SOCIAL SURVEILLANCE, VIGILANTISM, AND REVENGE PORN HIRING DECISIONS IN CANADA

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March 30, 2022

Abstract

This paper is informed by qualitative research for ethics with emerging and disruptive technologies and ethical dilemmas considering potential areas of concern related to the ability or inability of schools to conduct surveillance on teachers, further noting heterosexual male difficulties with sexual identity in teaching as a cause for a lack of representation, speculation and work place harassment (Martino & Berrill, 2007; Martino, 2008; Parr & Gosse, 2011). From a security and professional standpoint and to remove threat and workplace distractions, exists a requirement for teachers to turn off all location settings (Corriero & Tong, 2016; Jung & Park, 2018; Pooley & Boxall 2020; Qin et al., 2014; Solis & Wong, 2019; Sumter & Vandenbosch, 2019) on their cell phones while at school and a responsibility to monitor personal devices inviting an unparalleled perspective into workplace and social surveillance for moral exemplars and generalized ideas about sexual health in schools.

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"We do not live in a kind of void, inside of which we could place individuals and things. We do not live inside a void that could be colored with diverse shades of light, we live inside a set of relations that delineates sites which are irreducible to one another and absolutely not superimposable on one another"- Foucault & Miskowiec

INTRODUCTION

Qualitative data collected in 2019 from semi-structured interviews was analyzed to gain a deeper understanding of the challenges facing school districts in their attempts to conduct surveillance of appropriate use of electronic resources (Author, 2022). The study is positioned within the daunting reality of public surveillance of teachers' personal lives (Hovav & Ferdani Putri, 2016). Cautionary tales of public humiliation online, in what has been deemed an "age of exposure" (Abril et al., 2012) positions this paper as new legislation has continually emerged to attempt to compensate individuals who have suffered losses from being exposed online (McBride et al., 2020; Schalow et al., 2013). These compensations barely scratch the surface of the potential damage a teacher may endure from speculation or community members (Parr & Gosse, 2011).

Bill C-13, Protecting Canadian from Online Crime Act, was created by the Canadian Bar Association's National Criminal Justice Section and informed by Privacy Law, Competition Law Sections and the Children's law committee. In Honorable Peter McKay's proposal, the Bill sought to address key issues related to criminal activity such as threatening, harassing and intimidating others on the Internet with a focus on vulnerable populations and aiming to end online exploitation. With regards to teachers the hybrid offence of "knowingly publishing, distributing, transmitting, making available images of a person by someone that was not given consent to do so and circumstances that give rise to a reasonable expectation of privacy" (Canadian Bar Association, p. 6-7) could be used to defend teachers who would otherwise be employed professionally from social surveillance, vigilantism and revenge porn. Vigilantism is defined in this paper by self-appointed groups of people who enforce laws without legal

authority. The vulnerability of teachers may come down to how closely their personal or professional identity aligns with the identity of the organization for which they are associated with.

"Risk and protective factors in the environment are not deterministic, but rather are experienced as supports or stressors, and the resulting balance or imbalance is conceptualized as the individuals' vulnerability" (Velez and Spencer, 2018, 77). Revenge porn is the distribution of intimate images without an individual's consent for the purposes of harming the individual depicted in the image. The ability of an individual in a position of power to misuse their position for personal benefit or due to a conflict of interest (McBride et al. 2020) created a need for privacy watchdogs and oversight committees to review actions. Recent investigations, such as in the case of Lethbridge MLA Shannon Phillips, successfully proved she had been the target of surveillance, for unpopular political actions, through the obtainment of reported data collected under Freedom of Information and Protection of Privacy Act. However, these safeguards are only in place when a person is oppressed by a person in a position of power over them.

For teachers, social surveillance, vigilantism and revenge porn can be harder to prove and control. Speculation can also be damaging if there is not a medium for communication, questioning or clarifications in the teaching profession. Generally, public registries of teachers are used to communicate and satisfy concerns related to a teachers' background and previous criminal history. One example is the Ontario College of Teachers website that lists teachers in good standing and notes disciplinary measures taken in addition to publishing teachers who have been disciplined for misconduct. A new feature includes the provision to publicly identify teachers charged with criminal convictions and who may still be in good standing. Despite these assurances, social surveillance, vigilantism and revenge porn activities may continue for individual teachers and it can be difficult for teachers to subside these concerns.

Culturally significant norms and acceptance play a role in what is considered 'normal' activities compared to pathology (Brown, 2010; Campi, 2021; De Neef, 2019; El Feki et al., 2014; Goh, 2019; Kleinplatz, & Moser, 2014; McBride, 2020; Totten, 2016; Trammell, 2020; van Beerschoten, 2014; Vipond, 2019; Weinberg, 2006; Weismantel, 2014; Weiss, 2008). Abril et al. (2012) hypothesize that populations understand different social situations have different rules of decorum and different filters (p. 63-64). Bandura's (1989) notion that humans are not independent agents has grown to become inclusive of controlling the communication of teachers to the community outsider of the school.

For the purposes of this paper, surveillance is defined as "any collection and processing of personal data, whether identifiable or not, for purposes of influencing or managing those whose data have been garnered" (Lyon, 2001, p. 2 as cited by Nam, 2019, p.531). The feasibility for teachers in the role of policing students' use of technology while in the classroom, is considered challenging by IT staff (Author, 2022); and a critique of the Canadian Child Protection Services Charity, suggested current campaigns in schools can be damaging for young females when the message "exploits slut shaming in an effort to responsibilize teenage girls for preventing the purported harms that may flow from sexting - including humiliation, sexual violations and criminalization- for both themselves and their peers" (Karaian, 2014, p. 282). In a time of growing support for teacher representations, identifying the lack of heterosexual male representations in teaching (Martino & Berrill, 2007; Martino,

2008; Sargent, 2000; Swain, 2005) is noted as a growing concern for elementary schools. While creating safe spaces in schools has taken the form of LGBTQ2 campaigns (Ferfolja, 2008; Ferfolja, & Hopkins, 2013; McKenna-Buchanan, et al., 2015; Meyer & Bayer, 2013; Msibi, 2019; Nielsen & Alderson, 2014) many professionals may still be weary of how to identify to the community, and lack the confidence to be vulnerable with others regarding their sexual identity (Msibi, 2019). University of Victoria political science professor, Collin Bennett's (2001) review of surveillance systems comments on the once traditional approach of a discrete and bounded databank with "clear boundaries" (p. 198) to that of an evolving structure, that characterizes the Internet as a form of life, "embedded in human consciousness and social practice, and whose architecture embodies an inherent valence that is gradually shifting away from the assumptions of anonymity upon which the Internet was originally designed" (Bennett, 2001). Noted psychological impacts have shown a range from fear or bias (Ajzen, 1991; Velez and Spencer, 2018) and compliance with game playing (Fuller, 2019) to complete acceptance (Nam, 2019) of a surveillance culture.

Teacher Contracts

A century ago, teacher contracts for young, unwed females strictly forbade the company of men and a marriage resulted in a loss of position. Karaian's (2014) examination of responsibilization "through the lens of critical whiteness, queer, girlhood/young feminists and porn studies' theorizations of the politics of sexual respectability and sexual subjectification" is a sharp contrast to the recent requirement for Ontario Teachers to gain certification from Canadian Child Protection Services (CCPS) for sexual abuse training. Karaian (2014) criticizes the 'Respect Yourself' campaign for attacking "white, middle-class teenage girls who 'send, post and share' rather than boys, who studies show are more likely to forward or redistribute" (Fleschler Peskin et al., 2013 as cited on Karaian, 2014, p. 286). Karaian (2014) goes further to suggest that the CCPS campaign suggests if girls respected themselves they would prevent the harm of sexting and cites a Canadian Centre for Child Protection, 2011 example activity (Karaian, 2014, p. 287) asking girls to reflect on if they think posting sexy pictures of themselves online will get them attention. From this perspective a different approach from "Respect Yourself" that acknowledges revenge porn as a criminal offence in Canada, and yet acknowledges the realities of the potential distribution of images is a message to "Protect Yourself". For teachers, the message of protecting yourself often comes at a cost, the removal of social networks, and lack of association with members of the community that would cause speculation, gossip or reputational damage.

There are also noted legal expectations of appropriate conduct and communication for teachers while at school and in their private lives (Hills, 2018; MacKenzie, 2016; Maxwell, 2018). Within school settings, technology and administrative policies (Bennett & Raab, 2020) may support the use of algorithms and sophisticated software programs to perform sweeps of subject headings and email content to protect sensitive information and vulnerable populations from unsolicited communication and material or phishing and malicious code or insider threat (Bell, Rogers & Pearce, 2019). This lack of active monitoring and algorithmic policing has lead to the development of workarounds for deviance in the form of misspellings of swear words (Fukc in c**nts) in an act of defiance and to simply avoid detection and consequences of surveillance (Lawrence & Robinson, 2007).

At the post-secondary level, academics often use spacing techniques to avoid detection, for example spelling out the word "dot" and "at" (First dot Last at university dot ca) to stop data mining and automated bots on the Internet from phishing for contact information and unsolicited contact or cold call communications. This differs from public records of teachers employed in the public systems who may find their face posted on school websites listing contact information. Teaching registries are a matter of public record and in most cases contact information including personal identifiers and even photographs and school location maps are posted online. A selection of educational institutions are working towards controlling and channeling the ability of the public to contact individual staff members via online messaging tools that conceal individual email account contact information.

Related to this concern are "questions of selective exposure" (Coppini et al., 2017, p. 766), suggesting, "audience members tailor their media exposure to fit their political ideology" (Iyengar & Hahn, 2009; Kinder, 2003; Stroud, 2008 as cited by Coppini et al., 2017, p. 766). While social networks reveal that network connections are often related to shared ideologies and users avoid media content inconsistent with their beliefs (Coppini et al., 2017) the ability of audience members to share information with others is seemingly unnoticed and based on the beneficial effects for the sender (Namkoong, et al., 2010; 2013) discussion and deliberation (Cho et al., 2009 as cited in Coppini et al., 2017, p. 767).

Privacy in Social Media

Both students and teachers' activities and beliefs about the potential threat social media poses to privacy have revealed and concurred research findings that "social norms evolve over time" (Furnell & Phippen, 2012, p. 13). Social networks are one context in which most individuals show little regard for privacy (Furnell & Phippen, 2012). "People view their profiles as a form of self-expression" (dos Santos et al., 2013, p.1). The emergence of privacy fatigue (Choi et al., 2018; Tang et al., 2020), social media fatigue (Dhir et al., 2019; Fan et al., 2021; Xiao & Mou, 2019) and social networking services fatigue (Zhu & Bao, 2018) offer explanations for behaviour and may be examined based on a stressor-strain outcome model (Teng et al., 2021). Jarvis (2011) notes, "There are many users who are still willing to share their personal information, even if they are aware of the consequences. These are advocates of open access information called 'publicness'" (Aïmeur & Lafond, 2013, p. 822). Variations in privacy stances and behaviours exist, "Some seem to protect their online privacy as a point of principle over practicality, others seem to want to share everything and anything with their online friends" (Furnell & Phippen, 2012, p. 13).

Sexual Identity

Some might argue, in terms of sexual identity, teaching is a 'feminine' profession (Parr & Gosse, 2011). Parr & Gosse (2011) note that gender bias, and stereotypes may be accountable for the lack of male heterosexual representation in Ontario primary and junior (P/J) classrooms. "Perceived barriers to males becoming P/J teachers include the impression, both from within the profession and in the public eye, that men are less nurturing than women; that it is inappropriate for men to be working with young children; and that male primary

teachers are often characterized as 'feminine', 'homosexual' or 'pedophile[s]'" (Gosse, Parr & Allison, 2008; King, 2000; Martino & Berill, 2007; Oyler, Jennings & Lozada, 2001; Parr et al., 2008; Sargent, 2000 as cited in Parr & Gosse, 2011).

Confusing messages are also provided by medical professionals (Sheppard, 2019) and noted by Herbitter et al. (2021) "The aim of this narrative review is to integrate the published literature on mental health provider bias against the less recognized groups who may be marginalized due to their sexual identities or sexual and relationship practices" (abstract). The potential for bias (Madill & Zhao, 2021; Oddie, 2020; Ortmann, & Sprott, 2012; Sheela, 2008) against less recognized and marginalized groups in the wake of recent reforms for Ontario teachers to be certified for sexual abuse prevention and tasked with surveillance of students lends itself to the considerations for bias amongst various stakeholders within the education field. With this consideration for bias comes a responsibility for safeguards against marginalized and vulnerable populations for inaccurate portrayals and subjective observations or interpretations.

A recent vocabulary update noted in the upcoming fifth edition of the American Psychiatric Association (APA) Diagnostic and Statistical Manual of Mental Disorders (DSM-5) "people whose gender at birth is contrary to the one they identify with will be diagnosed with gender dysphoria" a revision for the criteria previously listed for gender identity disorder. While the manual stresses "gender nonconformity" is not in itself a mental disorder but the presence of "significant distress" is a critical element. APA (2000) "D. The disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning" (p. 581 as cited by Ault & Brzuzy, 2009, p. 187). The belief that the removal of stigma begins by changing the word "disorder" to "Dysphoria" has called many academics (Ault, & Brzuzy, 2009; Bartlett, Vasey & Bukowski, 2000; Cohen-Kettenis & Pfäfflin, 2010) to criticize the International Classification of Diseases (ICD-10) CM Diagnosis Code F64.12- "Gender identity disorder in Childhood" by suggesting it is "similar to the depathologization of homosexuality" (p. 187). "Because of institutionalized sexism, heterosexism, and homophobia, those whose gender identities do not conform to societal expectations often experience family difficulties, discrimination, bodily harm, underemployment, and social isolation" (p. 187).

Sexual Behaviour

Weiss (2008) noted the Neoliberalism ideology had a place in sexual politics stating politics has retreated from the public sphere into the domestic, the intimate. In 2022, the compounding tasks of surveillance that are requested of teachers (in loco parentis) in Canada have grown to include considerations for sexual abuse, child grooming, and neglect while also monitoring for hate messages, emotional regulation, inappropriate websites and general off task behaviour. Training for both teachers and IT staff must consider not only the methods of data collection and monitoring, legalities of inappropriate sites and language but the position and upbringing of those who are conducting surveillance.

Further, for teachers online, single or engaged in sexual intimacy, the social surveillance of these behaviours in private, public or online may lead to disapproval from a variety of

stakeholders who are unsure of where their disapproval originated. In this regard, it is difficult to identify what is inappropriate if appropriate has not been defined or stated as such. What is moral exemplar sex? What does it look like? What does it involve? How is it discussed? Who can it be discussed with?

The California Law Review noted Adler's (1996) position that pornography and hate speech concerned both the left and right side of society. The compelling argument was that it caused harm to disadvantaged "outsider" groups in society. The Feminist anti-pornography movement led by Catherine MacKinnon wished to prohibit speech that harmed historically victimized classes and academics observed as race, gender and sexual orientation became the subjects of art. Current trends in education, however, aim to decenter whiteness and teach tolerance to remove colonist approaches in schools. Different concepts of acceptable behaviour, beliefs about other cultures, and various understandings of what a healthy relationship is based on the family home environment (Sandnabba, 2002). Agiliga (2013) contemplated if Black women could use BDSM as a way to regain sexual agency; while literature records poly relationships as evident in First People's culture (TallBear, 2020) and Maori Indigenous story telling (Hutchings & Aspin, 2007). In 2021, the British Columbia Supreme Court ordered all three members of a polyamorous 'triad' should be registered as parents of the two-and-a-half-year-old boy they are raising together as a family. The decision noted a 'gap' in provincial law which did not leave room for "anyone but a birth mother and a 'presumed' biological father" on the birth certificate. Further stating legislature did not foresee this possibility nor contemplate polyamorous families.

Religion is a consideration (Asad, 1987) for informing beliefs regarding the normality of sex in school cultures. Dylewski and Prokop (2019) document the religious influence in their book the history of prostitution "In antiquity, prostitution was connected with a secular rite" (Sanger, 2015 as cited on, p. 1). Further religious themes and family cultures may decipher an individual's understanding, acceptance, or abhorrence of polygamy (Foster, 2010; Goodyear, 1984) and marital discipline (Carmack et al., 2015; Deshotels et al. 2019). "A remarkable feature of monastic discipline is that it explicitly aims to create, through a programme of communal living, the will to obey" (Asad, 1987, p. 159).

Family structures may also play a role in the cultural understanding of normalacy, and sexual relationships as is the case in the varying differences for sexual assault and acceptable behaviour as interpreted by the courts. With 75% of BDSM activities noted to be between married couples (Brown, 2010) looking to spice up their love life, For some children with parents married and in open relationships, healthy relationships may represent a different perspective than a child that comes from a single parent or divorced home (Brown, 2010; Dylewski & Prokop, 2019; Khan, 2020,).

Transparency in Surveillance

The potential for bias, lack of voice and assumptions against less recognized and marginalized groups (McBride et al., 2020) when conducting surveillance of individuals creates a need for

safeguards against marginalized and vulnerable populations for inaccurate portrayals and subjective observations or interpretations. Additionally, impression management (Goffman, 1959) may lead to the concealment of identity based on intentional or unintentional and subjective portrayals of "appropriate" inadvertently causing an increase in vulnerability. Considerations related to the potential for medical bias towards specific activities raises considerations related to educational stakeholders bias as well and suggests a potential gap or need for conversations and open dialogues about how best to support students well-being, while encouraging transparency in schools.

Due process is a legal term that requires lawyers to follow a step-by-step process to ensure a charge or criminal prosecution can move forward without interference (Roach, 2016). Improper access by police of databases and privacy breeches reported for nurses accessing electronic health records in British Columbia have received attention from media regarding the unethical practices of these two professions. For educators in Canada however, surveillance of teachers in public and private can be daunting. Current legislation requires officials to obtain a court order to request information from a website (i.e. Telus, Twitter, Facebook, Dating sites) to confirm or verify the identity or ownership of an online profile; and only if the court determines there is justifiable cause to provide these organizations or individuals with that information. "Canadian Internet Service providers (ISPs) are subject to the Personal Information Protection and Electronic Documents Act (PIPEDA)" (Zajko, 2018). In many respects, individuals do not have cause to gain access to private information and courts are able to quash requests that seem to target individuals for purposes other than criminal actions and "these negative obligations are recurrently tested" (Zajko, 2018).

Similar to Zajko' (2018) consideration of Canadian internet service providers (ISPs), act "as a particular class of intermediaries, govern the privacy of their subscribers and users" (p. 402), school districts and public surveillance could be suggested as one way of monitoring teacher behaviour online. Furnell & Phippen (2012) suggest individuals and organizations have varied reasons for protecting privacy and monitoring behaviour. Ermakova et al., (2014) agree that multiple stakeholders have a vested interest in what information is publicly available. "When people publish a lot of personal data, privacy requirements are very hard to satisfy" (dos Santos Brito, et al., 2013, p.1).

Albert Bandura, the world-renowned psychologist famous for his work on behaviour conditioning, was born in rural Alberta, Canada in 2020, Calgary, Alberta city council passed a bylaw to ban conversion therapy. LGBTQ2 movements have continually gained support while other areas of correctional and safeguarding surveillance have begun to be noted. For children in schools, police officers are often presented as trusted community members they can go to for help, however legal precedents often indicate otherwise. Transparency in policing, as in education and government, has become pivotal to gain public support and trust and takes significant effort to reverse past trauma (Milne, 2016; Wiest-Stevenson & Lee, 2016) officers are continually working towards increasing visibility in their communities and schools to build relationships and restore trust.

Security

Canada suggests academics avoid "general" definitions of terrorism and instead acknowledge the various meanings the term may occupy including acknowledging terrorism as inclusive of activities causing "interference or disruption of essential services, facilities or systems". In 2020, the U.S Department of State reported to date that under Section 1. Respect for the Integrity of the Person, Including Freedom from: F. Arbitrary or Unlawful Interference with Privacy, Family, Home or Correspondence, "the law in Canada prohibits such actions, and there were no reports that the Canadian government failed to respect prohibitions". Considerations related to human rights violations for the regulatory surveillance of behaviour have included COVID surveillance for which Canadians were asked to conduct surveillance on each other (Agrawal, 2021; Joly & Wheaton 2020; Lamarche, 2020; McBride et al., 2020; Mykhalovskiy et al., 2020; Robertson, et al., 2020; Tisdale & Symenuk, 2020; Torelli, 2020; World Health Organization, 2020) and the use of algorithmic policing as a method of surveillance (Robertson, et al., 2020). Domestic acts of terrorism in the form of controlling correspondence may be used as a method of intimidation and to isolate individuals under investigation without notification. The underreporting of human rights violations have been noted to amplify inequities for vulnerable and marginalized populations (McBride et al., 2020).

From a security and professional standpoint, to remove threat and workplace distractions, a requirement to turn off all location settings (Corriero & Tong, 2016; Jung & Park, 2018; Pooley & Boxall 2020; Qin et al., 2014; Solis & Wong, 2019; Sumter & Vandenbosch, 2019) on their cell phones while at school and a responsibility to monitor personal devices invites an unprecedented perspective into workplace and social surveillance, vigilantism and revenge porn hiring decisions and potential disciplinary actions in Canadian school districts

Technology Agreements

While many school districts publicly share their general technology acceptable use policies for technology and subsequent online behaviour for staff and students, Feth (2007) considers the value of using, contextual privacy statements over generic. While educational institutions in Canada may believe surveillance "ensures a safer environment" (Dinev et al., 2006; Nam, 2019, p. 531), Bonatti et al., (2018) notes "Managing privacy and understanding the handling of personal data has turned into a fundamental right at least for Europeans" (p. 1).

Canadian School District consensus that the use of the Freedom of Information and Protection of Privacy Act (FOIPPA) in addition to the widespread use of firewalls and listed blocked sites offer sufficient protection to school boards from legal action may be inaccurate. In this paper, the author considers a reverse approach of burying a school district in paperwork through the parent or child request of "any and all information" collected, reviewed, stored about their child or student. The potential legal action that has been accorded to all citizens through the hindsight 2020 concept of looking for patterns of behaviour or malpractice based on missed

evidence-based diagnoses does not equate to the collateral damage of discovering a mass school shooting perpetrator had documented activity that was unreported. Social media website approaches to the right to be forgotten (Twitter) and ephemeral imagery (SnapChat) offer alternatives to liabilities that are on the horizon. Teachers unaware of the incredible vulnerability may be advised to join in work-to-rule strike action that currently limits their workload to the "bare minimum" until teaching unions can update policy and language to protect them.

Content Moderation in Schools

Many vulnerable and marginalized populations in Canadian schools use social media and networking account such as Facebook, Twitter, YouTube, and Instagram and perhaps are seemingly unaware of the potential dangers of lurking invisible viewers. As Breslow (2018) notes, content moderator work is outsourced to India and the Philippines and workers review millions of photographs and videos in an effort to scrub social media of sexual content and due to steady rises in Internet child pornography. The outsourcing of work to postcolonial countries raises concerns for Breslow (2018) while acknowledging the impact reviewing disturbing may have on law enforcement over time. Perez, Jones, Englert & Sachau (2010) observed that viewing disturbing media has a psychological impact on investigators that parallels Post Traumatic Stress Disorder and is labelled "Secondary traumatic stress". In Canadian schools, surveillance issues (punitive and well-being) consider privacy concerns related to sensitive data collected about vulnerable and marginalized populations regarding sexual identity and gender identity (noted by both the APA DSM-5 and ICD-10 as medical conditions, mental or behavioural disorders). Outsourcing content moderation in schools may be a viable option to maintain relationships and decrease the psychological impact surveillance may have on school community members

Uses and gratifications theory has been used to study selective exposure to consider motivations for "consuming and sharing ideologically consistent information" (Coppini et al., 2017, abstract). Coppini et al., (2017) posits, motivations such as shaping social identity and influencing others become more relevant in the interactive social media environment" (p. 767). Richards & King, (2014) note, "Users do not really know what information is collected about them and shared with third parties" (Aimeur, et al., 2016, p. 369). Aïmeur & Lafond (2013) suggest a long-standing debate to "the legislation of information collection measures (…) against abuse from authorized access" (p. 821- 823).

Well-being

Well-being is also noted as a challenging area, "It is difficult to find a balance between the well being of a patient and the preservation of his privacy" (Aïmeur & Lafond, 2013, p. 822). A new paradigm in the field of communication (Pingree, 2007; Coppini et al., 2017) now focuses on "sender effects, including studies that investigate the effects that sharing media messages can have on individuals" (Pingree, 2007; Coppini et al., 2017, p. 767). The well-being of staff and students in schools is of the utmost concern and most school surveillance

is advertised as being used for these reasons. Administrators strive to ensure students and staff understand surveillance is not meant to be a human rights violation (Fuller, 2019; Perry-Hazan & Birnhack, 2018) and is in place for their protection This cannot be understated in a time of mobile dating apps and social media with smartphones and the use of location based settings that allow others to note the location of a person (Corriero & Tong, 2016; Jung & Park, 2018; Pooley & Boxall 2020; Qin et al., 2014; Solis & Wong, 2019; Sumter & Vandenbosch, 2019).

Student well-being and behaviour is assessed daily by classroom teachers at school and teachers are also asked occasionally to complete evidence-based psychology reports regarding a particular student in their class to inform clinical practice and help with diagnoses. This critical qualitative study considers the role of surveillance in schools as a tool to keep students safe and ensure well-being. Data from a two-year qualitative study provided insight from teachers, administration and IT staff regarding the use of surveillance in schools and considered ways that data could be used to assist in cognitive behaviour therapy, as well as discussing the protection of data for vulnerable and marginalized students from a FOIPPA compliance perspective (Author, 2022). Key findings noted Privacy Impact Assessments (PIA) may only be completed by IT staff for Apps hosted on US servers and not for all personally stored information stored on the district server; and IT staff and consequentially school districts may be unsure of their application of privacy matters for the electronic storage of, or access to, personally identifiable information.

Discussions emerged as to the potential use of data tracking and data collection for staff to identify and conduct cognitive behaviour therapy (CBT) in schools. The ability to use digital education records combined with advancements in technology might enable the same deep learning in education as in medicine in the areas self-regulation. Results from the study indicate. Information Technology (IT) staff struggle with their application of privacy matters and may not be using data tracking as a means to develop and document well-being for students and staff.

Vulnerable populations are often defined by the ability of a population to access resources (Aday, 1994; Flaskerud and Winslow, 1998). Thompson and Spacapan (1991) suggest vulnerable populations lack control of their situation, while Aday (1994) considers vulnerable populations to be "at risk". Marginalized populations are defined as individuals who are excluded socially (Montesanti, et al., 2017) and although an awareness of this exclusion exists more energy needs to be directed towards engaging marginalized populations in the very communities they are excluded from participating in (Baatiema et al., 2012). Montesanti et al. (2017) suggest there is a general consensus internationally that marginalized populations benefit from community participation, but there exists "little specificity about how" (p. 637). Stigma is defined as "the phenomenon whereby an individual with an attribute which is deeply discredited by his/her society is rejected as a result of the attribute (Goffman, 1963, p. 21 as cited by Bottorff et al., 2013). Bottorff et al., (2013) continue to note that stigma leads to marginalization.

The concept of responsiveness has been referenced by both Human Rights activists and human computer interaction innovations; defined as 'a capacity to change shape or direction in response to stakeholder and public values and changing circumstances'" (Owen et al. 2013, as cited in Steen et al. 2021, p. 513). The need for technology and surveillance policies in schools to become responsive to the changing climate of school populations has become an urgent matter given the rapidly increasing reliance on internet-based technologies across the increasingly diverse communities comprising our public educational system.

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