

Faculty Senate Minutes #399

February 21, 2013

1:40 PM

Room L.61 N.B.

Present (38): Chevy Alford, Simon Baatz, Andrea Balis, Ned Benton, Adam Berlin, Erica Burleigh, James Cauthen, Kashka Celinska, Lyell Davies, Janice Johnson Dias, Janice Dunham, Peggy Escher, Terry Furst, Lior Gideon, Maria Grewe, Maki Haberfeld, Charles Jennings, Shaobai Kan, Karen Kaplowitz, Kwando Kinshasa, Tom Kucharski, Anru Lee, Ma'at Lewis, Richard Li, Cyriaco Lopes, Amie Macdonald, Vincent Maiorino, Roger McDonald, Jean Mills, Brian Montes, Elvin Montgomery, Richard Ocejo, Hyunhee Park, Melinda Powers, Manouska Saint Gilles, Francis Sheehan, Staci Strobl, Shonna Trinch

Absent (10): Elise Champeil, Demi Cheng, Jay Hamilton, Tim Horohoe, Maria Kiriakova, Yu Ma, Evan Mandery, Mike Maxfield, David Munns, Raul Romero

Agenda

1. Adoption of the agenda
2. Adoption of Minutes #398 of the February 6, 2013 meeting [Enclosed]
3. Announcements & Reports
4. Report about the February 14 meeting of the College Council
5. Report on the College's budget and enrollment
6. Election of:
 - 1 College Council/Senate member for the College Council Executive Committee
 - 1 tenured associate or full professor for the Faculty Personnel Committee
 - 4 faculty members for the International Conference Planning Committee
7. Discussion about inyourclass.com
8. Discussion about a report on "Comprehensive Assessment at John Jay"
9. Invited Guest: Provost Jane Bowers

1. Adoption of the agenda. Approved.

2. Adoption of Minutes #398 of the February 6, 2013 meeting. Approved.

3. Announcements & Reports. Noted.

4. **Report about the February 14 meeting of the College Council.** Noted.

5. **Report on the College's budget and enrollment.** Noted.

6. **Election of:**

1 College Council/Senate member for the College Council Executive Committee

1 tenured associate or full professor for the Faculty Personnel Committee

4 faculty members for the International Conference Planning Committee

By secret ballot, the Senate nominated Professor Angela Crossman (Psychology) to serve on the Faculty Personnel Committee (FPC) as an alternate at-large member; Professor Elise Champeil (Science) to serve on the College Council Executive Committee; and Professors Jana Arsovska (Sociology), John Paul Narkunas (English), Katherine Stavrianopoulos (Counseling), and Patricia Tovar (Anthropology) to serve on the International Conference Planning Committee. This planning committee will choose the papers and panelists as well as the conference topic for the conference to be held in June 2014 in Athens, Greece. Statements of a maximum of 100 words from each candidate for this committee were distributed to and read by the Senate. Prior to voting for the four members, the Senate voted to permit a professor emerita to be among the candidates; the Senate made this decision as a non-precedent setting determination and agreed that if in the future professor emeriti were to apply, the Senate would determine whether the nature of the position sought would be appropriate for emeriti candidates.

7. **Discussion about inyourclass.com [Attachment A]**

The Senate reviewed the letter from Professor Richard Lovely to the Faculty Senate Technology Committee, of which he is a member, about inyourclass.com [Attachment A].

The Senate voted unanimously to request the University Faculty Senate to obtain answers from the CUNY Central Administration to the following questions and requests about inyourclass.com:

a. Please provide copies of any legal or business agreements between CUNY and InYourClass Inc.

b. Please describe the contact information, including student and faculty email addresses, usernames and passwords provided to InYourClass.

c. Please describe the policy basis for providing the above contact information to InYourClass.

- d. Please explain how the provision of contact and course registration information is reconciled with the requirements of FERPA.
- e. Please explain the privacy and security measures in place to protect inappropriate disclosures of private or academically protected information.
- f. Please describe the authorization for InYourClass to endorse textbooks in CUNY courses.
- g. Please describe the relationship between CUNY, InYourClass Inc and Capriza.
- h. Please describe the university's policy concerning the authorization of instructional technology platforms, and the role of the campuses with respect to campus use of specific platforms, and the role of faculty members in authorizing the use of platforms in specific courses.

The Senate also voted unanimously to ask the University to stop or pause the inyourclass.com pilot until answers are provided that are satisfactory to the faculty.

8. Discussion about a report on "Comprehensive Assessment at John Jay"

The Chair of the College-wide Assessment Committee, Professor Carla Barrett (Sociology), sent the following letter to the President of the Faculty Senate with a copy of the Report: "I am writing to request that Faculty Senate review the attached document titled, "Comprehensive Assessment at John Jay" The Campus-Wide Assessment Committee has been working on this for the last year with the goal of creating a document that lays out, in one place, the nature and scope of assessment at John Jay and provides general guidelines and best practices for such. We are working to revise and finalize this document in order to be sent to College Council for approval. Prior to sending it to College Council, I am asking that the HEO Council and the Faculty Senate review it. It has already been sent to all the Major Coordinators, Deans Domingo and Lopes, and the Strategic Planning Subcommittee for review. We will be re-submitting to SPS after revising based on their recommendations and the feedback from Faculty Senate and the HEO Council. Faculty Senate review and feedback on this document is very important. I hope that you might be able to include this as an upcoming agenda item. Please let me know if you have any questions or *concerns regarding this request or any questions more generally about the work of the Campus-Wide Assessment Committee (CWAC).*"

The Senate voted to approve the Report and did so by unanimous vote and commended the excellence of the Report.

9. Invited Guest: Provost Jane Bowers. Noted.

The meeting was adjourned at 3:30 PM.

Submitted by
The Executive Committee

ATTACHMENT A

Please note: Professor Richard Lovely has given me permission to share his email with the Senate and with anyone else I think appropriate – Karen Kaplowitz

From: Professor Richard Lovely, Director, Digital Forensics and Cybersecurity Program
To: The Faculty Senate Committee on Technology

This is a reaction to [Professor] Adam's [Wandt's] email about [Professor] Peter Mameli's question concerning inyourclass.com to which he was invited to join as a student. Sorry, I don't see that Peter is so confused. He asked an obvious question, the answer to which one cannot find on the inyourclass.com (iyc) website and which Adam did not answer. Who are these guys? And who let them into John Jay? Curious about what was going on here, I took the plunge into the website. What I found was not encouraging. It turns out there are more flaws in this venture than just presuming Professor Mameli is a student.

Some questions. By what auspices does iyc.com have standing to have access to CUNY userids and passwords? What individuals and offices at CUNY are facilitating this pilot? Is this a non-profit or profit outfit? What sort of contract is there for the 'pilot'. What happens after the pilot? How would this project be sustained? Is anyone going to make a potential profit off this – perhaps using John Jay and CUNY students as guinea pigs? We already have an ostensible situation where a CUNY Board member appears to have a conflict of interest with contracts for academic software to be used by CUNY. Is this more of the same?

Built by & for Students? The phrase Built by & for students is a bit ironic. I guess it depends on how you define 'build' and for. My hunch is this thing was built for profit. The irony is three prior CCNY students have transplanted their academic fortunes to Stanford and seem to be using CUNY as a sandbox in which to develop a startup. There is no indication that this is an open source project. Thus, CUNY faculty and students effectively are being served up as beta software testers for a proprietary product.

FERPA Waiver. The FERPA waiver for students is problematic and to my reading disingenuous. The language does not reflect that FERPA's purpose is to prevent the very sort of access that is being sought. It seems to suggest that you should share your stuff because of FERPA and that is a good thing. It should expressly advise that the student is giving something up – that this is a waiver of a legal right to keep your academic record, to include the courses you have taken, private.

I hereby agree pursuant to the federal Family Educational Rights and Privacy Act (FERPA) to make available on www.inyourclass.com (Web Site): (1) the courses and sections of the classes in which I am enrolled at CUNY, and (2) other records directly related to me on the Web Site as a result of my participation in www.inyourclass.com.

Default Privacy Setting is to Public. The default setting to public viewing is problematic. Before you agree to the terms, it is not clear what one sees – whether just the class members

who have joined iyc or all members of the class. Given that, the default should be set to private.

Your classes are currently set to be "public", which means other CUNY students and faculty that are registered in InYourClass can view any entries or postings in your class. If you agree to make them public, click on "Next". If you want to limit viewership only to those enrolled in your class, click on "Private". You can always change these settings by going to Privacy Settings.

Terms of Agreement Problems. Some of the terms of agreement are problematic.

During the term of the CUNY pilot, these terms and conditions supersede the "Terms" and "Privacy" found on the inyourclass.com website.

1. *I understand that my use of the inyourclass.com website is completely voluntary and not mandatory.*

It is hard to see this as other than another disingenuous claim. If a faculty member chooses to start posting assignments on iyc.com will the choice to use iyc.com still be completely voluntary? IRB has rules about inmates who 'volunteer' for participation in studies due to the implicit coercion to do so.

2. *I understand that if I decide not to agree to these terms and conditions, my grade(s) will not be affected.*

The very fact that the terms of agreement have to include this provision suggests how problematic making this sort of program an integral part of coursework could be. What prevents an instructor who is fed up with Blackboard from using iyc as a course platform and requiring students to register?

3. *I understand that I will have the opportunity to change my inyourclass.com privacy settings at any time during the pilot to control whether other inyourclass.com users can see things I comment on, or post to, the inyourclass.com site.*

The public/private switch is not reliable. Although I clicked on the choice to keep my courses private when I registered, when I go to one of my courses it is listed as Public.

The rub with the privacy setting is it does not allow one to be really private. The lowest level setting is "Friends Only". I should be able to say noone.

4. *I understand that even if I agree to these terms and conditions, I always have the choice to stop use of inyourclass.com and to deactivate my inyourclass.com account.*

However, pursuant to # 7 below, they will still have all the cyber crumbs I left behind with no obligation to vacuum them up.

7. *I understand that inyourclass.com servers will collect information about the dates and times I use inyourclass.com, my IP address, and the pages and images I view through inyourclass.com.*

Number 7 is obviously true, that is what servers have to do to sort the traffic, but what is the purpose of keeping that information for other than short term maintenance purposes?

8. *I hereby release CUNY, inyourclass.com and their respective employees from any and every claim, demand, action, in law or equity that may arise as a result of my participation in the CUNY pilot.*

I had no idea before agreeing to the terms what my participation in inyourclass.com would entail. Thus, asking me to give up the right to grieve over something that happens on inyourclass.com (say, such as a stalker tracking me to a given classroom at a given time based on access to inyourclass.com data that was supposed to be private under FERPA) is not cricket, especially so if there is the slightest bit of pressure on students to join, which of course is a necessary condition for the success of a social media project – to pressure students to join.

Textbooks link. Presuming this is a profit-making venture under CUNY sponsorship, how were the book vendors listed on the 'Textbooks' link chosen? The list looks arbitrary. What is the relationship between these vendors and people at CUNY and iyc.com. For example, why is B&N listed but now Powell's or Amazon? By the way, the folksy claim about the origin of this list suggests all the iyc.com staff are students which is not true. Only two of the six people on the iyc Team list appear to be students and none of them are currently at CUNY.

Like most of you, we are students that hate paying high prices for textbooks. So we did some research with the help of our friends @ CUNY on the best places to buy, rent, and sell textbooks.

Cross Listed Courses Botched. OK, so this is a pilot but it doesn't know about cross-listed courses. One I am teaching is listed as though it is two separate courses.

Name of the College. The name for the College on the list is John Jay College. Albeit I'm pretty confident we have faculty and high level administrators who would like the name of the College to be John Jay College it is not. It is John Jay College of Criminal Justice. Actually there is a John Jay College in New Orleans. It awards two year degrees in cosmetology.

Public vs Private. The public/private switch is not reliable. Although I clicked on the choice to keep my courses private when I registered, when I went to one of my courses it is listed as Public. There was no obvious way to throw the switch to make it private. Mindful or sloppy programming?

Capriza Link. Another questionable for-profit element to the site is the link to Capriza, a startup that allows users to create apps without programming. Whether or not it is a handy feature to have such a feature on iyc.com, it again raises issues about what relationship CUNY has with iyc.com and Capriza. Albeit Capriza offers a free account that allows the user to make up to 3 apps CUNY users have to agree to a non-disclosure clause that is bizarre within an academic environment, that would seem a threat to choke the user from any sort of negative discussion about the product:

Non Disclosure

- 1. Any and all information made known or available to Tester with respect to the Program, the Software or the Use thereof, whether in tangible form (including electronic or magnetic media) or verbally, as well as any conclusions or determinations drawn by Tester in the course of Tester's participation in the Program (altogether, "Confidential*

Information"), shall be deemed furnished by Capriza in confidence and shall be subject to the terms and conditions hereunder.

File Locker Sharing Not Controllable. I uploaded a file to the File Locker to see what the sharing options are. The uploaded file appears and offered me the options to share it. I presumed I could click the Share button and then control the privacy of the file. The sharing choice for Groups Shared With, however, was already checked with no evident way to keep the file private. The use of this feature by a faculty member is problematic for to make effective use of it, every member of the class would have to be registered for iyc.com.

SPAM Potential. When you log in you see a window called 'Activity Feed' which is a so-called 'Wall' and appears to serve as a bulletin board. There were two messages, one from a student who asked for help in taking a course at JJay posted a month ago. The other was spam posted a year ago. Obviously, there is no vetting of postings or cleaning up old posts. Sounds like a great way for a few CUNY students to make a few bucks by posting strategic spam for pay.

Needless to say, if this thing is sneaking up on us, I think Adam's suggestion that there are a ton of issues about this project is spot on. I find the idea that somebody gave the kids who are building this web venture (given their bios that is what they are) full access to CUNY course rosters (isn't that a FERPA violation?), and the capacity to use CUNY userids and passwords to access their evidently commercial product very questionable, if not troubling. Although I had never heard about iyc.com, there is momentum with this project. I found six of my students have registered for iyc. No, I didn't ask to be their 'friend'.