

# **Course H[OER]oes? Ethical Data Collection in Open Digital Societies**

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## **Elevator Pitch**

In 2021 networked learning community scholars responded to a call inviting discussion of how they made meaning of the term networked learning and understood its associated practices (Gourlay et al., 2021). The insights shared and questions raised have implications for all educators and scholars working with and among students of all levels. The purpose of this roundtable discussion will be to consider the relevance of these insights and questions for those whose work centers open educational resources and collection of data related to their use. In particular, participants will discuss whether and how to gather, analyse and store data in ways which honour the "trusting relationships" (Gourlay et al., 2021, p. 337) considered essential to "socially just" (Bali, 2020, n.p.) networked learning experiences. Discussants will be invited to unravel to what extent the use, modification, or creation of open educational resources qualify as networked learning, explore the impact the use of related technology has on pedagogy, and work together to explicate whom, in fact, such practices and connections are ultimately for (Gourlay et al., 2021). The authors of this paper will share research and experiences related to the development of a student data privacy framework intended to guide data collection practices for materials created in association with the academic library's open educational resource publishing program.

Open educational resources (OER) are "teaching, learning and research materials that make use of appropriate tools, such as open licensing, to permit their free reuse, continuous improvement and repurposing by others for educational purposes" (Miao et al., 2019, p. 9). Academic libraries are becoming increasingly involved in the creation, modification, publication and distribution of OER. This involvement has come about in large part because of existing infrastructures and skill sets present in libraries, but also because of the perceived compatibility of libraries' mission and the potential OER are seen as having for catalysing change in higher education (Gong, 2021). As a result of this increased involvement in the OER creation and publication life cycle, librarians are finding themselves adding OER project management to their already full plates, wrestling with decisions such as whether and how to ethically gather, analyse, and store data generated by their use.

The gathering, analysis, and storing of student data is a common practice across higher educational institutions. Used properly, data can benefit students and institutions alike. One specific form of student data is learning analytics (LA). LA is data about learners and their learning environments that can be used to understand and optimize their learning experiences (International Learning Analytics & Knowledge Conference, 2010). This data includes data produced by students while in the learning environment as well as outside feedback or information that is provided about learners and the learning environment.

Although guidance has been published regarding technical, procedural and governing aspects of student data management, best practices have rarely been codified. Despite educational laws such as FERPA, the prevalence of leeway, loopholes, and lack of required data practices put students' data privacy, and consequently their wellbeing, at risk (Zeide, 2016; 2017). Additionally, privacy scholars warn of the ethical conundrums that come along with any student data use, such as encroachments upon student autonomy and intellectual freedom.

It is generally accepted that at least some learning analytics are necessary to inform continuous improved effectiveness of instructional practices over time and ensuring that the instruction or learning object is achieving its objectives (Liu et al., 2021). While some find it sufficient to set a broad standard of collecting data to advance university or library goals, scholars have argued that this expansive reasoning could lead to overreach and dangerous situations for students. Privacy is an issue that has been codified into library codes of practice. Four of the nine principles listed in the American Library Association's 'Code of Ethics' (2021) echo a duty to

privacy and respect for intellectual property and safety (principle nos. 2, 3, 4, 5, and 6). The National Information Standards Organization (NISO, 2015) published its 'Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems' as a "starting point" (p. 5) for library practitioners in protecting user privacy. Given these vocational imperatives, libraries have a duty to do more to protect users' privacy and rights than what is limitedly required by law. Libraries are uniquely situated within academia and hold the potential to affect institutional student data practices among institutional partners and stakeholders (Oakleaf, 2018).

## Goals

Participants in this round table discussion will consider questions about the ethical use of student data such as what options lead to the most positive consequences, what benefits/harms/alternatives might be embedded in these options, which options respect students' rights, ensure equity, and advance the common good? The authors will, as needed, introduce into conversation feedback received during presentations in which they described the development of their department's student privacy framework. It is hoped that outcomes of this roundtable discussion will include articulation of whether/how data collection frameworks can inform ethical practices in networked learning experiences involving OER.

## References

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