Principles for the Ethical Use of Student Data

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Glossary of Terms

Data Asset: Any entity comprising of data from which value may be derived. A data asset may be a system or application output file, database, document, web page, or another artifact.

Data Inventory: York's inventory of data assets (includes name of the asset, a brief description, the unit, or person responsible for it, and the storage location of the data (i.e., university server, file share, vendor cloud, etc.)) (To be developed).

Institutional Data Catalogue: York's metadata repository. York uses a Software as a Service-based solution, Data Cookbook, as its repository. The solution stores business definitions, technical definitions, report specifications, and data systems to document the movement of data. York is using Data Cookbook to build a data catalogue, capture data quality rules, and leverage workflow capabilities to support the Data Governance Framework.

Primary Data Collection: Collected directly from the subject being assessed to allow for localized and specific observations.

Secondary Data Collection: Collected from credible sources who have already collected, analyzed, and interpreted primary data.

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Principles for the Use of Student Data

Background

The Principles for the Use of Student Data Working Group was struck in Fall 2022. The group was tasked with developing and recommending to Deans' Forum a clear set of guiding principles to ensure that use of data about York students:

- is ethical;
- supports the embedding of Decolonization, Equity, Diversity, and Inclusion (DEDI) principles within our culture;
- aligns with our institutional values; and
- is in compliance with our policies and legislative responsibilities.

Between Fall 2022 and Spring 2023, the Working Group focused its efforts on developing high-level principles to support the goals and objectives of all future projects and activities which utilize student data.

The Working Group balanced and weighed the importance of different and conflicting values (e.g., student privacy and the obligation to act). The group recognized that ethical principles can result in continuous debate, both in the general sense and at the individual principle level. The Ethical Use of Student Data Principles (Principles) therefore require conscientious balancing, and continuous systematic discussion informed by facts and context.

Introduction

York University, like other post-secondary institutions, has for many years collected and used its data assets to support students in each stage of their educational journey. Much of our work with student data has focused on accountability reporting, and descriptive and exploratory analysis.

Our society is undergoing a digital transformation, and we know we can extract greater value from data. The rise of artificial intelligence, cloud computing, and web-enabled devices will continue to impact how we capture, analyze, share, and make inferences from large, complex data sets.

Enabled by new technologies and tools, there are increasing pressures and interests to engage in innovative activities and projects that will seek to use data about York students. In this context, we need to ensure that our use of data is ethical so that we can continue to provide supports and services that meet the needs and expectations of a diverse and digital-first student population.

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Enabled by sophisticated predictive and prescriptive analytics, we envision a state where student data will:

- Support learner insight and agency in their studies.
- Enable proactive and personalized interventions for students.
- Offer enrolment and graduation analytics.
- Track progress on improving outcomes for all our students, especially those from historically marginalized groups.
- Inform the reinvention of academic programs.
- Support greater access to academic and career advising.
- Assist with effectively allocating and modernizing student support resources.
- Optimize the use of our physical spaces.
- Assist with identifying areas of improvement, contributing to institutional effectiveness.
- Support other benefits yet to be defined.

Scope

The following Principles apply to information collected from and relating to all prospective and currently registered students and alumni as defined by York's Data Catalogue. The Principles apply to primary and secondary data collection and use.

The Principles are intended to cover a wide range of potential strategic planning, assessment, evaluation, and research activities related to:

- Student advising activities
- Academic and co-curricular activities and engagements
- Use of learning analytics
- Automation / use of intelligent pedagogical agents
- Use of Artificial Intelligence techniques
- Curriculum analytics
- Alumni relations
- Others yet to be defined

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Principles

Consent

This principle refers to the explicit, informed, and meaningful agreement given by an individual for their personal data to be collected, processed, and/ or analyzed for a specific purpose.

- Student and alumni consent regarding the collection of data must be freely given and must be unambiguous.
- Consent may be withdrawn at any time for data collected beyond vital institutional purposes (e.g. data required for program accreditation and certification).
- We will strive for data accuracy and ensure there is an opportunity for students and alumni to correct data where appropriate and feasible.
- All data activities and projects will be carried out in compliance with institutional policies and relevant federal and provincial legislation.
- Any use of student or alumni data for research purposes will be in accordance with existing principles and approval processes for research ethics, where applicable.

Transparency

This principle refers to the obligation to be open and honest about organizational data practices. The principle of transparency facilitates the ability of students and alumni to provide free and informed consent.

- We will be transparent with students and alumni about the data that we collect and for what it will be used.
- We will ensure there is a clear communications pathway should students and/or alumni have questions.
- We will make information about data breaches, security incidents, and other risks associated with data processing available to affected individuals in a timely manner.

Duty of Care

This principle refers to the obligation to take steps to ensure that data is collected, processed, and used in a way that does not cause harm.

- Students and alumni are not wholly defined by the data that we hold about them; we recognize that our data assets are pieces of a greater picture.
- In most instances, data and algorithms should support, not replace, human decision makers.
- All algorithms used for predictive analytics or interventions will be understood, validated, reviewed, and approved by qualified individuals in the Office of Institutional Planning and Analysis.

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Obligation to Act

This principle is about ensuring that personal student data is collected, processed, and used in a way that is aligned to the best interests of students.

- Where we hold information or insight about students or alumni that could be used to improve their present or future learning outcomes and educational experience, we have an obligation to use such information.

Data Minimization

This principle refers to collecting, processing, and using the minimum amount of personal data necessary to achieve a specific purpose.

- We will practice data minimization, seeking to collect and use only the data that is required, bearing in mind that some activities may use data over a long term.
- Any activities or projects that use student and/or alumni data must have a clearly defined and bounded scope and purpose.
- Where insight is needed, we will use existing data sets first before we collect additional data.

Stewardship of Data

This principle refers to the responsible management of data.

- Data activities and projects will be aligned to institutional data policies.
- York will maintain a data inventory and data catalogue with information on what we are collecting.
- We will share results of new analyses and primary data collections with key stakeholders.

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Recommendations

1. The Working Group recognizes that some uses of student data could have homogenizing effects and that students are a diverse population with a range of world views, experiences, and identities. A culture of using student data ethically needs acceptance and investment in skills-development and building institutional capacity. The Working Group recommends the **development of resources for Faculty and Staff to build literacy and train individuals on how to interpret student data, and to apply the Principles when considering the collection and usage of student data.**

2. The Working Group recommends **an annual review of the Principles for the Ethical Use of Student Data** to ensure that they reflect current and emerging practices and the evolving landscape of PSE.

3. Once the Principles are approved, develop a **communication and enablement plan**.

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Policies and Legislation (Reviewed)

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

Freedom of Information Protection and Privacy Act RSO 1990, c F.31 | Freedom of Information and Protection of Privacy Act | CanLII

Ontario Human Rights Code, R.S.O. 1990, c. H.19. https://www.ontario.ca/laws/statute/90h19

Research Ethics at York: Research Ethics at York University | Research & Innovation

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Resources

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Appendix

Ethical Use of Student Data Working Group Membership

Advancement
- Julie Lafford, Assistant Vice-President, Alumni Engagement

Faculties
- Tim Hampton, Director, Computing Services, School of the Arts, Media, Performance and Design
- Gilles Thibodeau, Director, Academic Services, Glendon
- Kamelia Atefi-Monfared, Assistant Professor, Department of Civil Engineering, Lassonde School of Engineering
- Lisa Cole, Director for Lassonde K2i, Lassonde School of Engineering

Office of Institutional Planning and Analysis
- Margaret Kierylo, Assistant Vice-President, Institutional Planning and Chief Data Officer (Co-Chair)
- Mark Conrad, Director, Strategic Intelligence and Predictive Analytics
- Patrick Cernea, Director, Data Strategy and Governance
- Victoria Ng, Senior Institutional Analyst - Surveys and Special Projects

Senate Sub-Committee on Equity
- Poonam Puri, Professor of Law, Director, Investor Protection Clinic, Osgoode Hall Law School; Chair of Senate

Teaching and Learning
- Peter Wolf, Teaching & Learning Advisor & Special Project Lead

Vice-President Equity, People & Culture
- Christal Chapman, EDI Program Manager

Vice-Provost Students
- Darran Fernandez, Assistant Vice-Provost and University Registrar (Co-Chair)
- Lindsey Ostrosser, Director, Office of Vice-Provost Students
- Danielle Pierre, Divisional Assessment Analyst

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