

Academic Ethics: Privacy in the Classroom

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On some campuses there are classrooms with video equipment recording what is going on in those rooms when there are people within them for the sake of observing the computer equipment in order to determine who might tamper with or attempt to remove or steal the equipment. CUNY administrators having video cameras recording classes when in session for any reason related to administration and not to the teaching and learning activities is wrong in many ways. It is wrong as a violation of privacy. It is wrong as being pedagogically unsound. Perhaps those who decide to do this thing do not consider the impact on teaching and learning- the mission of the university. Perhaps they did not consider the possible legal liability assumed by the university by the practice or the potential consequences on the personnel review process should the images, sounds or derived information from such sources become available to anyone who should not have that information. When the recordings are made others may view them. They may be copied and distributed, with or without authorization. Having them on computers and servers that are part of any network exposes those files to access by any number of parties. What does that do to the instructor and the class to know that they are being monitored and can possibly have all that they do and say made available to many others? Many students do not like being observed or having their photos taken. What will they think of having digital recordings of what they do in the class? Beyond the lack of respect shown to the persons and to the process of education by this practice of observing and recording, what of the chilling effect on the sorts of techniques instructors might use (e.g., Devil's Advocate) and on the sort of exchanges that should occur between and amongst the students and instructors.

There is no compelling argument for the operation of such recordings for the sake of the security of machinery (computers and projectors, etc...) in the room when there are alternative methods for providing for the safeguarding of such equipment without the recorded observations taking place whenever there are persons in the room. The teaching and learning should be regarded in practice as being more important than the machinery.

There is an instructive analogy involving dressing rooms and cameras to detect shoplifting of garments. There is reasonable expectation of privacy in dressing rooms and there are other methods to protect inventory. Thus, the cameras are ruled illegal. In CUNY students have a reasonable expectation of privacy in a classroom. If the digital recordings being captured and stored on networked computers and servers of the college are accessed by those other than the "security" personnel or by those outside of the CUNY system those students whose images appear before others who are not members of their class would most probably have cause for a law suit. Imagine what the consequences might be of unauthorized CUNY classroom videos appearing on websites or still photos in newspapers and periodicals. Excerpted and edited scenes of instructors playing the role of devil's advocate or agents provocateur might make good copy and fodder for those who look to criticize CUNY at every opportunity.

Faculty have an expectation that any observations of their teaching will take place in accordance with the provisions of the contract. Should any image or information obtained by the method of digital recording of events in the classroom for whatever purposes, become available to anyone who is part of the process of personnel review that would constitute grounds for a grievance as information obtained in violation of the terms for observations of classroom teaching.

Privacy is important for educators. Whether in their relationships with individuals or in the conduct of their class, privacy is an important value that ought to be acknowledged and, provided for and protected.

Privacy is a value held closely by most people and often the right to privacy is recognized by a society through the enactment of legislation or regulations. In education privacy is valued. There is a privacy that is needed for the development of close relationships between human being and between peers and between educators and their students. Without privacy several forms of intimacy are not going to be possible. Privacy is needed for many

relationships and this includes relationships that educators enter into in order to do some of the many things that are their professional responsibilities. Privacy is important when students are being advised, counseled and tutored. But privacy is not only valued in relationships between individuals. There are also reasonable expectations of privacy and the need for privacy with various groups.

Privacy is needed and even necessary not only in the dealings of the teacher with the student on an individual basis but also with groups of students, classes. Why should there be an expectation of privacy in the classroom? Why should there be a right to privacy in a classroom that often is occupied by many people? The answer that provides the basis for both the right and expectation of privacy is located the basic teaching and learning that is expected to go in the classroom.

There are at least three types of privacy: physical, social and psychological. While the teaching and learning process involves all three of these, physical privacy, however, is active as a concern only in the physical classroom and not the virtual classroom. Physical privacy relates to our bodies and not just to our "private parts". It is of great value in relation to self image and self esteem and to the basic sense of self. As we age few of us are prepared to have others see us as we first arise from our beds in the morning. We need to prepare to go out into the public sphere and for that we put on our public face and at times our 'game face'. Social privacy relates to the ways in which we interact with others and that involves the various forms of being with others. We have reasons why we do not want others to observe our communications with certain others be they in written form or facial expressions or oral expression or electronic data transfers. The observations of others intrudes upon and alters the nature of the private relationship with the particular other and can even on occasion destroy not only the intended communication or transmission of feeling but even the relationship. Psychological privacy involves the very thoughts and feelings of the human. Such privacy is needed for the development and preservation of the individual self. Some particularly cruel forms of torture aim at destroying resistance by destroying the individual sense of self through violations of all forms of privacy but in particular the psychological realm.

What has this to do with teaching and learning? It is not an accident that in all the classrooms the door is usually closed. From my kindergarten class to the university class or graduate seminar the classroom is for the teacher and the students with the door usually kept closed and others in by invitation or with permission. The door is closed to prevent distractions and as a provision for establishing a space where teacher and students alike feel safe with one another in "their" class, in "their" space.

In the relationship between the instructor and the learner there needs to be a degree of trust on the part of each for the other. Often instructors are attempting to lead from (educate) the student the enunciation of their opinions, views and beliefs and induce in them a critical thinking process and so at times those closely held thoughts are going to be subjected to a critical review and promptings to reflect upon them for possible reconsideration. The student is expected to do this in the classroom (physical or virtual) with fellow students who are sharing in the experience and are being encouraged to do likewise. There is the expectation that there will be honest communications occurring. Now insert into this the possibility that at any time parties unknown may be viewing or listening in on what is going on without the foreknowledge or forewarning. It is not only reasonable to think but well warranted to conclude, based on observing students during classes when "outsiders" are present in the room, that the students will be more guarded and reserved and perhaps less honest. The presence of the one not involved in the exchanges and not having a stake in the enterprise is not usually a presence that is contributing in a positive manner to the actual exchanges. They are distractions at best and interference at worst even an inhibiting factor.

Privacy and Students

Beyond the concern for the impact on the effectiveness of the pedagogic program there is the concern for the impact on the student. If students are revealing personal information during some classroom exchanges expecting only those present to share in it then the availability and dissemination of this information to other parties beyond that classroom may violate federal statutes and regulations with regard to their privacy.

Some students are quite sensitive and anxious about appearing before others and in particular to speaking before or with others in the classroom. Some take quite a while to open up in class. There are many reasons for the reticence

including personal appearance, language skills and self esteem issues. What does the possibility that someone is observing such a student who is not known to that student do to comfort level and the willingness to participate in the instructional program? Instructors are responsible to create and maintain an environment conducive to learning. Having strangers in the classroom and unannounced visitors and, worse still, official observers, is not likely to be supportive to that effort. So, students have a concern for their physical, social and psychological privacy within the classroom space.

Privacy and Faculty

Faculty may want the classroom to be a private place restricted to teacher and learners for a number of reasons related to instruction. Any or all of these reasons can be overridden on occasion or for entire semesters. Faculty want to develop a set of relationships to the learners and the class as a whole and intrusions of strangers or outsiders into the class space threaten a disruption of those relationships. It takes a teacher a while to develop those relationships with learners to the point where the teacher has gained or earned the trust of the student and a feeling that the teacher will serve and protect the student.

Faculty understand that as they receive their initial appointment they will be subject to evaluation of their performance in a number of spheres and not the least of which is their teaching. They need to know that such observations that are part of that process will be done fairly and in a manner intended to assist them in the development of their teaching effectiveness. Faculty need to know when they will be observed and how they will be observed so as not to feel threatened by surprise visits and surreptitious observations that might not obtain the whole picture of what is going on in that class lacking the appropriate understanding of context.

In time faculty develop a sense of accomplishment and satisfaction and a sense of comfort along with the continuing sense of being challenged and needing to do more with and for their students. The seasoned veterans care little about surprise visits except for their student's sakes and may even invite others into the class for presentations and participation in exchanges. The tenured faculty has little to fear in opening their doors except for the potential distractions and disruptions to the presentation of instruction and the learning exercises.

Faculty as well as students have a concern for their physical, social and psychological privacy while engaged in the activities of instruction, advising and counseling. There are varying degrees of concern given the basic personality types of faculty and the subject matters taught and the groups of students and their physical learning spaces. At times some care greatly and others at times some care not at all. The degree of concern may relate most directly with the years of experience and with achievement of tenure.

So, there is often a need for the various forms of privacy in the classroom whether it is a physical or virtual space and this is the case because of what should be going on in that space.