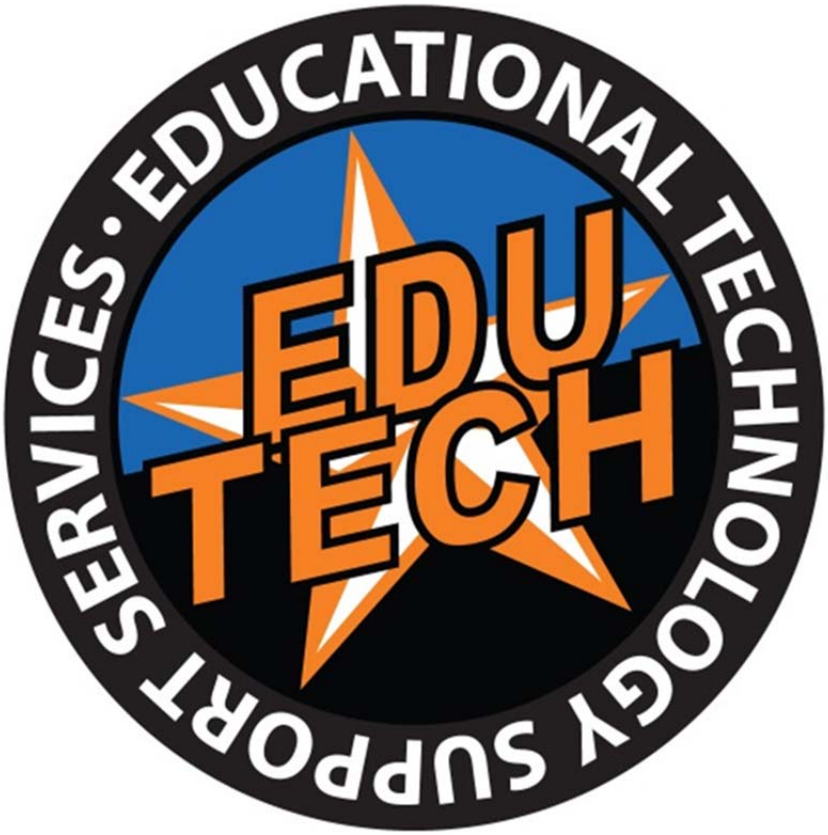
Learning Analytics:

Results of the Policy Survey and Research on the Implementation of Successful Analytics Programs



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This project was designed to dovetail with the University of Texas at Arlington (UTA) analytics implementation – picking up from where the technical implementation leaves off.

Research for this project began with a literature review followed by a series of in-person interviews with north Texas Independent School District chief technology officers during the fall of 2013. In 2014 I surveyed the membership of the Association of College & University Policy Administrators (ACUPA) asking for any examples of policies related to analytics initiatives on the member's respective campuses. There were no positive responses, but I did get a long list of colleagues asking me to share what I found out – so here it is. Finally, with the assistance of a leading corporate VP of Analytics Implementation, I identified and contacted 24 institutions at various implementation stages to ascertain what, if any, common practices could be identified with successful analytics programs.

Despite the fact that none of the institutions surveyed reported any policies related to the application of analytics on campus, research suggests that there are in fact numerous policy issues that should be addressed up front before venturing too far down the path of implementation.

FERPA is the obvious choice to begin with since it carries the most weight in terms of execution and compliance. Under FERPA the collection, utilization and even resale of student data is permitted without need for student notification or consent.

This is problematic for a number of reasons:

1. In addition to targeted student behaviors, learning analytics includes data about faculty performance that may or may not be used for faculty evaluation and promotion;

2. Faculty evaluation and promotion policies are often contractually-based, meaning that other legal and professional entities are likely to become involved;

3. There are serious ethical considerations about the creation of student profiles designed to outlive their immediate and expressed purpose.

It is one thing to collect student data under the guise of FERPA for educational use – it is another thing to collect data about the quality and effectiveness of instructional faculty for use on and beyond campus without their permission. Such collection and use for evaluation and promotional considerations likely violates existing contracts and/or policies. This is particularly problematic when it comes to dealing with the roles and responsibilities of faculty regarding the utilization of analytics in their courses, especially when it comes to the question of faculty obligations to act on the data.

One simple example might be whether or not it is the faculty member's responsibility to report students having difficulties to student support services and to what extent faculty have any responsibility to follow up on said report.

More to the point, if the data prove that a particular group of students (such as first time, first year, first generation students from disadvantaged backgrounds), master a particular subject matter best when it is delivered in a specific mode using a specific method built around content that is organized in a particular way – will faculty be obligated to adjust their material and methods accordingly? If that is the plan, what happens when someone refuses citing the privilege of academic freedom?

If the point of adopting analytics is to promote student success then how could an institution not at least feel obligated to adopt those measures that are determined to be the most effective? How would they market the reverse? The purpose behind using student data is twofold: find those at high risk through predictive analytics, then figure out how best to approach them through behavioral economics and the correct intervention. This process must include faculty and faculty managers as well, which is why careful consideration should be given to the policy concerns outlined above.

What are the ethical ramifications of denying students and faculty the right to either opt-out or consent to the collection of data that Knewton CEO Jose Ferreira describes as "the most important data set in one's life?" Ferreira, like almost every other proponent of big data and analytics, also believes that:

> "…in 30 years, the human race will be totally dominated by data science…In terms of education and healthcare, I don't think there will be an invasion of privacy because there's not going to be any marketing of it."

No marketing, really? The "most important data set in one's life" is not going to be marketed by any number of companies looking to cash in on information valued in the billions of dollars – even though this has been the business model in every other market sector in which big data operates, including: healthcare, retail, telecommunications, banking, credit, insurance, real estate, etc. Frankly, I find such claims to be disingenuous at best and more likely simply outright lies.

Despite what the law under FERPA permits - for an institution to facilitate this process without providing any meaningful level of privacy protection for its students and faculty is reprehensible given the evidence in hand of how things will likely end. The very least that colleges and universities ought to do is provide all impacted parties the informed choice of either opting out of data collection activities or consenting to same. No one should be subjected to this scheme without their permission.

So what is to be done? I focused initially on policy because that is one of the surest measures of future success – initiatives that are not anchored in policy all too often burn brightly, but not for long. For this and other strategic and business concerns that need not be elaborated on at this time, I believe it is important that analytics implementations be done with policy concerns first and foremost in mind. Only after sound policies have been developed can we move forward in addressing student learning, faculty development and institutional success issues and concerns.

I understand that every campus has a different policy structure, but in order to contextualize the types of policies that might be impacted by the implementation of an analytics program I offer the University of Texas at Arlington (UTA) as a case study. So in addition to my earlier policy suggestions, the following are existing UTA policies I identified as potentially in need of review as a result of the pending UTA analytics implementation:

- FERPA Training for Faculty and Staff
- *Handbook of Operating Procedures* (UT ARL Policies)
  - Rights, Responsibilities and Duties of Faculty Members (section 6-501)
  - Course Syllabuses and Course Evaluations (section 6-502)
  - Textbooks and Other Course Materials for Student Use (section 6-504)
  - Minimum Faculty Academic Workload Requirements (section 6-505)
  - Annual Review and Comprehensive Evaluation of Faculty (section ADM 6-725)
  - Access to Information Technology
- Rules and Regulations of the Board of Regents (UT System)
- Policy on Transparency, Accountability, and Access to Information (UT System)

I hope this brief is helpful in supporting on-going campus discussions about analytics or in starting new ones. I appreciate your assistance in making this possible. For the record, two companion briefs on “Analytics and Faculty Development” and “Institutional Success Factors for Analytics” are also available upon request.