



VILLANOVA UNIVERSITY

FACULTY CONGRESS
Dec 15, 2022

ACADEMIC YEAR 2022-2023

Dear Provost Maggitti, Vice Provost Wheeland, and Vice Provost Weinstein,

As you know, 2022 saw a significant expansion of the Universal Lecture Capture (ULC) system used to create retrievable video recordings of classes on campus. As of Fall 2022, ULC is now available in 83 classrooms, about half of all the rooms on campus. While many faculty members regard the ULC as a valuable teaching tool and are glad to have it available in more classrooms, others have raised significant concerns about its implementation. We are writing to inform you of these concerns and present recommendations that have come out of the conversations we have had with faculty this semester about ULC.

First, the recordings create new risks for violations of privacy, of both faculty and students. While recordings are not shared with students unless the instructor actively makes them available through My Mediasite, once they are made available, there is always the possibility that a student may post them to social media or other online platforms, in a way that could embarrass, harass, or be otherwise harmful to the instructor and other students in the class. Although Faculty Congress has been assured that such an action would be considered a violation of the Code of Student Conduct, there is currently no language in the Student Handbook specifying that this is the case. Similarly, while we have been assured that the recordings are the property of the instructor, there is currently no language in the Faculty Handbook specifying this. Even were faculty ownership to be specified, University Counsel informed us that, in the context of legal proceedings or a criminal investigation, the recordings would be discoverable, and the university would be obliged to produce them, with or without the instructor's consent. Privacy issues were a particular concern for Counseling and Nursing faculty, who noted that recordings of their classes could in some cases constitute HIPAA violations. Faculty also expressed concern that students may not be aware that they are being recorded, including during their private discussions before or after class. While the rooms with ULC have signs indicating that recordings may be in process, they are not always clearly visible. Meanwhile, some rooms that do not have ULC have signs saying that recordings may be in process, though they refer to Zoom recordings.

A second major concern was that instructors in Mediasite-enabled rooms are currently required to opt out of having their classes recorded, rather than actively opting in. As the system is currently set up, the office of the VPTL sends instructors an email prior to the beginning of the semester ^[1]that informs them that they are teaching in a classroom with ULC capacity and provides them with a link to the form they need to fill out if they do not wish their classes to be recorded. An additional email is sent before the first day of class. If the instructor does not opt out, recordings are automatically made of their classes and populate their My Mediasite page, where they are stored for 18 months unless actively deleted. Given the privacy risks, many faculty felt that the recordings should only be made if an instructor had explicitly requested them. Many also expressed concern that the opt-out system had been introduced without consultation with faculty.

Amanda Knecht, Ann Juliano, Aronte Bennet, Bridget Wadzuk, Cheryl Carleton, Col. Vincent Ciuccoli, David Shaffer, Eric Hamberger, Farshid Baghai, Frank Pryor, Gerald Beyer, Gregory Hoskins, Jared Paul, Jennifer Altamuro, Jennifer Ross, Jeremy Kees, Joe Betz, John Sedunov, John-Paul Spiro, Joseph Drury (Vice Chair), Justinus Satrio, Kamran Javadizadeh, Kathryn Haymaker (Chair), Kerry San Chirico, Lisa Sewell, Mark Wilson, Michelle Kelly, Michelle McKay, Paul Bernhardt, Qi Wang, Rachel Skrlac Lo, Raka Shome, Samantha Chapman, Sergey Nersesov, Sherry Burrell, Stephanie Katz Linkmeyer, Sue Metzger, Theodore Arapis, Tina Agustyady, Troy Shirangi, William Wagner

Other concerns have been raised by faculty members this semester, including questions about the cost of the program and the strength of the evidence for student and instructor demand for class recordings, as well as equity concerns about the impact on evaluations and survey results for instructors who choose to opt out. Team taught courses present a unique challenge since currently only the lead instructor is given Mediasite access to the recordings. The lead instructor is then responsible for providing video access to students, even during a portion of the semester when they are not actively teaching the class. Faculty members in the Charles Widger School of Law also reported that they had not been given the choice to opt out of the system, although it has now been clarified that they do have the right to opt out. In addition, we have received reports from faculty who use the recordings and do not have issues with the current ULC system; we note that no one with this view has objected to the idea of changing the system to opt-in.

Given the concerns reported as well as the complexity of the task of reworking the ULC system to make it opt-in, we have formed two lists of recommendations regarding ULC on campus.

Short-term recommendations:

- Consult with the Faculty Congress and other faculty governance committees prior to major changes to the ULC program or other classroom technology changes.
- ULC emails to instructors should be sent at least *two weeks* before the semester starts. We recommend continuing the practice of sending additional emails before the first day of class. The opt-out link should be clear and early in the email announcement.
- Explore mechanisms that would allow for entire departments or programs to opt out.
- Provide My Mediasite access to all instructors in team-taught courses that use ULC.
- Improved signage should be placed in all Villanova classrooms with ULC, clearly informing occupants that the ULC is in place and that they may be recorded. Additionally, the room signage could be clearer about whether the potential recording is automated or instructor-initiated (ULC vs. Zoom recordings, for example).
- Language should be added to the Student Handbook specifying that sharing recordings of classes without the instructor's permission is a violation of the Code of Conduct with appropriate consequences. Faculty Congress will discuss specific wording suggestions with the Dean of Students.
- Language should also be added to the Faculty Handbook specifying that recordings of classes are the property of instructors and cannot be accessed by any other member of the Villanova community without the instructor's permission. The Faculty Rights and Responsibilities Committee is currently working on a first draft of these changes.
- Improve the boiler-plate language ^[2] provided to faculty to include in their syllabi, explaining the ULC system and the use of automated recordings during in-person courses for undergraduate and graduate courses on campus.
- Continue to provide opportunities for synchronous and asynchronous Mediasite training for faculty and advertise the sessions in Campus Currents and in the beginning of semester emails from the office of the VPTL.

Long-term recommendations:

- UNIT should be tasked with developing a cost-effective, efficient method for faculty to opt in to ULC to replace the current opt-out system.
- As part of a new opt-in system, automatic emails should be sent to students enrolled in a course that has been opted in to ULC; the email should inform students that the class will be recorded and that recordings may be shared with students in the class at the discretion of the instructor.

- Could there be a light added to ULC rooms that turns on when the system is recording and turns off when it is not? This would alert students and occupants of a room precisely when a recording is being captured.
- Could there be a button added to ULC classroom systems that allows recording to be paused, in case of sensitive discussions or during breaks in the class?
- A robust cost-benefit analysis of the ULC system should be conducted in two or three years to ensure that the system is worth the expense of running and maintaining it.

We appreciate the open communication this semester between Faculty Congress and the Vice Provost for Teaching and Learning on the topic of ULC. We regret, however, that these conversations have been taking place after the campus-wide roll out of ULC has occurred. We look forward to working together to ensure that faculty input into instructional technology and its classroom implementation on campus is robust and productive.

Sincerely,
Faculty Congress Executive Committee

^[1] In Fall 2022 the initial email was dated August 16, 2022, eight days before the start of semester.

^[2] The current recommended syllabus inserts

(<https://d31hzhk6di2h5.cloudfront.net/20220816/eb/d3/c5/bf/110623bd5f28db77a5137150/suggestrecordclass012722.pdf>) apply to: (1) situations where the recording can be stopped - not ULC; (2) online courses; (3) situations governed by the school of law student handbook, which does not apply to undergraduate ULC courses.