible first step to mitigate what you are describing .... the loss of faculty IP.

Valerie Vogel, EDUCAUSE: You can learn more about PTAC here: http://ptac.ed.gov/

Carlos S. Lobato, New Mexico State University: Of very much concern at NMSU... security & privacy is a top priority.

Mark 2: The institution has great concern. Some individuals haven't really considered the issue.

Jim Phillips (UCSC): We may be uniquely positioned in higher to care about this topic.

Tracy: Would not the requirement of (1) a robust FERPA provision in the enterprise contracts with vendors of academic technologies; and (2) an institutional policy that requires faculty to use only enterprise services, in other words no consumer vendors for academic technologies do the trick?

Sean @ Michigan: Heh, sounds like "ownership"
Rachel Leigh Peters: While security and data privacy are at top concern here at UCM right now, the focus is currently primarily driven by the protection of students and not faculty IP.

Valerie Polichar, UCSD: Our Campus Counsel did not see a concern with the Gradescope user agreement...which is interesting.

Sol Bermann - U of Michigan: Hey Sean, yes indeed!

Valerie Polichar, UCSD: What's the alternative to Piazza that was just mentioned?

Todd VZ - UC Davis: Prulu

MSU Denver - Mike: Is campus counsel the right office to review privacy issues? I tend to lean towards the registrar and student affairs offices, as they're more concerned with privacy than with legal issues.

Valerie Polichar, UCSD: That's a good an interesting point.

Sean @ Michigan: https://prulu.com/

Sol Bermann - U of Michigan: Tracy, this sort of position is often not tenable at large, decentralized R1 universities - an institutional policy that requires faculty to use only enterprise services, in other words no consumer vendors for academic technologies do the trick

Sol Bermann - U of Michigan: You can make the policy I suppose, but is it credible? Enforceable?

Valerie Polichar, UCSD: Tx all for all the responses

Tracy: Why not, Sol? When these speakers are making very obvious how onerous these default provisions are.

Paul—UNL: Some of this language is necessary for software to take text, images, etc. submitted to them and to publish them in a course, etc...
modifying the content/format, etc. Not always an immediate yikes, but I wish that these services were better at being clear that content is "owned" by the creator/institution and the vendor gets the express rights for the purpose of making the system work

Matthew Dalton: What if they overlap? I think it can be both

Tracy: To your second question: information fluency can help students to learn more about what is at stake, which may act as a force with regard to student push back, and default is in the breach. Faculty would accept the risk.

Sol Bermann - U of Michigan: Because faculty will do what they feel is right for their pedagogy. Again, you can make the policy, but (at least at U-M) that is very constraining and just isn't tenable (however much I occasionally wish it were)

RuthAnne Bevier: I think Sol is right.

Carlos S. Lobato, New Mexico State University: In my opinion very separate: Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. Data privacy focuses to entrusted data by students & employees, etc.

Valerie Polichar, UCSD: Right, our faculty are doing what they want; if we say "it's not allowed" that just means we don't incorporate it in the LMS and they are mad at us. But they're still using the software. So we're trying instead to move towards educating them on the issues.

Jim Phillips (UCSC): If our system-wide academic senate endorses these principles, we can then integrate these ideas into our contracts.

Sol Bermann - U of Michigan: I do like the notion of greater information fluency, that is something I have been advocating for as part of U-M learning analytics, along with greater direct engagement on student
attitudes and perceptions around privacy and the value of learning analytics

Sol Bermann - U of Michigan: +1 Valerie Polichar,

Tracy: The toothpaste may not fit back into the tub, but it can be contained in another reservoir for the betterment of institutional liability, student education and faculty awareness. Especially since faculty face many of these issues with risk to IP to their work, so with more policy and education and awareness it might be a boon for all

Valerie Polichar, UCSD: Well: we've said "not allowed" on Piazza & Gradescope for years now, and use is widespread.

Valerie Polichar, UCSD: We're now leaning towards recommending mitigating activities (like temp accounts) and informing students, and educating faculty about the risks.

Tracy: These principles are excellent! I recommend, however, that they be consolidated in a couple of simple points. Too many of these "war and peace" provisions make contracts too complicated. As in security and privacy, use existing standards.

Jim Phillips (UCSC): It is becoming more important to evaluate the business relationships we have with vendors in this new world of consumer based apps / click through agreements.

Valerie Polichar, UCSD: Agree with this too, Jim.

Sherri Yerk-Zwickl @ Lehigh: How are you addressing the INTERNAL use of student data

Karen A. Wetzel (EDUCAUSE Help): Feel free to simply reply in the chat to the question posed by Jim Phillips.

Casey: Yes
Christian Heneghan: Yes, I would like to see that.

Sol Bermann - U of Michigan: Great principles and great work UCLA!! We have liberally borrowed for our own proposed principles here at U-M

Vince Bonura, Fordham University: Yes

Nathan Phillips - Marylhurst University: yes, it would be great to have a list of companies that adhere or agree to the principles.

Christian Heneghan: Would have to think about the best forms for this to take.

Carlos S. Lobato, New Mexico State University: Absolutely YES...

Gina Allen: Yes

Sol Bermann - U of Michigan: Having a common set of principles to draw from and point to would be great

Derek White, UBC: Yes, certainly

Groton School / JT Amirault: yes, EDUCAUSE should be included

Kathryn Matuch 2: Yes

George Michaels: Absolutely YES. Excellent job both of you.

Holly: Yes

Tracy: Do not include me in capitulating to uninformed faculty and their inappropriate and potentially liable practices. There is a better way than simply to give in to these existing practices.

MSU Denver - Mike: Sharing of existing policies would help as a way to start the conversation here
Groton School / JT Amirault: thanks all

Carlos S. Lobato, New Mexico State University: yes, EXCELLENT JOB BOTH...

Paul—UNL: Yes, absolutely. It would be helpful to collaboratively make some guides as starting place and contribute modifications back to the group

Sol Bermann - U of Michigan: having an EDUCAUSE bully pulpit that could help influence vendors would be nice

Tracy: UC only if they are adequately informed and sensitive to these issue; CPO are better sources.

Carlos S. Lobato, New Mexico State University: Privacy Officer would be the ideal...

Nathan Phillips - Marylhurst University: One of the difficult things is reviewing contracts, they are long and detailed. Why not crowdsource that!? No need to do the same work over and over, plus if EDUCAUSE worked as a group, we would have more pull for negotiating changes-- vendors would be more likely to adhere to principles

Chad Marchong: We work with our IT Security dept. and Legal Affairs

Sean @ Michigan: Unfortunately our collective approach may be formed by the first big lawsuit in this area :-(

Tracy: Yes, to Nathan, we need more community worked contracts, preferably ones that incorporate existing standards. Interested faculty are helpful too!

Sol Bermann - U of Michigan: Interested faculty are worth their weight in gold!
Tom Dugas - Duquesne University: Is the Registrar typically the group handling FERPA on campus? Or are there other groups that are considered responsible for FERPA?

MSU Denver - Mike: Would you think of involving student government representatives in reviewing T's and C's to get their input?

Tracy: Jim is right! That is where collective action is the right approach.

Tracy: Registrar, yes, Tom, but they may or may not be informed as to the cloud or academic technologies are all about. Working together with UC and privacy officers and well-informed faculty would help!

Jim Phillips (UCSC): Here is the UC Irvine site: http://sites.uci.edu/cloud/directory/

Linda Feng: great presentation and discussion here - would love to see EDUCAUSE involvement - FYI, some work also going on within IMS around Data Use Disclosures for Learning Tools Interop

Paul—UNL: In my experience, yes Registrar is the institutional interpretation of FERPA

Sean @ Michigan: One point of institutional control (perhaps the only point) is at the point of integration with the LMS. Disabling faculty LTI integrations for example would force integrated apps through administrative processes. Of course faculty can always go directly to the vendor website.

MSU Denver - Mike: Great link for the directory. Very informative and easy to read!

Derek White, UBC: Great link. Nice approach

Nathan Phillips - Marylhurst University: thank you Jim, that's a beautiful and helpful site!
Jenny P. (Longwood): Jim: That is a very user-friendly way to raise the awareness level of those using the site!

Valerie Polichar, UCSD: FERPA isn't the only privacy issue, of course, which is why maybe more than Registrar is needed.

Valerie Vogel, EDUCAUSE: Terms and Conditions May Apply: http://tacma.net/ (one potential movie that can be used to raise awareness)

Jenny P. (Longwood): Agree with Valerie P.

Linda @ Madison College: has anyone experienced or know of individual harm from a privacy violation based on these types of terms of use?

Tracy: Good point about ADA, that point underscores the reliance on standards.

Sol Bermann - U of Michigan: At U-M FERPA and the Registrar are important, but we approach this from a higher perspective...privacy as an enabler for student development, and a foundation of civil and individual liberties

Valerie Polichar, UCSD: @Sean, that's exactly what we are doing now and it seems a weak control. Just makes faculty mad at us. They're using all the junk anyway :-(

Christian Heneghan: Learn trials?

Tracy: Sol, but if you capitulate to faculty does that not gut your higher perspective?

Sherri Yerk-Zwickl @ Lehigh: How are you addressing the INTERNAL use of student data?

Linda @ Madison College: thanks it helps to have examples when trying to get traction on the issue
Valerie Polichar, UCSD: Those examples are great

MSU Denver - Mike: This has been a great session. Thanks to all who have participated. I need to drop off, but appreciate all of the information and ideas.

Sherri Yerk-Zwickl @ Lehigh: Thanks

Sol Bermann - U of Michigan: Tracy, I don’t see it as capitulation. We are working in collaboration with the learning analytics team to develop guiding principles, working with faculty, OGC, the Registrar, and Procurement on approaches to integrating apps into our LMS that will enable faculty while also protecting student privacy and the institution

Valerie Polichar, UCSD: Agree with what @Sol is expressing

Sol Bermann - U of Michigan: At least at U-M, if I were an absolutist, I would not be able do my job...or really have my job for long.

Tracy: Yes, Sol, exactly, that is the right path!

Carlos S. Lobato, New Mexico State University: At NMSU the responsibility of FERPA is shared... IT Compliance Officer handles data breaches related to FERPA

Rachel Leigh Peters: This actually brings up on interesting point, should students and faculty have the ability to agree to some of these "not great" vendor privacy and IP policies, or should universities be able to prevent use of certain ones?

Tracy: Standards cut through the complexity!

Sean @ Michigan: FYI -- IMS just published "IMS Global Learning Data & Analytics Key Principles" at https://www.imsglobal.org/learning-data-analytics-key-principles
Tracy: Kent has it right, use FERPA for many of these challenges.

Carlos S. Lobato, New Mexico State University: The problem with Registrar is that they lack the Data Security aspect of FERPA which is significant... as guided by PTAC from the US Dept. of Ed

William Li: Highsmith v. Getty Images was before S.D.N.Y but its more or less been thrown out. Case# 16-cv-05924 if you have a PACER account.

Tracy: Agree with Carlos, coordination with information security, accessibility and other privacy standards (NIST or ISO) are the way to proceed collaboratively around campus.

Christian Heneghan: Thank you for hosting and holding this session!

Tracy: Great session, thank you!

Sol Bermann - U of Michigan: Great job

Valerie Vogel, EDUCAUSE: Before signing off, please share your feedback about this virtual event at: https://goo.gl/forms/UOX3N3jd6ZSyr5kw1

Valerie Vogel, EDUCAUSE: Note: If you’d like to receive a copy of the draft UC Learning Data Principles document that was discussed today, please be sure to include your e-mail address in the first question of our webinar evaluation! https://goo.gl/forms/UOX3N3jd6ZSyr5kw1

Sol Bermann - U of Michigan: Would love to do a cross-university presentation on learning analytics principles

Sean @ Michigan: Great session and the beginning of a much longer conversation in Higher Ed

Jim Phillips (UCSC): Thanks everyone!
Karen A. Wetzel (EDUCAUSE Help): Indeed -- please also note in the evaluation if you have any suggestions for next steps/future topics. We look forward to hearing from you!

Anna Dabrowski - Texas A&M University: Thanks!

Shanna Erdman 2: Thank you

Derek White, UBC: Thanks for the presentation. Very useful

Karen A. Wetzel (EDUCAUSE Help): Thanks to everyone for joining us today! We'll be posting the archive of today's event online at: http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/cybersecurity-initiative

Ronise Zenon, UCSD: Thanks for a great presentation & discussion!

Valerie Vogel, EDUCAUSE: Thank you all for joining us! We will be ending the session now.