

## No Expectation of Privacy ~ Building Community in Schools

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### **Abstract**

*Qualitative data from a two-year study provides insight into the benefits and challenges of guiding principles in the gathering of surveillance amongst peers, colleagues, students, parents, teachers, administration and IT staff. Poorly written policies related to violent behaviour evolved across the United States and Canada, due to initial zero tolerance measures introduced in the 1990s, exacerbating racial and ethnic disparities. Data collected during the study indicated surveillance is attributed to five themes: well-being, assessment, policy, security, punitive, FOIPPA compliance, intent, test taking procedures and age are all considerations for the theme of policy. Punitive includes parent reports about teachers, administrative monitoring, students' behaviour, investigations, and a reactive mindset without active monitoring. Few connections were made between the use of surveillance in schools and learning or assessment of learning. Similarly, few responses indicated the use of surveillance for measuring wellness in schools.*

**Keywords:** Relationships; Surveillance; Citizenship; Tracking; At-risk

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## **1. Introduction**

This critical investigation of the impact of surveillance used in education amongst peers, colleagues, students, parents, teachers, administration and Information Technology (IT) staff is a highly significant and needed focus, given the rapidly increasing reliance on internet-based technologies across the increasingly diverse communities comprising our public educational system. In particular, scholars have a very limited understanding of the extent to which such policies may impose inequitable threats to students from marginalized or vulnerable populations.

Current educational trends in Canada regarding decentering whiteness (Carter Andrews, He, Marciano, Richmond & Salazar, 2021) and decolonization in addition to teaching tolerance (Graves & Orvidas, 2015) support the provision of safe spaces for students experiencing trauma to speak (Wiest-Stevenson & Lee, 2016). However, current educational policies may be ill prepared for hate or emotion filled communication, sexual expression, or questions about gender identity and policy may challenge schools to consider this communication in a negative context (Doblanco, 2021) or as risk taking (Gómez, Harris, Barreiro, Isorna & Rial, 2017).

In this paper, I suggest the current surveillance model may be responsible for the increase in mass school shootings as students and staff feel monitored and misunderstood. The awareness of staff of a student who is noted as a threat can exacerbate a situation when teachers are not trained on surveillance and possibly hold unrealistic expectations of reactions and may be unaware of the hypervigilance of students who are labelled as at-risk. Systemic and systematic abuse often is cited as the cause for catching the child that is being bullied based on their inability to control their reaction to repeated and undisciplined abuse.

Specifically, this research is interested in understanding:

- *In what ways do educational institutions conduct surveillance?*
- *How do educational institutions define inappropriate behaviour?*
- *What are the potential courses of action and consequences that can be taken, relating to inappropriate use?*

## **2. Theoretical framework**

Henry (2009) differentiates between three models of surveillance: omnioptic, panopticon, and total institution. Omnioptic models of surveillance are based on the premise of the many watching the many while panopticon models, modelled in prisons, are based on isolating individuals with one central watcher. A total institution system of surveillance completely regulates individuals and separates them from the outside world. Jeremy Bentham's design

of the panopticon for a prison included window coverings so prisoners were unable to know when they were being watched and when they were not, thus encouraging inmates to maintain self-discipline at all times (Page, 2017).

Scholars have related the resemblance of schools and prisons with the use of surveillance in schools coupled with zero tolerance policies that emerged in the 1990s as responsible for the school to prison pipeline. Poorly written policies related to violent behaviour evolved across the United States and Canada. Initially, zero tolerance measures were meant to be used for students who were caught with drugs or weapons on school grounds, however zero-tolerance policies were abandoned by 2012 when harsh measures of exclusion and removal of disruptive students were noted as exacerbating “racial and ethnic disparities” (Goldstein et al., 2019, p. 62).

### **3. Methodology**

Research and data collection began in 2019, with four Canadian School Districts (located in British Columbia (BC) and Ontario (ON)) agreeing to participate in person and online. Coronavirus disease 2019 protocols for Face-to-Face contact were followed and noted in this study, with the additional complexity of Ontario teachers and administrators engaged in Work-to-rule job action which has yet to be resolved as of the date of publication. Interviews took place on-site at school board offices, and online through videoconferencing, over the phone and through emails. Triangulation of data was achieved through teacher written response (list of questions), followed by teacher interview, and finally through external review. A case study approach was used to summarize the findings.

There are limitations to the present study. First, it should be acknowledged that the participants in the study were selected based on their technological background, and position within the participating school districts. Second, the sample size is a limitation. Socio-economic status (SES) is a third consideration in this study due to the technology provided to the schools, and the experience with technology students and parents or caregivers had in the home. One final consideration is the potential for participants to formulate responses that the researcher may wish to hear, or that the school district may wish to hear when participating in a research study, such as this.

#### **4. Data sources, evidence, objects or materials**

Interview transcripts were reviewed with an open-coding format, which facilitated the consideration of emergent patterns. The information collected set a framework for the literature and guided the direction of themes emerging from previous interviews, ones that aligned with the literature review as well as new ones that had yet to be mentioned. The combination of the data from the four case studies and literature review helped to refine and differentiate categories to explore that seem promising to develop. Axial coding is used to relate emergent patterns found in the case study data with literature review themes. These tables are provided at the end of this paper.

#### **5. Results**

Q1: In what ways do educational institutions conduct surveillance?

Data collected during the study indicated surveillance is attributed to five themes: well-being (Case Study 3 (CS3), assessment (CS2), policy (CS2; CS4), security (CS2; CS4), punitive (CS2; CS3). FOIPPA compliance (CS2; CS4), intent (CS4), test taking procedures (CS4) and age (CS2) are all considerations for the theme of policy. Security considers subcategories such as installing a footprint on a device (CS2), industry wide lists (CS2), blacklists and shares advantages for creating different networks (CS4) for different devices and limiting access based on entry site. Punitive includes parent reports (CS3) about teachers, administrative monitoring (CS3), students' behaviour (CS3), investigations (CS2) and a reactive mindset without active monitoring (CS2). Few connections were made between the use of surveillance in schools and learning or assessment of learning (CS2). Similarly, few responses indicated the use of surveillance for measuring wellness in schools (CS3).

Q2: How do educational institutions define inappropriate behaviour?

Data collected during the study indicated inappropriate behaviour in schools, from the perspective of participants is often anything not assignment related (CS1), without the permission of the teacher (CS3) and during instructional time (CS1; CS3; CS4), or on school wifi. Consent for taking pictures (CS1), videos (CS1), recording others, disrupting others (CS2), or interacting in a hurtful and harmful way (CS3) was also indicative of inappropriate behaviour. Finally, concerns about the use of phones in class (CS1; CS3; CS4) and the exchange of personal phone numbers (CS1) lead to the perception of cheating with phones on math problems (CS1), or during tests (CS4), and privacy concerns (CS1). As of Nov

2019, the province of Ontario has issued an acceptable use policy to guide school principals in the application of the term in Ontario schools (CS3).

Q3: What are the potential courses of action and consequences that can be taken, relating to inappropriate use?

Data collected during the study indicated that specific networks, such as Palo Alto Networks (CS2) firewalls and they have lists of sites that are inappropriate and accepted as industry wide lists. Additionally, inappropriate sites such as porn sites are blocked, malicious sites, malware sites are all blocked (CS2). Schools can use the same tool to occasionally block a site that is an obvious phishing website (CS2). Teachers can request and view internet browser history (CS3), to see if students were off task in class. The use of digital platforms such as Google Classroom (CS3), and Google Apps for Education (GAFE) (CS2) offer an electronic footprint (CS3), that allows schools to track and monitor if students are misusing their access, writing stuff and sharing inappropriate documents. If a school requests, sites can be identified as social media applications and blocked (CS2). The teacher can request a particular student is blocked (CS2) from access for a temporary period (CS2) and if the cell phone is the device used for the inappropriate use, schools can request to see the phone (CS3). Many schools use a progressive discipline (CS3) approach that allows students several attempts at regulating behaviour that escalate in increments as the behaviour continues, worsens or challenges. These policies are successful when loss of privileges and phone jails (CS3) in the office are supported by parents in the community.

## **6. Key Findings**

1. The teachers in the study are assumed to conduct the majority of surveillance on a day-to-day basis of students while at school on a device.

The responses in Case Study 1 of the term inappropriate meaning anything not assignment related or without the permission of the teacher implies that teachers understand they control how devices are used in the classroom. IT Staff represented in case study two also indicated that the majority of monitoring “does actually fall on the teacher and sometimes the parent” (CS2-1a). Further, IT Staff indicated that a teacher can “request” a student have restricted access or blocked (CS2-1a). From an administrator/parent perspective, case study three confirmed “doing what they should be doing” (CS3) surveillance of devices and technology in the classroom is the responsibility of the supervising teacher and can only be done with the permission of the teacher.

2. Teachers conducting surveillance may not have a voice in the policy they are asked to enforce.

Different perspectives were observed during the study in relation to the surveillance or collection of data at school. In case study two, IT staff reflected on a challenging situation with a parents refusal to give consent for their child's name to be used on Google Apps for Education (GAFE) and they expressed confusion on how a teacher could assess a child in this manner effectively, "they want to use a randomized name" (CS2-1a). The administrator/parent in case study three collaborated with her staff and felt strongly connected to the policy at her school, "five years ago, we had an incident with what we as a staff deemed to be inappropriate use of cell phones and social media in schools and we developed a policy" (CS3) "every single staff member and myself it was a completely collaborative effort that lead us to the policy that we have"(CS3) and in creating a policy for her children's cell phone at a different school, "my kids walk to my school every day after school. They have a phone for safety purposes" (CS3).

Safety is a key reason for students to have cell phones as a device at school, "many of our students using their phones, or computers log on to their school wifi through their student accounts" (CS3). For this participant, parents have been asked to sign the electronic device agreement for their child. This approach is mirrored by the IT staff in case study two, "we ask parents to give us consent for their child to access any internet-based resources" (CS2-1b). It also mirrored the approach by IT staff in case study four "appropriate use consent form we send home at the beginning of every school year" (CS4). For case study four participants there is only one procedure for the use of technology and it is district wide, not Bring Your Own Devices (BYOD) or site specific. (CS4).

IT staff in case study two worked with their union on a general consent document for the use of "all computing devices" (CS21b) and even for both IT staff participants in case study two and four, some policies are not in their control either "We do reference Freedom of Information and Protection of Privacy Act (FOIPPA) when it comes to that and sharing that information online" (CS4) and "a FOIPPA compliance perspective, including their personal devices, if they use their personal devices in the classroom" (CS21b). While it might be assumed that it is true in all school districts, participants in case study two acknowledged policies had been approved by the board around the use of information (CS2-1).

A quick scan of their policy documents by participants in case study two noted their school district policy does not identify the possibility of accommodations for marginalized or vulnerable populations. “I don’t think there are any accommodations for marginalized or vulnerable. I don’t think there is anything that we do related to that, I don’t know if there is anything the schools do that are related to that” (CS21b).

3. Loss of membership is one of the first consequences requested by teachers, and administrators when a technology policy is broken

Both IT staff participants in case study two and case study four acknowledged that possible consequences “would be the removal of the service or the additional blocking of specific sites that are causing the child to be distracted or...” (CS2) or a complete loss of privileges, “an extreme is they lose their privileges not able to connect with their credentials” (CS4). The misuse of an educational tool can also result in a loss of membership, “we have blocked individual students if warranted, like if they are misusing their access or they are using, like I think and so like somebody was on GAFE (Google Apps for Education) and writing stuff and sharing inappropriate documents and stuff so as a temporary measure we will kind of block access for a period that is deemed appropriate by the principal, or the parent, or whatever they come up with” (CS2).

## 7. Discussion

This paper examines the intersectionality of surveillance and community development in schools. In 2017, Statistics Canada reported Indigenous adults accounted for 28 percent of admissions to federal correctional services. Paradigm shifts in management of behaviour from correctional to healing represent Indigenous values and focus on positive growth (Tait, 2007). One such example resides in Edmonton, the Stan Daniels Healing Centre for men, and the Buffalo Sage Wellness House for female inmates. They were opened to address the overrepresentation of Indigenous people in Canada’s prison system. Government reports indicated a decrease from 11 percent to 6 percent for reoffenders who have attended a healing lodge (CBC, 2017). “Surveillance as a tool of intensive state policing has remained an overt feature of authoritarian and colonial regimes, as well as an implicit tactic in ostensibly liberal democracies (Henry, 2009, p. 95). For many principals however the introduction of neoliberalism reform through the use of surveillance has come at a price.

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