CSU Learning Analytics Code of Practice

VERSION 3.3

Approved by Academic Senate: September 16 2015

Developed by Adaptive Learning and Teaching Services, Learning Technologies Unit,
Division of Student Learning

We acknowledge the good efforts of all those who have contributed their time and advice that has informed the compilation of the Code of Practice.

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Section 1 - Purpose

The purpose of the *Learning Analytics Code of Practice* is to provide a university-wide framework to guide the use of Learning Analytics at CSU, and to improve the understanding of models of learning and teaching at CSU and its performance in the context of:

- National and international developments and drivers contextualised to CSU;
- Institutional values, objectives and strategic priorities;
- Relevant institutional policies, governance, roles and responsibilities, statutory obligations; and
- Ethical issues and institutional risks.

It is acknowledged that there's a breadth of meaning in the use of the term 'Learning Analytics', but the one adopted here, where learning is emphasised, is understood to mean "the measurement, collection, analysis and reporting of data about learners and their contexts, for purposes of understanding and optimising learning and the environments in which it occurs" (adopted by SoLAR, cited in Long & Siemens, 2011, p.34). Learner contexts is a broad term that includes relevant computer systems, learning design, the role of teaching staff as well as student support staff.

Learning Analytics is an emergent discipline and domain of practice, and still relatively immature in terms of its application in higher education. This relative immaturity and the nature of the practice itself raises potential issues and risks around ethics, privacy and effectiveness. In this context, a Code of Practice has been developed as an effective practice framework. It defines central principles and commitments to govern the ethical and lawful practices of Learning Analytics at CSU.

1. Learning Analytics at CSU

The considerable potential Learning Analytics has in higher education institutions is the growing sophistication to "harness the power of advances in data mining, interpretation and modelling to improve understandings of teaching and learning, and to tailor education to individual students more effectively" (Johnson, Adams, & Cummins, 2012).

Learning Analytics is a core operational direction of CSU. The University places learning at the centre of its *Learning Analytics Strategy* (2013), acknowledging that:

a. the role of the learner, the teacher and course and subject design are critical in the educational process; and
b. learning is a complex social activity and that technical methods do not fully capture the scope and nuanced nature of learning.

Learning Analytics at CSU exists to enhance data-informed practice and adaptation in learning and teaching by supporting: a) the agency of students and staff; and b) the responsiveness of learning and teaching systems and processes.

The vision advanced by the Code of Practice is for the legal, ethical and effective use of Learning Analytics to enhance student success, as defined by the *CSU Learning Analytics Strategy* (2013).

2. Oversight on the Ethical Use of Learning Analytics

Learning Analytics is situated within the academic governance framework of the University, governed by the Academic Senate and its policies and processes. However, consideration needs to be given to providing a formal process for practical issues or questions that may arise from time-to-time in pursuing the ethical use of data for learning analytics.

In the first instance, in terms of any uncertainties regarding what constitutes acceptable practice, then guidance or advice may be sought by contacting the Manager, Adaptive Learning & Teaching Services within the Division of Student Learning.

The Manager, Adaptive Learning & Teaching Services may refer matters to the Human Research Ethics Committee (HREC) and/or the CSU Ombudsman as appropriate to adjudicate: a) new or ambiguous requests; and/or b) those with potentially significant ethical and privacy considerations.

3. Related CSU Policies

Learning Analytics are carried out alongside the University's established data collection, retention and processing practices and activities, where policies and procedures for legal compliance and managing risk are already in place. This Code of Practice is subservient to any existing data governance processes employed by the respective data custodians of the University and does not convey a right to access any data outside of such processes.

This Code of Practice has been developed with reference to and in support of the following policies, guidelines, rules and regulations held within the CSU Policy Library or on the DIT website.

Academic Communication with Students Policy
Admissions Policy
Cloud Computing Policy
Code of Conduct
Computing and Communications Facilities Use Policy
DIT Privacy Statement
External Educational Technologies for Learning and Teaching Guidelines
External Educational Technologies for Learning and Teaching Policy
Information Retention and Archiving Policy
Information Security Policy
Information Technology Access and Induction Guidelines
Intellectual Property Policy
Introduction of Learning Technologies Review Process
Privacy Management Plan
Research Code of Practice
Research Data Management Policy
Storage and Transmission of Personal Private Information
Subject Outlines Policy
Web Policy
Workplace Learning Policy

Section 2 - Governing Principles

The governing principles of the Code of Practice are the over-arching principles that define the University's approach to Learning Analytics and any future decision-making with regard to Learning Analytics. These are more than 'guiding' principles; they are best thought of as the core ethical and legal foundations of Learning Analytics at CSU. All practices must be consistent with these most basic governing principles.

The Code of Practice is based upon seven governing principles, arranged across three key areas of Ethical Intent, Student Success, and Transparency and Informed Participation.

Ethical Intent

The first three Principles reflect primary responsibilities the University has towards ensuring Learning Analytics is carried out in accordance with its legal obligations and in keeping with principles of ethical practice.

CSU acknowledges that Learning Analytics raises a number of ethical and legal issues (including privacy rights). However, given the University's educational context, the benefits offered by Learning Analytics for students and staff justify its practice in supporting learning and teaching insofar as those ethical and legal issues can be managed to respect all who are the subject of data collection. The body of literature makes frequent reference to how institutions need to have in place clear guidelines on ethical considerations surrounding such aspects as the rights and dignity of individuals, and openness about processes and practices (Pardo & Siemens, 2014; Siemens, 2013; Slade & Prinsloo, 2013). The literature is equally insistent on higher education institutions ensuring that their legal obligations are being met in relation to personal privacy, data collection and information protection (Kay, Korn & Oppenheim, 2012; Siemens, 2013).

Principle 1: Learning Analytics contributes to equitable and inclusive participation in education by providing information in support of quality learning and teaching, and student-centred practice[1].

Principle 2: Learning Analytics will be conducted in a way that: a) respects the rights and dignity of those who are the subject of data collection; b) accords with the obligations, commitments and values of the University; and c) after due consideration of risks/benefits, makes no unwarranted incursions into, or breaches of, an individual's privacy.

Principle 3: Learning Analytics is a justified and ethical practice that is core to the University's operations.

[1] As defined by Learning Analytics Working Party. (n.d.). *Working draft: Mapping drivers of student success*.

Student Success

Principles 4 and 5 align with the *CSU Learning Analytics Strategy* (2013), whereby the analysis of learning and teaching related behaviours and data are argued to provide valuable insights into the student experience. Collected data is used for the purpose of better understanding and supporting student progress and retention, and promoting teaching excellence and scholarship. Students are engaged as active agents in the implementation of Learning Analytics, and placed at the centre of the learning experience by accommodating diverse individual characteristics in the learning process, by providing choice, and by allowing them to be active 'managers' of their own learning through the use of analytics.

Elemental to gaining a better understanding of and supporting student progress and retention is the recognition and respect given to all students' knowledge, experiences, strengths and needs (Boyle & Wallace, 2011). Of particular relevance, consonant with the University Strategy Objectives for improved educational outcomes and lives for Indigenous Australians, is ensuring learning data is used in ways that optimise all students' engagement and advances successful learning outcomes according to their understandings and aspirations.

Principle 4: Data is collected from learning and teaching systems, retained and utilised for the purposes of enhancing learning and teaching by:

- Increasing the capacity for data-informed improvements in the learning, teaching and support practices of the University, incorporating its students, employees, systems and processes;
- Enabling personalised management of the relationship between the University and its students and employees;
- Managing the performance of online learning systems and resolving issues therein; and
- Contributing to research and scholarship in learning and teaching, including the field of Learning Analytics itself.

Principle 5: Student success is enhanced when meaningful data is provided to students to give them greater control over and responsibility for their learning.

Transparency and Informed Participation

The final two principles show how the University will be clear and open in its purpose and scope for Learning Analytics, and maintain an established pathway for staff and students to understand their rights of access and privacy and regularly update their consent to data collection and storage. In order for the University to confirm Learning Analytics as a trusted activity within a community of practice for learning and teaching, then "its very policy of transparency" will inspire confidence in the institution's efforts in Learning Analytics (Kruse & Pongsajapan, 2012). Forthrightness in processes and practices will ensure all staff and students have access to descriptions "of how Learning Analytics is carried out and […] informed of the type of information being collected, including how it is collected, stored and processed" (Creagh, 2014, p. 15).

Principle 6: The University (and its employees) will be transparent with regard to the collection, retention and use of data from learning and teaching systems.

Principle 7: All users of the University's learning and teaching systems will have access to clear explanations of their rights and obligations with respect to data from those systems.

Section 3 - Our Commitments

As part of an ethical framework for the practice of Learning Analytics, and in keeping with the seven above-mentioned governing principles, the following 'Commitment Statements' provide the University's assurances towards a continuing successful and trusted practice in Learning Analytics across institutional practices for learning and teaching and student success.

Governing Principles	Our Commitments

Ethical Intent
1. Learning Analytics contributes to equitable and inclusive participation in education by providing information in support of quality learning and teaching, and student-centred practice.
2. Learning Analytics will be conducted in a way that: a) respects the rights and dignity of those who are the subject of data collection; b) accords with the obligations, commitments and values of the University; and c) after due consideration of risks/benefits, makes no unwarranted incursions into, or breaches of, an individual's privacy.
3. Learning Analytics is a justified and ethical practice that is core to the University's operations.
	• The University recognises that data from learning and teaching systems constitute personal information. Therefore, all Learning Analytics practices are to be grounded in provisions of the NSW Privacy and Personal Information Protection Act 1998 (PPIPA) and the National Statement on Ethical Conduct in Human Research (NSECHR).
	• The University will update this Code of Practice and relevant policies in accordance with changes to the NSW PPIPA, the NSECHR and recognised "best practice" in the field of Learning Analytics.
	• Teaching and support staff of the University will act professionally, confidentially and sensitively when dealing with data about their students and/or colleagues.
	• The University will apply appropriate governance and review processes to the introduction and on-going use of any analytics-enabled learning technologies.
	• Learning Analytics practices will be constrained to only those technologies used for learning and teaching, and data captured therein. The University will not engage in Learning Analytics practices that use data sources: a) not directly related to learning and teaching; and/or b) where users may not reasonably expect such data collection by the University to occur. Examples of the latter include email, social media, private online communication (e.g. Skype) accounts and so forth.
	• Any Learning Analytics practices that seek to collect and use data in any way that is not consistent with: a) this Code of Practice; and/or b) the original purpose for which the data in question was collected can only proceed if:
	  ○ explicit informed consent is gathered from those who are the subject of measurement. Where informed consent means that: a) clear and accurate information is provided about what data is or may be collected, why and how it is collected, how it is stored and how it is used; and b) agreement is freely given to the practice(s) described; and
	  ○ such activities are undertaken for a purpose consistent with Governing Principles 4 and 5 of this Code.

Governing Principles	Our Commitments
Student Success 4. Data is collected from learning and teaching systems, retained and utilised for the purposes of enhancing learning and teaching by: a. Increasing the capacity for data-informed improvements in the learning, teaching and support practices of the University, incorporating its students, employees, systems and processes; b. Enabling personalised management of the relationship between the University and its students and employees; c. Managing the performance of online learning systems and resolving issues therein; and d. Contributing to research and scholarship in learning and teaching, including the field of Learning Analytics itself. 5. Student success is enhanced when meaningful data is provided to students to give them greater control over and responsibility for their learning.	• The University will only collect data from learning and teaching systems that are meaningful within Governing Principles 4 and 5 of this Code. • The University recognises that "best practice" in Learning Analytics can vary depending on the educational context, the student context and background, the technology employed, the type of data in question, as well as other factors. Therefore, the Adaptive Learning and Teaching Services team, Learning Technologies Unit, DSL will provide: ○ guidance and advice to the University, its employees and students on effective and appropriate application of Learning Analytics within specific contexts; and ○ an ongoing program of professional learning, learning resources and Communities of Practice around the effective and appropriate application of Learning Analytics. • The University will provide students with access to data on their learning in a way that: a) enhances agency and autonomous learning; b) promotes quality learning and engagement; and c) recognises student diversity and individuality. • With regards to its employees, the University's application of Learning Analytics will focus on supporting reflective and collaborative practices for improving learning and teaching. • Learning Analytics will never be used as a basis to unfairly discriminate against or disadvantage a student, group of students and/or employee(s), including (but not limited to): ○ using data in a way that is not supported by: a) the constraints and assumptions on that data; and/or b) its original purpose of collection; ○ accessing data from sources not connected to the learning and teaching of the University; and ○ accessing and/or using data in anyway inconsistent with Principle 2 of this Code. Data from learning and teaching systems may be used to investigate conformance with University policies (e.g., Computing and Communications Facilities Use Policy, Student Charter, Code of Conduct, academic policies related to plagiarism, etc.) and inform subsequent action. • Student interventions made on the basis of Learning Analytics: ○ should draw upon multiple sources of insight on a student's behaviour, performance and context; ○ must be managed professionally and sensitively; ○ must not unfairly advantage or disadvantage a student or group of students; and ○ should promote student-centred practices by: ▪ positively contributing to student engagement; ▪ building student responsibility, agency and learning autonomy; ▪ optimising accessibility of people, experiences and support; ▪ enabling timely two-way feedback and reflective practice; and ▪ being responsive to diversity and individuality in student learning characteristics and behaviours. • In addition to this Code of Practice, the collection, retention and use of data from learning and teaching systems in any research project will be subject to the ethics approvals and controls for that project.

Governing Principles	Our Commitments

Transparency and Informed Participation
6. The University (and its employees) will be transparent with regard to the collection, retention and use of data/analytics from learning and teaching systems.
7. All users of the University's learning and teaching systems will have access to clear explanations of their rights and obligations with respect to data from those systems.
	• The University will provide all users of its learning and teaching technologies with accessible, clear and accurate explanations of what data is or may be collected, why and how it is collected, how it is stored and how it is used.
	• The University will use and maintain a *CSU Learning Analytics Consent Statement*[2] and periodically require students and employees to review and (re)confirm their acceptance of this Statement.
	• The University will make available a plain language *Statement of Student Data Rights and Responsibilities*[3] that outlines students' rights and responsibilities with relation to collection, retention and analysis of data from learning and teaching systems
	• The University will employ consultative processes around any changes to policy relating to Learning Analytics (including this Code).
	• It can be expected that data from learning and teaching systems would be accessible to:
	  ○ the system user themselves, for the purposes of disclosure and enhancing their learning and teaching experience;
	  ○ the institution and its authorised agents, for the purposes outlined in Governing Principles 4 and 5 of this Code; and
	  ○ the vendor of the learning and teaching technologies employed, only where: a) the vendor provides information on the data it collects and the privacy policies underpinning that collection; and b) those privacy policies have been reviewed and align with the requirements of the University. Such analytics may only be used by the vendor for the purpose of resolving service/technical issues and maintaining service provision to CSU.
	• Students and employees of the University have the right to know: a) if data from learning and teaching systems has been used to inform decisions regarding them; and b) what data was used, how and by whom.
	• Subject Outlines will clearly state if and how student data may be used in a subject to: a) monitor student activity and learning; and b) adapt teaching and/or support resources and practices.
	• Data from learning and teaching systems will be an input to the decision-making and professional judgement of University employees, but: a) will not be used as an official record of the University; and b) do not, in themselves, create an obligation to act.
	• The University (and its employees) may only share data from learning and teaching systems with external parties insofar as that action is consistent with the *CSU Learning Analytics Consent Statement* and this Code.
	• The University will protect the security of any data from learning and teaching systems it holds consistent with the CSU Information Security Policy. This responsibility extends to any University employees personally collecting and retaining data about students and/or colleagues.
	• Data from learning and teaching systems will only be retained by the University for so long as it is relevant to Governing Principles 4 and 5 of this Code.

[2] Appendix A *CSU Learning Analytics Consent Statement*
[3] Appendix B *Statement of Student Data Rights and Responsibilities*

Section 4 - Bibliography

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Appendices

Appendix A

CSU Learning Analytics Consent Statement

I consent to CSU collecting, retaining and using data about me from the University's online learning and teaching systems, such as the Learning Management System, University website, library systems and other tools/technologies within the online learning environment, where:

1. Such data collection, retention and use is conducted in accordance with: a) the NSW Privacy and Personal Information Protection Act (or equivalent) and the CSU Privacy Management Plan [*include as hyperlink*] and related policies; b) the CSU Learning Analytics Code of Practice [*include as hyperlink*]; and c) University data security requirements (to minimise risk of external breach);
2. The purpose of such data collection, retention and use is to enhance learning and teaching by: a) supporting adaptation in the practices, processes and systems of the University; b) enabling more personalised management of the relationship between the University and its students and employees; c) managing online learning systems and resolve issues therein; and d) contributing to research and scholarship in learning and teaching;
3. Data from learning and teaching systems include: a) logs and/or metadata relating to individual user access and activity within University systems; and b) outputs generated via activity in those systems (e.g. marks, feedback and/or other performance measures);
4. While they may be used to inform decision making consistent with point 2, data from online systems do not constitute official University records (under the Records Management Policy) for students and/or employees;
5. Identified data will only be accessible to CSU employees and/or external parties with a direct role in: a) supporting the identified student(s)/employee(s) in terms of their learning and teaching, the management of their relationship with the University and/or the provision of technical support; and/or b) undertaking research with appropriate ethical approvals and controls in place;
6. Data will be integrated with other personal information held by the University only where it is consistent with the purposes outlined herein;
7. Data collection can only occur in University learning technologies that have been approved in accordance with the CSU Learning Analytics Code of Practice;
8. Data may be stored in CSU servers and data warehouses and/or third-party servers in accordance with the CSU Privacy Management Plan and related policies;
9. The Division of Student Learning will maintain a webpage [*incl as hyperlink*] for students and staff that provides information on the University's Learning Analytics program: its direction, extent and methods.

Appendix B

Statement of Student Data Rights and Responsibilities

CSU uses a range of data about its students for a variety of reasons. For example, to enhance learning and teaching, to improve the efficiency of administration and/or to better manage the relationship, service and support between the University and our students.

This data can include information that you provide to the University (e.g. during enrolment), information we are authorised to collect from other organisations (e.g. government agencies) and data collected during your interaction with University systems (e.g. analytics from the University's learning and teaching systems).

CSU recognises that the kinds of data mentioned above represent students' personal information and, as such, have specific protections under law. To ensure these protections are adhered to across the University, CSU has two key documents which govern the collection, retention and use of students' personal information: the CSU Privacy Management Plan and the CSU Learning Analytics Code of Practice.

Emerging from these documents are a number of core student data rights and responsibilities.

As a student of CSU you can expect:

- Personal information to only be collected, retained and used where there is a genuine purpose related to the management and administration of students and/or enhancement of their learning
- To be informed about personal information that is collected about you
- To have the right to access personal information held by the University and also to seek correction of such information if it is inaccurate, misleading, out of date or not complete
- The University to protect the confidentiality and security of all personal information it holds
- The University to always act in accordance with its policies and procedures related to data collection, use and storage
- To have an avenue for lodging a complaint if you believe your rights to privacy or information security have not been respected

As a student of CSU you have a responsibility to:

- Provide accurate and complete information to the University
- Respect the privacy and personal rights of others
- Use University systems and technologies in a responsible and ethical manner
- Be familiar with University policies and statements and any changes which may be implemented from time to time

Lodging a complaint
You can make a privacy complaint to the University Ombudsman, also the University's Privacy Officer. Read more at: http://www.csu.edu.au/division/vcoffice/oca/university-ombudsman

You can make a complaint regarding an information security breach contact the Executive Officer, Division of Information Technology. Read more information at: http://www.csu.edu.au/division/dit/about/privacy-statement

Further student-related CSU Policies and Statements
Open access is provided through the CSU Policy Library: http://www.csu.edu.au/about/policy

CSU Learning Analytics Code of Practice
CSU Privacy Management Plan
DIT Privacy Statement
Policy for the Use of University Computing and Communication Facilities
Student Charter

Appendix C

Learning Analytics Working Party (LAWP)

The LAWP reports to the CSU Curriculum, Learning and Teaching Committee.
Members of the LAWP are:

- Philip Uys (Chair)
- Nina Clemson
- Nick Drengenberg
- Yann Guisard
- Julia Lynch
- Rachel Richardson
- Liz Smith
- Simon Welsh
- Paul Bristow
- Barney Dalgarno
- Peter Greening
- Karen Johnson
- Narelle Patton
- Tim Scott
- Joy Wallace
- Janelle Wheat

Consultation Process

A wide range of stakeholders across the University were consulted in the drafting of the Code of Practice.

Exploratory Consultation
11 May – 3 June
Miriam Dayhew (University Ombudsman, and Privacy Officer) Nick Drengenberg (Academic Secretary) Colleen Middleton (DIT Privacy Officer) Shelley McMenamin (University Records Manager, DIT) Caroline Triggs (Senior Legal Officer) Dr Catherine Allan (Chair, the Human Research Ethics Committee) Linda Breen (Acting University Secretary, and Director Corporate Affairs)
Draft Consultation
19 June – 29 July
Learning Analytics Working Party HoS Policing Studies Deans PVC – Student Learning Dean of Students Exec Director DIT Exec Director Student Administration Presiding Officer, Academic Senate: Jo-Anne Reid Andrew Crowl, Manager, Employee Relations and Policy Mary Kelly, Director, in DVC Research (regarding issues surrounding Intellectual Property Policy) Student Senate Campus Student Representative Council's