

NYU Faculty Senate Joint Administration and Technology Meeting

Wednesday August 5, 2020

12:30-1:30pm (EDT)

Agenda

- Introduction: Edward Kleinert, Chair, C-FSC, Admin and Tech Committee
- Legal Reason and Implications: Terrance Nolan, General Counsel
- Education Technology Implications: Clay Shirky, Vice Provost Educational Technologies
- Decision Making Process: Kristen Day, Vice Provost
- Questions and Discussion from members of the T-FSC and C-FSC Administration and Technology Committees as well as from members of the T-FSC and C-FSC Executive/Steering Committees

Nolan discussed the legal reason and implications of NYU's policy decision to retain all "Zoom" classroom session recordings until further notice. This includes retaining all recordings posted on NYU classes. This was necessary due to a class action lawsuit filed against NYU claiming the remote learning environment and the manner of instruction delivered was ineffective and therefore demands a return of tuition. Due to this situation, until further notice faculty are unable to delete Zoom classroom recordings because of data retention needs related to the case.

Senators detailed faculty concerns regarding this change.

In response to faculty concerns regarding ownership of recordings, Shirky made it clear there has not been a change in the University's [Intellectual Property Policy](#). Faculty own the intellectual property (IP) for the recordings.

Faculty also have concerns that even though students are prohibited from recording locally, there are ways students can work around the system. Shirky noted stricter default systems were put in place to prevent students from recording locally, which will deter most users. He noted, however, that it is not a locked door, and as with screenshots, etc. there are workarounds.

A Senator questioned if the University could download all spring recordings to a NYU server. Shirky noted they are working with Zoom on this capability. It was inquired if NYU has all recordings archived in a back-up system. Shirky noted these are all archived together and not separated by course, making it challenge to pull specific evidence for General Counsel with all recordings being grouped together.

Chris Blackburn, NYU IT, will investigate what it will take to allow for reenabling the delete on Zoom for fall classes, as the lawsuit only applies to spring classes. It was noted the preferred policy allows faculty to delete recordings, but again this change in policy was due to the legal implications brought on by the lawsuit.

In response to the question if students are required to sign a waiver to agree to being recorded in a zoom class session, Shirky responded a waiver is not required if the recording is of the general class, as any student would have experienced in class.

A senator shared a document that included a Political Safety Accommodation Statement, which they and a group of faculty members have discussed submitting on syllabi for students studying in China. A final version of this document will be sent the group.

Senators suggested Terry Nolan and Clay Shirky draft a statement to be sent to faculty regarding this issue. University Leadership will develop an 'instructional video' on administrative concerns with using Zoom; and clarify the defaults of the application.

It was noted that the issue of digital content being discoverable does not just include Zoom, but email, etc., as has been in the case. A Senator raised the point that faculty are being asked to record their classes via Zoom, which is a change from the norm, and unlike other forms of communication or the usual classroom environment, all sensitive discussions are recorded via digital means. This pressure to record classes makes this situation different from the discoverable issues around, say, email vs. calling someone; faculty, in effect, feel pressured to turn their class sessions into (potentially) discoverable evidence.

Shirky noted Leadership at the University, will defer to individual faculty members, who are empowered to make decisions regarding recording or not, a Zoom classroom session, and/or deleting a Zoom recording (when this functionality is restored.)

On a process level, it was noted that the T-FSC and C-FSC Administration and Technology Committees are the appropriate resource for leadership at the University to turn to regarding this issue.

Kleinert concluded the meeting by emphasizing the importance of sharing information on changes to policy, etc. with the Faculty Senates to enable a collaborative discussion. This assists the Senate in effectively communicating policies to constituents.