

Principles for Ethical Use of Personalized Student Data

As Athabasca University moves ahead with realizing the *Imagine Learning Framework*, there are likely to be a number of innovative activities and projects that seek to use data about learners and their activities when studying with us. In a number of cases, we may be working at the leading edge of activities in this area as the nature of our institution and the ambitions of our *Learning Framework* mean that the market may not immediately provide. At a time when serious questions are being asked more widely in society about the ways in which individuals or groups are constituted as data subjects, and the purposes for which such data is used, it is important that Athabasca University has a clear set of guiding principles to ensure that use of data about our learners is ethical, supports the embedding of Equity, Diversity and Inclusion principles within our culture, embodies respect for Indigenous ways of knowing and being, aligns with our institutional values, and is in compliance with our policies and legislative responsibilities.

We will wish to use data about our learners for a number of purposes: To promote equity, diversity, and inclusion; to support learner insight and agency in their studies; to provide personalised support; to inform quality assurance processes; to support growth and cope with the effects of scale; or to otherwise improve the learner experience at Athabasca. Fundamentally, our use of data about learners should first and foremost be in the service of supporting our learners to thrive, to achieve their goals, to have agency in their learning journey, and develop to their fullest potential.

These Principles are designed to guide a number of projects and activities over a long period of time and so are necessarily high level. They are not specific about any particular activities, technologies, or data sets that might be used. They will cover secondary uses of data that we already collect as well as activities that create new derived data, or that collect entirely new data. They are intended to cover a wide range of potential activities such as: learning analytics implementations, automation / use of intelligent pedagogical agents, use of artificial intelligence techniques, curriculum analytics within quality assurance processes, and others as yet to be defined.

These Principles are not designed to prevent the use of learner data. However, considering how these principles apply to the various projects and activities that we might wish to pursue will not always produce unambiguous ways forward. Consideration of context, potential for both benefit and harm, and appetite for risk will always be important considerations.

Principles

Supporting and Developing Learner Agency

- Learner data is used to create opportunities for increased human agency, in particular to support learners to think critically, and shape their learning journey towards achieving their own goals as well as the learning outcomes that we define.
- Learners are active participants in the implementation of projects and activities where learner data is being used.
- Any use of learner data should not limit learner expectations of achievement. Careful consideration of potentially de-motivating effects is required.

Duty of Care and Obligation to Act

- Where we hold information or insight about learners that could be used to improve support or their outcomes, we have an obligation to use such information.
- Activities and projects that use learner data will consider and identify methods for redress if there are unintended consequences.
- Learners will not be subject to automated decision making based on their data where there is a significant effect or outcome. In such cases human intervention and judgement will always take precedent.
- Our vision is inclusive and we believe that the use of learner data can benefit all learners in reaching their full academic potential. While we recognize that some of the insights from activities or projects may be directed more at some learners than others, we do not propose a deficit model targeted only at supporting learners at risk of failure.
- Where learner data is shared with third parties, we recognise that the potential for profit from such data may exist, and will seek protect our learners from exploitative practices.

Transparency and Accuracy

- We will be transparent with our learners about the data that we collect and what it is used for.
- Learners have a right to see the data that we hold about them and it should be made easy to access this data where possible.
- We strive for data accuracy, and will ensure that there is an opportunity to correct data where appropriate and feasible.

Bounded in Purpose and Scope

- Any activities or projects that use learner data should have a clearly defined and bounded scope and purpose.

- We will practice data minimisation, seeking to use only the data that is required, but bearing in mind that some activities may use data over a long term.
- Activities and projects are aligned to institutional data governance policies.
- Activities and projects are carried out in compliance with external legislation.
- Any use of learner data for research purposes will be in accordance with existing research ethics approval processes.

Limitations of Learner Data and Potential for Bias

- Learners are not wholly defined by the data that we hold about them; we recognise that data is always an incomplete picture.
- We recognise that data sets and practices for using data can contain and perpetuate bias. We will assess the potential for bias in each of our activities and actively work to address this.
- We recognise that some uses of learner data could have normalising effects and that our learners are a diverse population with a range of world views. We acknowledge that there may be multiple equally valid interpretations of learner data.

Culture of Continuous Improvement

- A culture of using learner data meaningfully and ethically needs acceptance and investment in skills development and building institutional capacity.
- We are a learning institution and exist within a culture of continuous improvement; we will evaluate our activities, projects, and our policies and share our learnings from them to inform future work, and to build institutional capacity and maturity.

Applicable Legislation and Policies

- Freedom of Information and Protection of Privacy Act (FOIP): http://www.qp.alberta.ca/1266.cfm?page=F25.cfm&leg_type=Acts&isbncln=9780779743568&display=html
- Canadian Anti-Spam Legislation (CASL): <https://laws-lois.justice.gc.ca/eng/acts/E-1.6/index.html>
- European Union General Data Protection Regulation (GDPR): <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN>
- Athabasca University Information Technology (IT) Policy Suite: <http://ous.athabascau.ca/policy/computingservices.php>
- Ethical Conduct for Research Involving Humans Policy: <http://ous.athabascau.ca/policy/research/ethicpolicy.pdf>

Related Documents

- IMAGINE: Transforming Lives, Transforming Communities: <http://imagine.athabascau.ca/>
- Imagine Learning Framework: <http://opvpa.athabascau.ca/learning-framework/docs/LearningFramework.pdf>
- Equity, Diversity, and Inclusion Framework
- Nukskahotwin Strategic Plan 2020 : https://issuu.com/auconnected/docs/20200601_nukskahotwin_plan

References

In developing these Principles we have considered the following sources:

Institutional Policies

- University of Sydney: <https://sydney.edu.au/education-portfolio/images/common/learning-analytics-principles-april-2016.pdf>
- University of Wollongong: <https://documents.uow.edu.au/about/policy/alphalisting/uow242448.html>
- University of West London: https://www.uwl.ac.uk/sites/default/files/Departments/About-us/Web/PDF/policies/uwl_learning_analytics_policy_final.pdf
- University of Edinburgh: <https://www.ed.ac.uk/academic-services/policies-regulations/learning-and-assessment/learning-analytics/principles>
- University of British Columbia: <https://learninganalytics.ubc.ca/ethics-policy/>
- UK Open University: <https://help.open.ac.uk/documents/policies/ethical-use-of-learner-data>

Papers and Reports

Floridi, L., & Cowls, J. 2019. A Unified Framework of Five Principles for AI in Society. Harvard Data Science Review, 1(1). <https://doi.org/10.1162/99608f92.8cd550d1>

Prinsloo, Paul, and Sharon Slade. 2017. 'An Elephant in the Learning Analytics Room: The Obligation to Act'. In *LAK '17 Proceedings of the Seventh International Learning Analytics & Knowledge Conference*, New York, NY: ACM. <http://oro.open.ac.uk/48944/> (February 7, 2020).

Tsai, Yi-Shan, and Dragan Gasevic. 2017. 'Learning Analytics in Higher Education --- Challenges and Policies: A Review of Eight Learning Analytics Policies'. In *Proceedings of the Seventh International Learning Analytics & Knowledge Conference on - LAK '17*, Vancouver, British Columbia, Canada: ACM Press, 233–42. <http://dl.acm.org/citation.cfm?doid=3027385.3027400>

Tsai, Y.-S., Gašević, D., Whitelock-Wainwright, A., Muñoz-Merino, P. J., Moreno-Marcos, P. M., Fernández, A. R., Kloos, C. D., Scheffel, M., Jivet, I., Drachsler, H., Tammets, K., Calleja, A. R., and Kollom, K. (2018) SHEILA: Supporting Higher Education to Intergrade Learning Analytics Research Report <https://sheilaproject.eu/wp-content/uploads/2018/11/SHEILA-research-report.pdf>

Sector Best Practice Guides

- DELICATE Checklist from the EU LACE project: <http://www.laceproject.eu/blog/ethics-privacy-in-learning-analytics-a-delicate-issue/>
- JISC Code of Practice for Learning Analytics: <https://www.jisc.ac.uk/guides/code-of-practice-for-learning-analytics>
- The Asilomar Convention for Learning Research in Higher Education: <http://asilomar-highered.info/>