

Remote Teaching – Privacy and Intellectual Property Concerns

From CAUT, April 6, 2020

In response to the COVID-19 pandemic, universities and colleges in Canada have transitioned to remote instruction through various online platforms and software. Academic staff should be aware that these tools raise important privacy and intellectual property rights issues.

Surveillance

Some software systems may allow administrators to conduct surveillance of online teaching activities. Such surveillance is unacceptable, as the institution has no more right to do so during the pandemic than it does under ordinary circumstances. No institution should be recording or transcribing online classes without the consent of the instructor and students.

Collective Agreements Still Apply

Even with the closure of campuses and the transition to remote teaching, the collective agreement continues to be in force. Academic freedom, privacy and copyright protections that academic staff have in ordinary circumstances continue when they are working remotely.

Associations should be prepared to grieve any academic freedom, privacy or copyright concerns as soon as they become aware of any breach. However, associations should show some flexibility in resolving those grievances in light of the exceptional circumstances. Depending upon the nature and scale of the breach, the application of the “obey now, grieve later” principle requiring academic staff to comply before any dispute is resolved may be challengeable.

Remote Teaching Platforms

CAUT is aware that many video-conferencing platforms, such as Zoom, that are freely available online raise significant security and privacy concerns. Your institution should provide members with a licenced version of any software system.

Video conferencing software should be encrypted and users should be able to restrict access to authorized participants only. Sessions should not be recorded or transcribed without the permission of the instructor.

Academic staff should avoid setting up video conferencing accounts with their personal email address. Students should also be advised to use their institutional email addresses. Using

common email domains (e.g. Outlook, Gmail, or Yahoo) may allow anyone with an email hosted by the same domain to access video sessions, since some platforms treat these emails as being within the same organization.

Just as with on-campus teaching, it remains the institution's responsibility to ensure that remote teaching takes place in a secure and useable manner.

Privacy

Provincial and federal privacy laws apply with remote teaching. This means that personal information about academic staff and students should not be disseminated publicly or online. Personal information can include email addresses, phone numbers, residential information, images, and videos.

Associations can take active steps to ensure that institutions respect members' and students' privacy. They can press administrations to adopt video conference software and platforms that do not share or sell user data. Associations should also obtain assurances from the administration that settings that are intrusive can and will be disabled. Institutions should also provide information to members about accessing and changing privacy settings and controls.

During remote instruction, academic staff and students should expect they have the same level of privacy as they would during an on-campus lecture or seminar. Academic staff may wish to include a privacy statement at the start of each session, or distribute to students in advance. The statement should include a reminder that privacy laws and expectations continue, and that students must not record any audio or video of any online classes for any purpose other than personal study or accommodation.

Intellectual Property and Copyright

Since the collective agreement still applies, the content of remote teaching sessions remains the intellectual property of the academic staff member. Students should be warned that although it may be easier to record or transcribe lectures and discussions through online platforms, it remains their responsibility to refrain from distributing those recordings or transcriptions. Posting material online would violate the privacy and copyright interests of the instructor and fellow students.

Academic staff who share teaching materials with colleagues or the institution should include messages that by sharing, they do not relinquish their copyright and ownership in the materials. Misuse or further distribution without express permission should be prohibited.

If you have any questions, please do not hesitate to contact the CAUT office.