

ACADEMIC POLICY COUNCIL (APC) MINUTES

MONDAY, JULY 26, 2021

10:15 a.m.

Via Zoom:

<https://ufl.zoom.us/j/97996698654?pwd=N1o5MTEzbnR4ZEhmQTJFSOF0NmNKdz09>

Present: Richard Scholtz, Angela Bacsik, Nancy Clark, Chris Hass, Elena Bozia, Angela Lindner, Andrew Zimmerman, Mike Fang, Amanda Phalin, Elizabeth Wood, Paul Duncan, and Laurie Bialosky.

1. Call to Order – Richard Scholtz, 2021-22 APC Chair

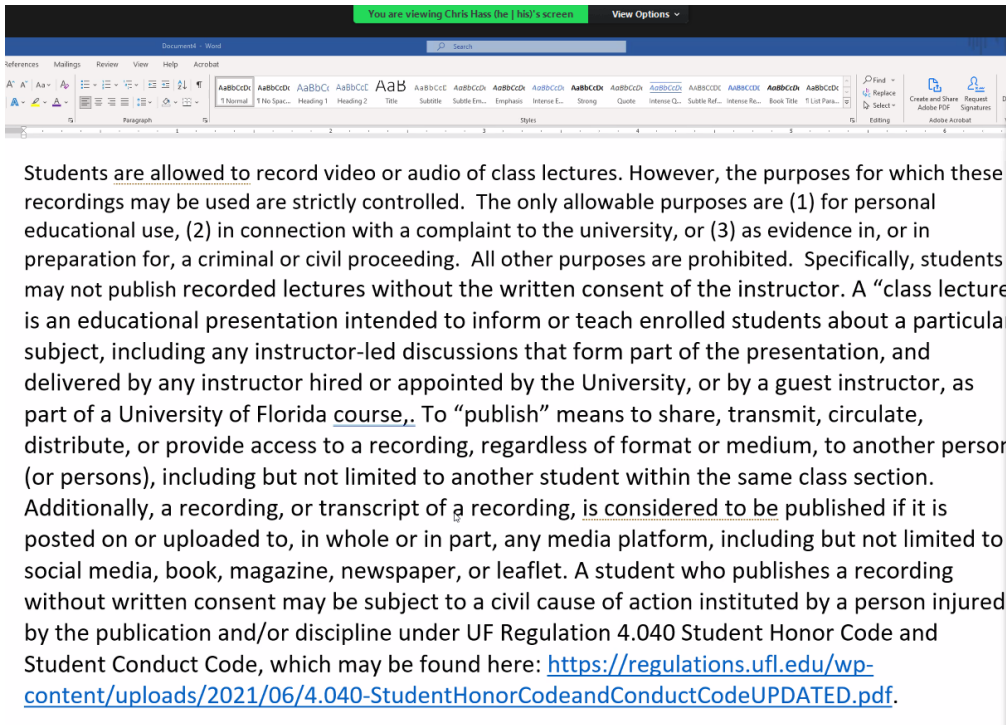
- APC Chair Scholtz called the emergency meeting to order at 10:17 a.m.

2. Approval of April 12, 2021 Minutes

- The minutes were approved.

3. Syllabi Statement

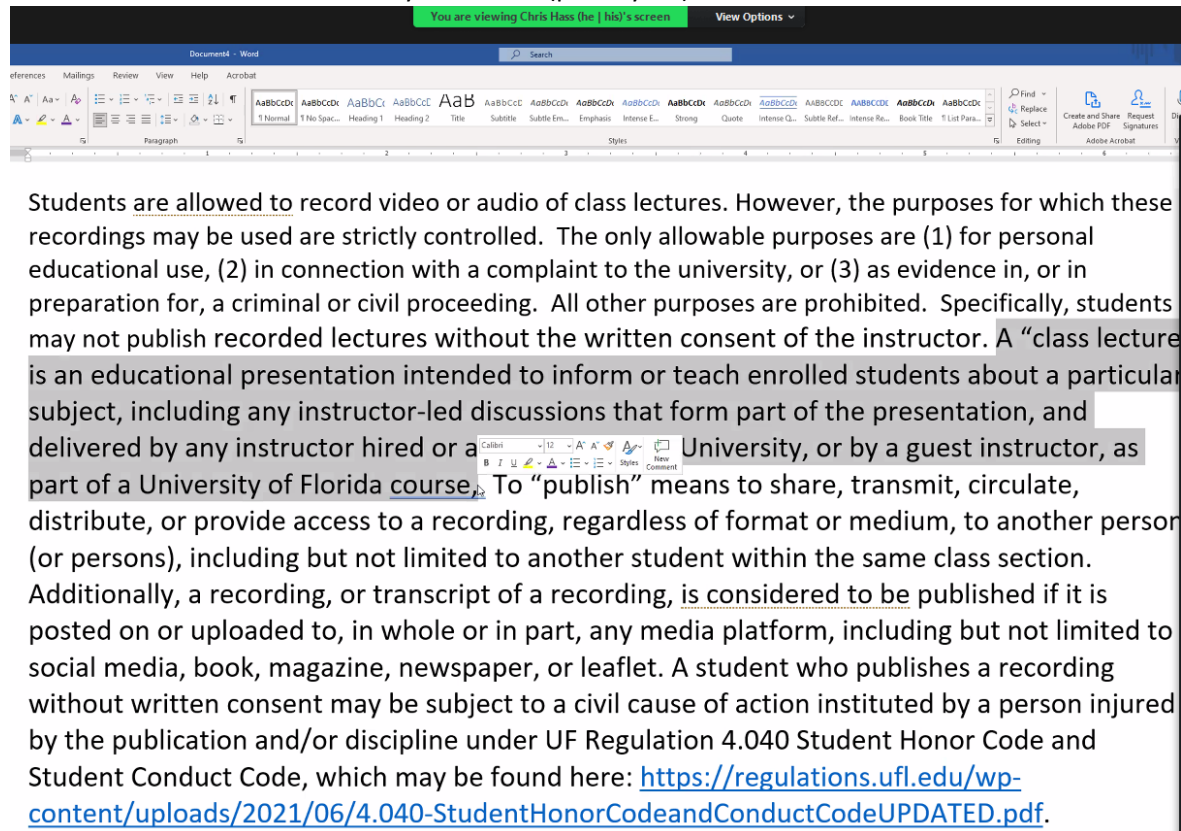
- The implementation of house bill HB233 went into effect July 1. Legal interpretation of this bill has been made by the State University System (SUS) General Counsel Offices and is being brought to Faculty Senate for a recommended syllabi statement which would help clarify students' rights and consequences of violation of this bill. The Provost Office and General Counsel's Office has reviewed verbiage, which Associate Provost Hass screen shared for discussion and further review.



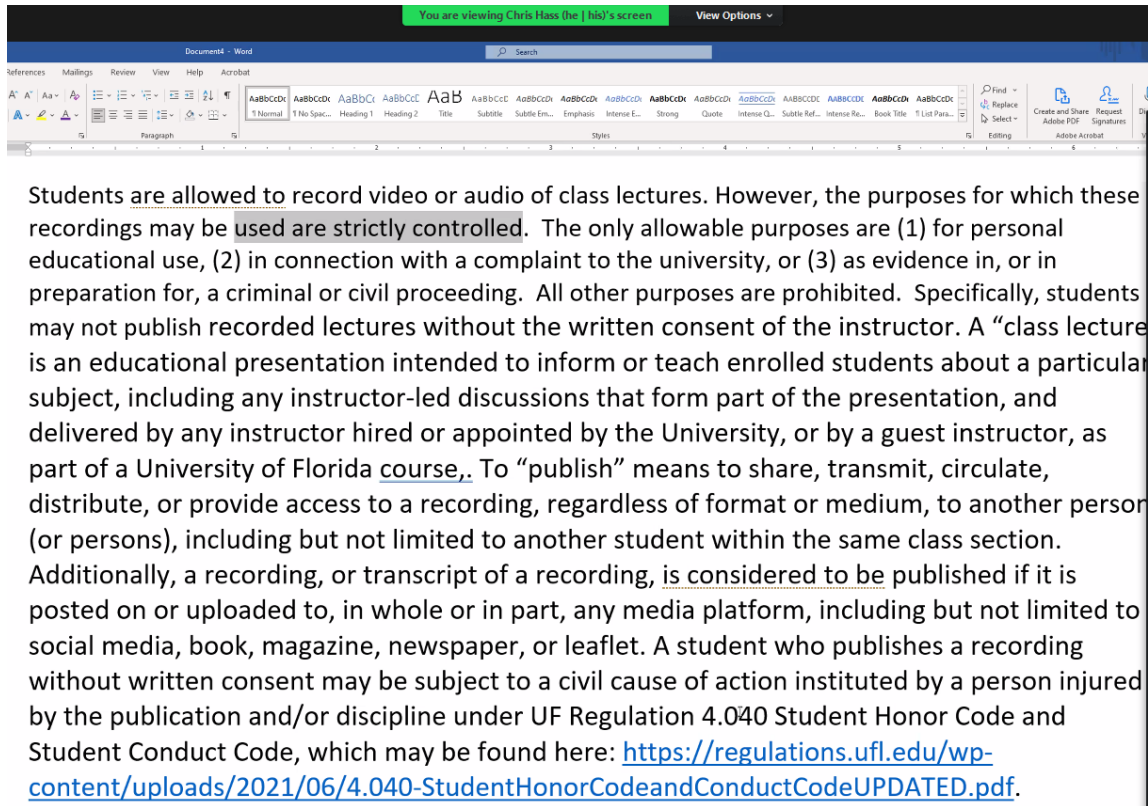
- The bill has required modification of the student conduct code, which will not be voted on by the Board of Trustees until September.

- Discussion and inquiries included:

- Clarifying (highlighted below) the definition of 'lecture/lecturer' to clearly separate lectures vs. other student activities and to also clarify this is not referring to the Faculty title of 'Lecturer' but instead is meant to refer to any instructor (paid by UF).

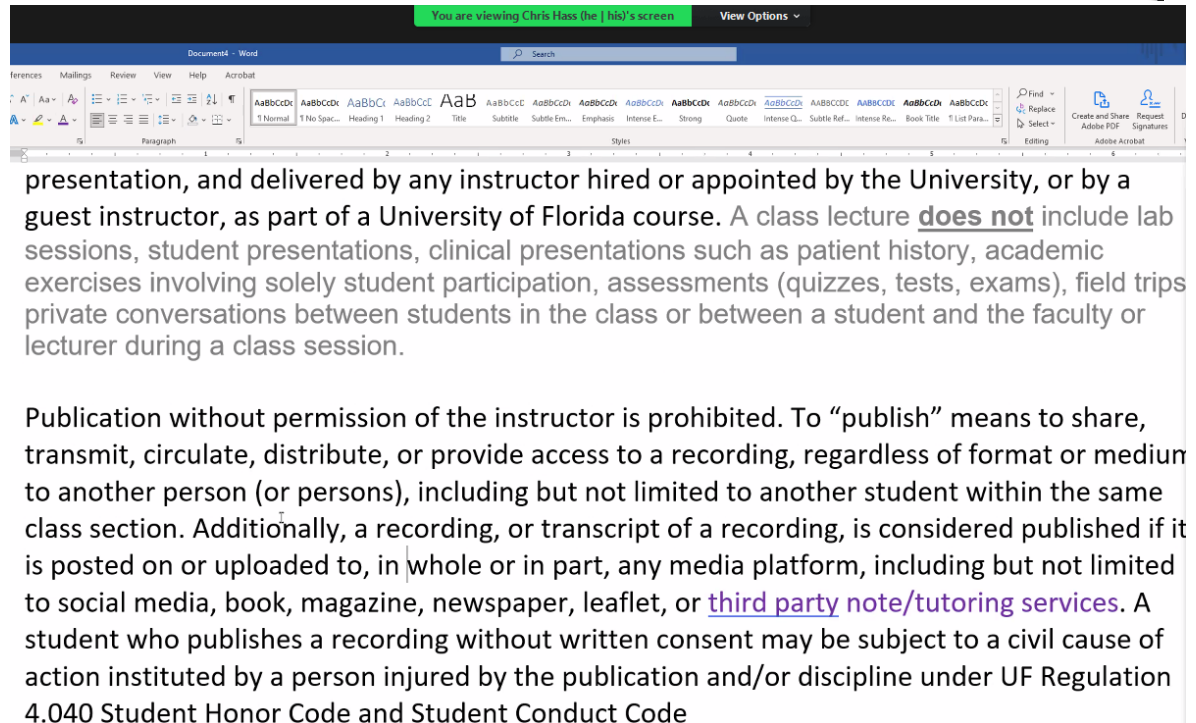
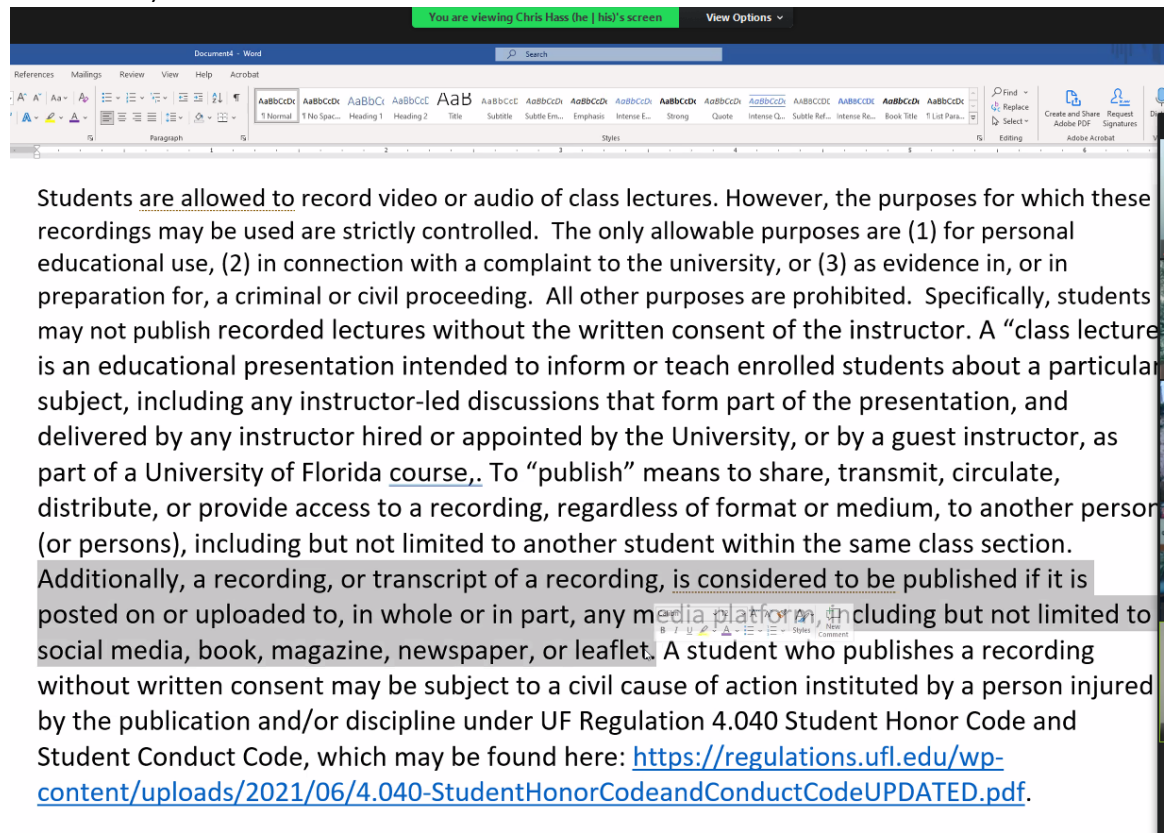


- Discussion between professor and a student, private conversations are not to be recorded but classroom questions asked in the classroom (such as a classroom Q&A) can be recorded; attention should be given to if a professor's answers impact what could be included in exams, classroom materials, etc.
- The importance of helping students understand that it is the sharing of a recording that could incur potential liability for them (i.e. recording for personal use vs. sharing it).
- There is a need to inform students of both their rights and responsibilities. The 'strictly controlled' verbiage (highlighted below) intends to communicate this:



- Various civil suits made by students pertaining to slander vs. privacy violations and what either might entail was discussed, as was what protections might be afforded faculty members and if it is more likely that the university (as opposed to individual faculty members) would be sued for violations.
- FERPA rights and related issues were discussed in relation to the bill. UF is charged with maintaining academic records.
- All faculty are encouraged to read the entire HB 233, as it contains quite specific, strict, and pointed statements related to academic freedom.
- The screen shots below were discussed, including needed clarifications about if recordings include a direct translation via an app; AI technologies which transcribe in real time audio, and Study Edge type of organizations which involve students taking class notes and then receiving compensation (i.e. does the bill address if a student takes notes and distributes or publishes

those notes).



- Associate Provost Hass will seek clarification from General Counsel on the above today.

- Council unanimously agreed to accept this statement. The HB233 language approved by council will be added to the syllabi policy and announced in the Faculty Update Newsletter tomorrow.

- *Additionally, the below follow-up was made:*

From: Bialosky, Laurie A <lbialosky@aa.ufl.edu>

Sent: Tuesday, July 27, 2021 5:02 PM

To: Academic Affairs Executive Secretary - Jessica Judge <academicaffairs@sg.ufl.edu>; Bacsik, Angela Harrison <abacsik@ufl.edu>; Bagley, Kimberly <k.bagley@ufl.edu>; Bozia, Eleni <bozia@ufl.edu>; Clark, Nancy M <nmclark@ufl.edu>; Dishman, Lorna M <lornad@ufl.edu>; Duncan, R. Paul <pduncan@ufl.edu>; Fang, Yuguang <fang@ece.ufl.edu>; Glover, Joseph <jglover@aa.ufl.edu>; Hass, Chris J <cjhass@aa.ufl.edu>; Holt, Rebecca J <bholt@ufl.edu>; Lindner, Angela S <alindner@aa.ufl.edu>; Mayhew, Deborah M <DMAYH@eng.ufl.edu>; McKenna, Leslie E <ledingermckenna@aa.ufl.edu>; Scholtz, Richard V III <rscholtz@ufl.edu>; Wood, Elizabeth A <liz07@phhp.ufl.edu>; Zimmerman, Andrew R <azimmer@ufl.edu>

Cc: Bloom, David C <dbloom@UFL.EDU>; Amanda J. Phalin <amanda.phalin@warrington.ufl.edu>

Subject: APC meeting inquiry follow-up

Dear Academic Policy Council,

As a follow-up to yesterday's meeting, Associate Provost Hass has provided the below, requested update:

The General Counsel's Office has opined that the real time transcribing via apps is viewed as a recording.

This follow-up will be noted in the minutes.

Have a nice evening,

Laurie

The approved language is:

“Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture **does not** include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.”

- **Canvas Use**

- Associate Provost Hass is receiving numerous inquiries related to required Canvas use. In general, the Provost's Office is interested in having the minimum use policy of Canvas require a small portion of Canvas use and allow faculty flexibility.

- Council agreed that a minimum use of Canvas policy would be especially helpful if a Canvas boilerplate existed, so that faculty only need to input a specific course portion and the remaining would be an auto populated/updated/embedded boilerplate. APC expressed support of minimum Canvas usage and agreed with the wording last reviewed and approved in this document: <https://fora.aa.ufl.edu/docs//72///2020-2021//APC%20approved%20on%2012.07.20%20Spring%20Required%20Minimal%20Canvas%20Usage%20draft.pdf>, which is posted @: <https://fora.aa.ufl.edu/FacultySenate/Pages/Academic-Policy-Council/AgendaMinutes2020-2021>; and suggested amending the verbiage (in the first sentence) as below:

All ~~Spring 2020~~ **University of Florida** courses...

- APC is unsure if this would be a permanent policy and favored receiving faculty feedback from the University Information Technology Committee and the E-learning Committee.

- Council will invite Ray Issa, Chair of both the University Information Technology Committee and the E-learning Committee, to APC to further discuss the APC-approved minimal Canvas usage statement.

- APC Chair Richard Scholtz will connect with Associate Provost Hass about bringing this item forward to the Faculty Senate Steering Committee, to clarify both timing and the best shared governance route of communication.

4. Adjournment

- The meeting was adjourned at 11:23 a.m.