ACADEMIC COUNCIL REPORT

SESSION:		ACTION REQUESTED:	
Public	☒	**Decision**	☐
		Discussion/Direction	☐
		Information	☒

TO: **Academic Council**

DATE: **August 25, 2020**

PRESENTED BY: **Cheryl Foy, University Secretary & General Counsel**

SUBJECT: **For Information - Recommended Language for Course Outline/Syllabus**

ACADEMIC COUNCIL MANDATE:

- The Provost committed to providing updates to Academic Council relating to the COVID-19 return to campus planning task forces. The E-learning Task Force had questions relating to notification to students regarding certain issues. In response to those questions, the Task Force and the Provost asked the Secretariat for legal and policy advice. The Secretariat recommends the inclusion of certain revised/additional language in the recommended course outline/ syllabus template. This language is included in the attached to address the questions raised by the Task Force. The Provost has asked that we share this with Academic Council for the purposes of raising awareness of the recommended language and soliciting comments.

BACKGROUND/CONTEXT & RATIONALE:

- The E-Learning Task Force has been examining issues related to the remote/hybrid model of teaching that is necessitated due to public health measures currently in place.
- The E-Learning Task Force has recommended the development of standard language for faculty to include in course outline/syllabus. Recommended language has been developed in consultation with the university's legal counsel in each of the following areas:
- **Student Privacy:** Blended and online learning often includes the use of tools (such as remote proctoring) that capture video and audio of students. The use of such tools creates obligations around student privacy. Ontario privacy law requires notification of collection of personal information, including video and

audio recordings. Recommended notices of collection can be included in outline/syllabus to assist faculty in fulfilling these obligations.

- **Sensitive Content:** When sensitive or offensive content is included in online instruction, there are considerations that may not occur in an in-person lesson. A student may not have immediate access to supports that would otherwise be available in-person. Additionally, such content may be viewed by others in the home. Warnings regarding sensitive or offensive subject matter embedded in outline/syllabus and course materials will allow students to take appropriate action.
- **Classroom Decorum and Limits on Freedom of Expression:** Students participating in online forms of communication including video conferencing or "chat" boards among others are responsible to engage freely and respectfully in the online university environment. The recommended language reminds students of the limits set in the university's Freedom of Expression Policy, which includes speech or behavior that: is illegal or interferes with the university's legal obligations; defames an individual or group; constitutes a threat, harassment or discrimination; is a breach of fiduciary, contractual, privacy or confidentiality obligations or commitments; and unduly disrupts and interferes with the functioning of the university.

CONSULTATION:
- Developed in consultation between E-Learning Task Force, Legal Counsel and Privacy Office.

COMPLIANCE WITH POLICY/LEGISLATION:
- The attached notifications for course outlines/syllabi are strongly recommended to protect the university and faculty and to ensure that obligations under Ontario privacy law are fulfilled.

NEXT STEPS:
- The Provost will consider the advice of the Secretariat and any comments from Academic Council. A revised recommended course outline/ syllabus template will be prepared and published.

SUPPORTING REFERENCE MATERIALS:
- Notices and disclaimers for course content

Notice of Collection and Use of Personal Information

Throughout this course, personal information may be collected through the use of certain technologies under the authority of the *University of Ontario Institute of Technology Act, SO 2002, c. 8, Sch. O.* and will be collected, protected, used, disclosed and retained in compliance with Ontario's *Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. F.31.*

This course will use the following technologies that may collect, use, disclose and retain personal information (including images) for the purposes described below:

- Respondus Monitor and Proctortrack to maintain academic integrity for examinations;
- Google Meet and Kaltura Virtual Classroom to facilitate remote instruction and interactive learning; and
- Other applications that support or enhance online learning that include, but are not limited to, the following: [list applications].

For more information relating to these technologies, we encourage you to visit: [enter link] Questions regarding personal information may be directed to: Ontario Tech University Access and Privacy Office, 2000 Simcoe Street North, Oshawa, ON L1G 0C5, email: accessandprivacy@ontariotechu.ca.

By remaining enrolled in this course, you acknowledge that you have read, understand and agree to the terms and conditions under which the technology provider(s) may collect, use, disclose and retain your personal information. You agree to the university using the technologies and using your personal information for the purposes described in this course outline.

Technology Requirements

To support online learning, the university recommends certain technology requirements for laptops, software and internet connectivity which are available at: https://itsc.ontariotechu.ca/remote-learning.php.

By remaining enrolled in this course, you acknowledge that you have read, understand and agree to observe the Recommended Technology Requirements for accessing university online learning resources, including those minimum requirements that are specific to your faculty and program.

Virtual Monitoring of Examinations

Ontario Tech University has issued an Online Examination Proctoring Directive that establishes a process for the oversight and use of virtual proctoring tools for online examinations that is available at: [enter link].

Sensitive/Offensive Subject Matter

For Syllabi:

The classroom (both physical and virtual) is intended to provide a safe, open space for the critical and civil exchange of ideas and opinions. Some articles, media and other course materials may contain sensitive content that is offensive and/or disturbing. For example, some articles or videos may contain [enter examples here – eg. graphical depictions of violence, profanity, human anatomy or sexual acts]. The Course Instructor will try to identify such material and communicate warnings to students in advance of the distribution and use of such materials, affording students the choice to either emotionally prepare for, or not to view or interact with, the content.

For Course Material: (*notice to be published such that it gives students adequate opportunity to make a choice to avoid it)*

The content you are about to view contains sensitive subject matter that may be considered offensive and/or disturbing to some viewers. By viewing and/or interacting with the content you acknowledge and agree that it is your decision to view and interact with the content and to take the risk that you will experience a negative emotional response or reaction to the nature of the content.

Freedom of Expression

Pursuant to Ontario Tech's Freedom of Expression Policy all students are encouraged to express ideas and perspectives freely and respectfully in university space and in the online university environment, subject to certain limitations. Students are reminded that the limits on Freedom of Expression include speech or behavior that: is illegal or interferes with the university's legal obligations; defames an individual or group; constitutes a threat, harassment or discrimination; is a breach of fiduciary, contractual, privacy or confidentiality obligations or commitments; and unduly disrupts and interferes with the functioning of the university.   In the context of working online, different forms of communication are used. Where permitted, students using "chat" functions or other online forms of communication are encouraged to ensure that their communication complies with the Freedom of Expression Policy.

University Response to COVID-19

The government response to the COVID-19 pandemic is continually evolving. As new information becomes available from federal and provincial public health authorities, the Province of Ontario and the Regional Municipality of Durham, Ontario Tech University will remain nimble and prepared to respond to government orders, directives, guidelines and changes in legislation to ensure the health and safety of all members of its campus community. In accordance with public health recommendations, the university may need to adjust the delivery of course instruction and the availability and delivery mode of campus services and co-curricular opportunities. Ontario Tech University appreciates the understanding and flexibility of our students, faculty and staff as we continue to navigate the pandemic and work together to demonstrate our strong commitment to academic, research and service excellence during these challenging and unprecedented times.